



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

Distr.: General  
26 February 2024  
English  
Original: Arabic  
Arabic, English, French and  
Spanish only

**Committee against Torture**

**Information received from the State of Palestine  
on follow-up to the concluding observations on its  
initial report\***

[Date received: 6 February 2024]

\* The present document is being issued without formal editing.



## I. Introduction

1. The State of Palestine acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 2 April 2014 and to the Optional Protocol to the Convention on 29 December 2017. As a consequence of the obligations arising from that accession, Palestine has taken legal and administrative steps to guarantee an absolute prohibition of torture and ill-treatment. The Government, moreover, formed a panel headed by the Ministry of the Interior and with members drawn from the following ministries and State-run civil and security institutions involved in preventing and protecting against torture: the Office of the President, the Ministry of Foreign Affairs and Emigrants, the Ministry of Justice, the Ministry of Social Development, the Ministry of Health, the Secretariat of the Council of Ministers, the Public Prosecution Service, the Supreme Judicial Council, the Palestinian Central Bureau of Statistics and the Bureau for Legal Advice and Legislation. The panel identified a body of reference sources on which to base its work as it seeks to implement the obligations of Palestine under the Convention and the Protocol, as follows:

- The Palestinian Declaration of Independence emanated by the National Council of the Palestine Liberation Organization (PLO) in 1988, the 2003 Basic Law and its amendments (particularly article 15 concerning the criminalization of torture) and the Code of Criminal Procedure.
- Consultations with the national human rights institution (the Independent Commission for Human Rights) and with civil society institutions, specifically those concerned with human and women's rights. A number of such consultations have been held at different times in order to guarantee real partnership with those bodies and to ensure that their views are duly reflected at every stage of implementation of the obligations.
- The international and regional experiences of countries that have already established national anti-torture bodies. A number of such experiences were analysed in the context of a regional seminar organized by the Government and the Independent Commission for Human Rights in Jordan. To the same end, a study trip was organized to the Geneva Centre for Security Sector Governance.
- The panel has also engaged with relevant international institutions, holding consultation sessions with the Subcommittee on Prevention of Torture in Geneva to seek its views and recommendations. In addition, the panel consults with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, the International Committee of the Red Cross (ICRC) and the European Union Police Mission.

## II. Follow-up information

### A. Paragraph 56: Follow-up procedure

2. The State of Palestine received the concluding observations on its initial report from the Committee against Torture on 23 August 2022. The governmental panel responsible for monitoring the implementation of the recommendations then held a series of meetings with all stakeholders, with a view to drafting a national plan of action.

3. The draft plan of action was presented to civil society organizations and international partners at Ramallah on 17 and 18 January 2023, during national consultations held under the title: "National conference for the implementation of recommendations made to the State of Palestine by the Committee against Torture". This was followed by national consultations with civil society organizations and international partners in the Gaza Strip on 24 January 2023. The observations and recommendations that emerged from those discussions were used to further develop the plan of action. The governmental panel also accepted written comments from institutions to which it had sent the draft plan via email.

4. Having fine-tuned the plan on the basis of the observations and recommendations made by civil society organizations, the draft was submitted to the Council of Ministers which, on 22 May 2023, duly issued its Decree No. 18/202/02 approving it as a national plan

constituting one of a number of State policies to combat torture, to be implemented by the relevant governmental panel.

## **B. Paragraphs 12 and 13: Definition and criminalization of torture**

5. In response to the Committee's recommendation, the governmental panel produced three draft decrees to amend the following:

- Criminal Code (Act No. 16 of 1960), as amended, which is in force in northern governorates
- Criminal Code (Act No. 74 of 1936), as amended, which is in force in southern governorates
- Revolutionary Criminal Code of 1979.

6. The drafts were presented to civil society organizations and international partners at a national conference held in Ramallah on 17 and 18 January 2023 and at national consultations in Gaza City on 24 January 2023. On the basis of the observations made on those occasions, the three drafts were amended then submitted to the Council of Ministers which, at its meeting No. 18/218 on 21 August 2023, duly endorsed them and referred them to the President.

7. The following decrees were then issued on 11 September 2023:

- Decree-Law No. 29 of 2023 to amend the Criminal Code (Act No. 16 of 1960), as amended, which is in force in northern governorates
- Decree-Law No. 30 of 2023 to amend the Criminal Code (Act No. 74 of 1936), as amended, which is in force in southern governorates
- Decree-Law No. 31 of 2023 to amend the Revolutionary Criminal Code of 1979.

8. The three Decree-Laws contain provisions that are consistent with the international treaties to which the State of Palestine has acceded, including:

- A clear definition of the crime of torture, based on the definition contained in the Convention (art. 1 (1) (a)), of ill-treatment (art. 1 (1) (b)), of cruel or inhuman treatment or punishment (art. 1 (1) (c)), of degrading treatment (art. 1 (1) (d)) and of discrimination (art. 1 (1) (e)).
- Aggravated penalties if the offences envisaged in the Decree-Law are committed by are forensic doctors or treating physicians; if the offences are committed against certain categories of persons such as children, persons with disabilities, older persons or persons in a situation of vulnerability; or if the offences are motivated by discrimination (art. 1 (3)).
- An absolute prohibition of torture and ill-treatment and the inadmissibility of justification on the basis of exceptional circumstances or orders issued by superior officers or a public authority (art. 1 (4)).
- Crimes of torture cannot be subject to amnesties or a statute of limitations (art. 1 (5)).
- Rehabilitation and fair compensation for victims of torture (art. 1 (6)).

9. The Decrees were duly published in issue No. 206 of the Official Gazette, dated 25 September 2023, and came into force one month following the date of publication.

## **C. Paragraphs 18 and 19: National human rights commission**

10. With a view to implementing the recommendations by the Committee, the Public Prosecution Service and the Independent Commission for Human Rights launched consultations on 26 October 2022, to discuss the following matters:

- The problems faced in addressing complaints of torture and ill-treatment made by the Independent Commission for Human Rights and the obstacles that stand in the way

of implementing the Commission's recommendations to combat torture and ill-treatment.

- Areas where the Independent Commission and the Public Prosecution Service can cooperate, notably a system for referring complaints between the Independent Commission and the human rights unit, whereby the Commission can receive information about complaints of torture and ill-treatment it has made to the Public Prosecution Service, which the latter then refers to the Justice Commission of the Security Forces (the prosecutorial body).
- A standing mechanism for cooperation between the Independent Commission and the Public Prosecution Service to support efforts to combat human rights violations, especially those related to violations against inmates in places of deprivation of liberty.

11. A series of meetings was held between the Independent Commission and the human rights unit of the Public Prosecution Service. The meetings, which took place at the Office of the Public Prosecutor, were part of a framework of consultations between the two sides and served to reach agreement on a mechanism to keep the Commission informed about the measures taken vis-à-vis the complaints it submits to the Public Prosecution Service and about the outcome of court proceedings in such cases, using information provided to the Service by the Justice Commission of the Security Forces.

12. It was also agreed that the Independent Commission and the Public Prosecution Service would sign a memorandum of understanding and cooperation on combating human rights violations. In that connection, the following steps have been taken:

- The draft memorandum of understanding between the Commission and the Public Prosecution Service, which was completed on 20 September 2023, envisages four areas of cooperation between the two sides. These include a mechanism for handling complaints of torture and ill-treatment submitted by the Commission to the Public Prosecution Service, the referral of those complaints to the competent prosecutorial body and the exchange of information about the outcome of court proceedings in relation to the complaints.
- The draft memorandum has been submitted for consultation by the Independent Commission and the Public Prosecution Service, with a view to producing a definitive version of the document.
- The memorandum of understanding between the two sides is due to be signed before the end of 2023.

#### **D. Paragraphs 40 and 41: National torture-prevention mechanism**

13. In fulfilment of the obligation to establish a national preventive mechanism, which the State of Palestine incurred by acceding to the Optional Protocol to the Convention against Torture, the governmental panel has been examining the best and most appropriate form such a mechanism might take, in the light of Palestinian legislative and institutional norms. In doing so, the panel drew from the following reference sources:

- The principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)
- Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The OHCHR manual *Preventing Torture: The Role of National Preventive Mechanisms – A Practical Guide*
- A close examination of the Palestinian context to ensure that the mechanism is consistent with legislative and institutional norms.

14. The panel produced a reference document setting general parameters for the establishment of a national preventive mechanism, and the Government duly endorsed the document under Decree No. 17/224, dated 16 October 2018.

15. In line with the reference document, the Council of Ministers issued its Decree No. 18/17/02, dated 19 August 2019, to establish a national torture-prevention mechanism as an independent institution regulated by law.

16. The governmental panel formulated a draft decree-law for the establishment of the mechanism, which was adopted by the Council of Ministers at the end of 2021.

17. Decree-Law No. 25 of 2022 concerning a national torture-prevention mechanism was enacted on 25 June 2022.

18. Numerous governmental and non-governmental institutions expressed comments concerning the Decree-Law, thus giving rise to a fresh round of consultations which in turn led to a new draft decree-law to amend the first Decree-Law concerning a national torture-prevention mechanism. The draft was duly endorsed by the Council of Ministers on 27 November 2022 then referred to the President for approval.

19. A team from the Subcommittee on Prevention of Torture visited the State of Palestine from 10 to 21 September 2023, during which time they visited 18 places of detention in various locations across the West Bank, including prisons, police stations, security force facilities, a psychiatric hospital and a military detention centre. In line with State policy, Palestine cooperated closely and consistently with the team during its visit, also hoping to benefit from international experiences in combating torture. To that end, a series of meetings was organized with high-ranking officials – including the Prime Minister and the Minister of the Interior – as well as meetings with other authorities, such as the security services, the Supreme Judicial Council, the Prosecutor General and the Justice Commission of the Security Forces. During the course of the visit, the team was also shown the draft decree-law, as a way of ensuring that Palestine was duly fulfilling its obligations as a party to the Optional Protocol and of benefiting from the guidance of international experts in the establishment of torture-prevention mechanisms.<sup>1</sup> The Subcommittee's visiting team was thus able to review Decree-Law No. 25 and the draft decree-law intended to amend it, and to express its comments thereon to the governmental panel. The panel then began its examination of those comments but, due to Israeli attacks against both the Gaza Strip and the West Bank since 7 October 2023, all Palestinian efforts have been concentrated in that direction and work on the amendments has had to be suspended until the current escalation and its consequences have ceased.

20. The Public Prosecution Service has engaged in several activities relevant to the implementation of this recommendation:

- At the initiative of the Prosecutor General, meetings were held with monitoring bodies operating in the West Bank to hear any recommendations those bodies had to make and to learn about the problems they face, particularly when working with the Public Prosecution Service to combat torture and ill-treatment. Following the meetings, a plan of action was devised to implement the monitoring bodies' recommendations, including provision for a referral system for complaints of torture and ill-treatment from the bodies to the Office of the Public Prosecutor. The plan also envisaged a mechanism to promote communication between the monitoring bodies and the Public Prosecution Service, so as to ensure that any recommendations are duly taken up and that the two sides cooperate in combating torture.
- A study was undertaken, on 10 September 2022, to analyse the system for handling complaints of torture and ill-treatment at the human rights unit of the Office of the Public Prosecutor. The study identified weak points in the existing complaints system and produced a body of recommendations to address the shortcomings. The human rights unit is currently in the process of applying those recommendations.
- Staff at the human rights unit of the Office of the Public Prosecutor work together to track and document cases.

21. It is the belief of the State of Palestine that the establishment of a torture-prevention mechanism complements the system of oversight already envisaged in current laws and institutional structures for monitoring places of deprivation of liberty. That system is a vital

<sup>1</sup> <https://news.un.org/ar/story/2023/09/1124092>.

tool that ensures compliance with laws and regulations on the part of officials as they perform their functions; it also helps to ensure that members of the security forces duly respect disciplinary regulations and codes of conduct.

- Current laws grant the Minister of the Interior, the Minister of Justice, the Public Prosecutor and the Justices of the Supreme Court authority to oversee correctional and rehabilitation centres. Their function is to ensure that health and living conditions in detention facilities and in correctional and rehabilitation centres meet the requirements stipulated in international laws and treaties, and that the rights of inmates and detainees are protected, including their right to continuous health care, their right to periodic medical inspections of their quarters and their right to be transferred to a clinic or hospital when necessary. The law also grants the Minister of the Interior the right to appoint – in coordination with the Minister for Social Development – qualified inspectors and social workers to study the psychosocial condition of inmates.
- Alongside other official institutions, the Ministry of Justice is also responsible for inspecting correctional and rehabilitation centres, for which purpose it has a team of trained specialists of both sexes who are qualified in law and psychology and experienced in human rights-related matters. They make periodic visits of inspection to correctional and rehabilitation centres to ensure that inmates are benefiting from the application of the Correctional and Rehabilitation Centres Act and of other legal and constitutional standards. The team also receives inmates' complaints and pursues them with the competent authorities, and it organizes workshops to raise awareness about inmates' rights and to help the competent authorities improve their policies for inmates of both sexes.
- Article 354 of the 1979 Revolutionary Code of Criminal Procedure stipulates that members of the Public Protection Service are liable to prosecution as accessories to the crime of deprivation of freedom if they neglect their duty to oversee correctional centres. The Code stresses the individual responsibility of prosecutors to ensure that rights and freedoms are protected and their obligation to inspect places of detention. Their duties in that regard are reaffirmed in article 126 of the Code of Criminal Procedure and in article 70 of the Judiciary Act No. 1 of 2002.
- There are complaints units and boards of grievance in the Ministry of the Interior and in all security agencies, which monitor the performance of security institutions to ensure that they are operating fairly and impartially across all sectors. They apply reforms as necessary in the interests of the State, citizens and institutions, also by consolidating systems of control, inspection and accountability, and they seek to bolster complaint-handling procedures at different levels to ensure that citizens can access those procedures freely and without fear.

22. The State of Palestine cooperates with international human rights organizations. Notable initiatives in this regard include an agreement signed by the Ministry of the Interior and ICRC and an agreement between the Ministry and the OHCHR office in Palestine. Under those agreements, the two institutions concerned have the authority to visit correctional and rehabilitation centres and detention facilities, view conditions of detention, hold private interviews with detainees and submit observations and recommendations to the relevant authorities.

## **E. Paragraphs 8 and 9: Legal status of the Convention**

23. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol were promulgated pursuant to Decree-Law No. 25 of 2023 on 4 September 2023 and published in issue No. 206 of the Official Gazette, dated 25 September 2023. This means that the Convention and its Optional Protocol have become part of national legislation, and judges can apply them in rulings handed down by the Palestinian courts.

## **F. Paragraphs 10 and 11: Harmonization of legislation and compliance with the Convention**

24. The Legislative Harmonization Committee is seeking to integrate the core human rights treaties and their respective protocols into Palestinian legislation, as well as the recommendations made to Palestine by the treaty bodies. At a recent date in 2023, the Committee completed its harmonization of amendments to Palestinian laws criminalizing torture. It has also worked on the draft decree-law to combat human trafficking and is currently seeking to harmonize the decree-law amending the Persons with Disabilities Act.

## **G. Paragraphs 14 and 15: Responsibility for carrying out illegal orders from a superior officer**

25. The highest levels of political and security leadership in the State of Palestine have issued a body of directives and instructions to ensure that persons who perpetrate the crime of torture or ill-treatment do not escape punishment. These include:

- On 18 November 2022, the Minister of the Interior issued Decree No. 182 of 2020 concerning instructions and procedures to regulate the operation of police disciplinary boards and committees of investigation.
- On 18 November 2022, the Minister of the Interior issued Decree No. 187 of 2020 which included a list of potential violations by police officers.
- In August 2023, the Ministry of the Interior completed an applied research project entitled: “Responsibility for issuing and implementing illegal orders from a superior officer as an entry point for the promotion of human rights in the work of law enforcement officials in Palestine”. Currently, the Ministry is holding consultations with other government bodies to study recommendations and identify priorities for the implementation of those recommendations, which concern both legislation that needs to be amended and policies that need to be developed (the study is available in Arabic and English).

## **H. Paragraphs 16 and 17: State of emergency**

26. In the face of the coronavirus disease (COVID-19) pandemic, a state of emergency was declared in Palestine under a presidential decree issued on 5 March 2022, subsequently extended on a monthly basis under further presidential decrees. The competent State institutions took steps to regulate the lives of citizens and to ensure that were able to access all services easily and conveniently. Actions in this regard were governed by Decree-Law No. 7 of 2020 regarding the state of emergency and “emergency” Decree No. 18 of 2020 of the Council of Ministers.

27. As the severity of the pandemic declined, and in response to a recommendation of the Committee against Torture to end the state of emergency, the Council of Ministers made a recommendation in that regard to the President. The last presidential decree extending the state of emergency was issued on 25 September 2022.

28. With a view to benefiting from the lessons learned during the pandemic, the relevant ministries such as the Ministry of the Interior, the Ministry of Health and the Ministry of Social Development undertake periodic reviews of health protocols.

## **I. Paragraphs 20 and 21: Fundamental legal safeguards**

29. Inmates enjoy the following rights, which are enshrined in the Correctional and Rehabilitation Centres Act No. 6:

- Inmates have the right to communicate with a lawyer at any time.
- Inmates have the right to call family members to inform them of the place of detention.

- The Department for Inmates is responsible for informing inmates of the reasons for their arrest and the charges against them, at the moment they enter the centre.
  - All information relating to inmates is made available to the competent authorities and is updated as necessary while respecting the confidentiality of medical files.
  - As a way of reducing procedural obstacles and of ensuring that inmates receive a fair trial, the Department for Correctional and Rehabilitation Centres ensures that inmates appear before the courts at the prescribed time.
  - All centres have a general numbered register containing information about the time and date of detention, the charges, the body that conducted the arrest and any other observations.
  - Inmates have a standing right to receive medical services free of charge; moreover, the unified manual of medical procedures of 2017 states that inmates also have the right to seek the services of a private doctor, at their own expense and at any time.
  - All detention facilities or correctional and rehabilitation centres display a list of the rights of detainees and accused persons.
30. On 24 September 2022, the Director General of Police issued Administrative Order No. 2489/22 regarding a computerized system to regulate the operation of custody facilities.
31. The following decree-laws were abrogated under Decree-Law No. 42 of 2022, issued on 8 August 2022:
- Decree-Law No. 7 of 2022 amending the Code of Criminal Procedure (Act No. 3 of 2001), as amended.
  - Decree-Law No. 8 of 2022 amending the Code of Civil and Commercial Procedure (Act No. 2 of 2001), as amended.
  - Decree-Law No. 12 of 2022 amending the Enforcement Act No. 23 of 2005, as amended.
  - Decree-Law of 13 July 2022 amending the Enforcement Act No. 23 of 2005.
32. The Public Prosecution Service has developed a baseline study to gather information about practices used during the course of investigations, with the specific aim of identifying the necessary safeguards. The study will serve to gather information from all sources, including human rights institutions, on the extent to which the investigative safeguards envisaged in Palestinian law are applied by prosecutors, on the actions of the prosecutors themselves and on any problems in that regard.
33. The Public Prosecution Service has completed the preliminary steps of a study into the effect that human rights circulars issued by the Prosecutor General have had on the work of prosecutors in the human rights unit. The Service is currently in the process of implementing the recommendations that emerged from the study.

## **J. Paragraphs 24 and 25: Administrative detention**

34. On 25 January 2023, the Supreme Constitutional Court issued its ruling in case No. 2 of year 8, which states as follows:
- That articles 3 and 8 of the Crime Prevention Act No. 7 of 1954 are unconstitutional.
  - That articles 4, 5, 6 and 7 of the Crime Prevention Act No. 7 of 1954 are to be annulled.
  - That the case contesting the constitutionality of articles 5 (a) and 7 of Presidential Decree No. 22 of 2003, regarding the functions of governors, is inadmissible.
  - That the amount deposited by way of guarantee in accordance with article 45 (2) of the Supreme Constitutional Court Act No. 3 of 2006, as amended, is to be refunded.
35. This ruling signifies the effective abrogation of the Crime Prevention Act No. 7 of 1954, and it means that citizens may not be held in custody by governors.

## **K. Paragraphs 28 and 29: Allegations of widespread torture and ill-treatment**

36. The Public Prosecution Service – as an independent body, separate from law enforcement – receives complaints of torture and ill-treatment, which it then seeks to verify, acting under articles 99 and 100 of the Code of Criminal Procedure (Act No. 3 of 2001). Furthermore, it undertakes preliminary investigations that are independent, neutral and confidential into those complaints then refers them to the competent prosecutorial body, which is the Justice Commission of the Security Forces, and monitors the progress of court proceedings. In order to consolidate the role of the Service in this regard, the following measures have been taken:

- On 10 September 2023, the Public Prosecution Service and the Justice Commission of the Security Forces signed a memorandum of understanding “to cooperate in combating human rights violations and prosecuting crimes of torture and ill-treatment”. The purpose of the memorandum is to regulate the work of the Public Prosecution Service as a body that operates independently, neutrally and confidentially to verify complaints of torture and ill-treatment before referring them to the Justice Commission of the Security Forces for it to launch court proceedings. The memorandum also envisages a precise mechanism whereby the complaints of torture and ill-treatment that have been verified by the Public Prosecution Service can be referred to the Justice Commission of the Security Forces and whereby the Service can obtain feedback, including the outcomes of any investigations or court proceedings. This information is also shared with the party that originally filed the allegation or complaint.
- A referral system for complaints of torture and ill-treatment has been adopted by the Public Prosecution Service. Its purpose is to help the Service handle the complaints of torture and ill-treatment it receives then to refer them to the competent prosecutorial body, which is the Justice Commission of the Security Forces. The system also serves to follow up on the complaints referred to the Justice Commission, to exchange information thereon and to provide feedback to the party that originally filed the complaint regarding the progress and outcome of court proceedings.
- The Prosecutor General of Palestine has issued a set of seven circulars that aim to build the capacity of prosecutors to verify and investigate crimes of torture and ill-treatment. The circulars – which embrace the principle that effective investigations must be impartial, prompt, thorough and confidential – place an *ex officio* obligation on prosecutors to document the effects of torture or of any allegation of ill-treatment and state that, if they fail to fulfil that obligation, they can be held accountable before the law. Prosecutors, moreover, are required to conduct prompt and exhaustive investigations into the allegations before referring them to the prosecutorial authority. The Public Prosecution Service is currently in the process of codifying these circulars in the form of a guide for the investigation of allegations of torture and ill-treatment in line with the relevant international standards.
- In partnership with OHCHR, a training course was held to build capacities vis-à-vis the rapid and early detection of torture. The course – which aimed at prosecutors who inspect places of deprivation of liberty or conduct periodic visits to detention facilities and to correctional and rehabilitation centres – also covered mechanisms for receiving complaints from detainees, while maintaining confidentiality, and for monitoring cases in which detainees are not referred to the Public Prosecution Service within 24 hours of their arrest.
- The Public Prosecution Service has created a form for complaints of torture and ill-treatment and circulated it among prosecutors. It serves to help them obtain detailed information about the act of torture or ill-treatment, the identity of the perpetrator, persons who might have witnessed the incident, details of the torture committed and the dates on which it occurred. The form incorporates international standards and elements of other such forms used elsewhere in the world.
- Three guides have been developed regarding visits to places of deprivation of liberty for women, children and men. They aim to help prosecutors conduct their visits in accordance with international standards and to provide them with a mechanism

wherewith to regulate their inspections and to document any human rights abuses, chief among them that of torture and ill-treatment.

- Cases involving complaints of torture and ill-treatment received by the Public Prosecution Service have been entered into the Mizan 2 system. Mizan is an integrated online programme for the management of judicial cases, including all related proceedings, from the moment the case is registered with the Public Prosecution Service until a final ruling is handed down. This includes issuing notifications to the parties in the case; printing, archiving and storing the records of hearings; printing correspondence; and following up on cases that are appealed before the courts of appeal or cassation. Entering the cases into the system helps to ensure that complaints are documented accurately and that preliminary investigations are conducted confidentially and independently until the case is ready for referral to the competent prosecutorial body, which is the Justice Commission of the Security Forces. In order to ensure confidentiality in cases involving torture, a special Mizan system has been created for the human rights unit of the Public Prosecution Service and work is currently underway to adapt that system to the requirements of investigations into torture and ill-treatment. This will provide accurate statistics on torture complaints, investigations into those complaints and convictions handed down. There is a move towards referring complaints of torture and ill-treatment to the Justice Commission of the Security Forces via a link between the Mizan system of the Public Prosecution Service and that of the Justice Commission. In this way, the Public Prosecution Service conducts its investigations into cases of torture and ill-treatment independently then refers the file to the prosecutorial body; i.e., the Justice Commission of the Security Forces. In turn, the Justice Commission provides updated information on the outcome of court proceedings on the torture complaint via the Mizan system of the Service's human rights unit, and that information can then be shared with the party that originally filed the complaint.

#### **L. Paragraphs 30 and 31: Confessions obtained through torture**

37. The Prosecutor General has reminded prosecutors of the importance of abiding by articles 214 and 227 of the Code of Criminal Procedure (Act No. 3 of 2001), which concern the correct procedures that law enforcement officials must follow when gathering evidence and the need to verify the circumstances in which confessions were made. Specifically, prosecutors are required to:

- Verify the circumstances in which accused persons, when making their statements before law enforcement officials, confess to having committed a crime, and ensure that the conditions for a valid confession have been duly met (art. 214 of the Code of Criminal Procedure).
- Establish that statements made by accused persons in which they confess to law enforcement officials that they have committed a crime were made freely and voluntarily, before such statements are used by the court (art. 227 of the Code of Criminal Procedure).
- Inform the Prosecutor General of all cases in which accused persons were definitively acquitted by the courts after it was proven that their confessions were not made freely and voluntarily but were the result of physical or moral pressure or coercion by law enforcement officials. This enables the judicial inspectorate to launch an investigation against the prosecutor who used a confession as evidence knowing that it was not given freely and voluntarily but was the result of pressure or coercion.

38. Efforts are being made to improve the quality and increase the frequency of the periodic visits that prosecutors make to detention facilities and to correctional and rehabilitation centres. Apart from the early detection of torture, another priority of the visits is to detect cases in which detainees have not been referred to the Public Prosecution Service within 24 hours of arrest.

39. A guide has been produced to help prosecutors rapidly document the physical and mental signs of torture and take prompt action in that regard.

40. The Prosecutor General issued a set of circulars concerning a mechanism to document crimes of torture and ill-treatment, and the implementation of those circulars and their impact on the prosecutors' performance was duly monitored and assessed. Now, the Public Prosecution Service is in the process of developing a guide to help prosecutors document the physical and mental signs of torture, and work on the guide has been included in the action plan of the Public Prosecution Service for 2024. In fact, it has been shown that the guide could have an even greater impact than the circulars in building capacity among prosecutors, as the circulars, though effective, they did not have the hoped-for effect.

41. Members of the human rights unit in the Public Prosecution Service make regular visits to places of detention following a prearranged schedule, in order to ensure that due legal process is being followed, in line with current laws and regulations.

### **M. Paragraphs 32 and 33: Excessive use of force against demonstrators**

42. The Minister of the Interior issued Decree No. 211/2011 containing rules on the use of force and firearms by members of the Palestinian security forces.

43. The Director General of Police issued Circular No. 07/2017 which states that police officers must abide by instructions and rules when using force and firearms.

44. The Minister of the Interior issued Decree No. 187 of 2020 containing instructions and procedures for the use of force and firearms by police officers.

45. The Director General of Police issued Circular No. 07/2020 containing rules on the use of force and firearms.

### **N. Paragraphs 36 and 37: Conditions of detention**

46. Palestine makes constant efforts to improve detention conditions, despite the financial obstacles it faces which hinder the construction of new detention centres in line with international standards, or the modernization of existing ones. Working within existing resources, the State has accomplished the following:

- The Director General of Police issued Circular No. 6 of 2020 regarding the handling of cases involving juveniles and children.
- The Director General of Police issued Circular No. 7 of 2021 regarding the protection of juveniles during legal proceedings.
- Educational, recreational and rehabilitation services are available to inmates in all correctional and rehabilitation centres.
- Correctional and rehabilitation centres take due account of the requirements of special groups and seek to meet their needs.
- Under the Correctional and Rehabilitation Centres Act, inmates have a standing right to receive medical services free of charge; moreover, the unified manual of medical procedures of 2017 states that inmates also have the right to seek the services of a private doctor, at their own expense and at any time.

47. A first draft of amendments to the Correctional and Rehabilitation Centres Act has been completed. In line with international norms and treaties, it seeks to take a modern and reformist approach to the administration of penal institutions. The Ministry of Justice, in fact, formed a committee to formulate a draft decree-law to amend the existing Correctional and Rehabilitation Centres Act, and that committee – which was established by decree of the Minister of Justice working in partnership with the European Union Police Mission, official institutions and the Independent Commission for Human Rights – has been seeking to develop the law on the basis of actual Palestinian experiences in the administration of places of deprivation of liberty and the rehabilitation of inmates, while also taking account of international standards, human rights treaties and recommendations made to Palestine by the treaty bodies. The draft of the decree-law is expected to be completed during the first quarter of 2024.

48. The Public Prosecution Service is stepping up its efforts to bring conditions of detention into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

49. The human rights unit of the Public Prosecution Service issues a periodic bulletin in which it gives a summary account of any substandard conditions of detention it has observed in the course of its monthly visits to detention centres. The bulletin is circulated to the Ministry of the Interior for it to come up with a plan for the systematic improvement of those conditions, then to inform the human rights unit of the progress made.

50. The human rights unit of the Public Prosecution Service is currently seeking to improve its digital system for regulating visits so that it can be used to produce the periodic bulletin on detention conditions which can then be circulated to the Ministry of the Interior.

51. Efforts are made to ensure that female prisoners, especially pregnant women or women with children, have access to adequate health facilities and are held in gender-sensitive conditions.

52. Detention condition standards are being reviewed from a gender perspective.

53. A paper has been written on detention condition standards that are consistent with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

54. Manuals and checklists have been formulated regarding conditions in places of deprivation of liberty for women, and training in their use has been provided.

#### **O. Paragraphs 38 and 39: Pretrial detention**

55. The Correctional and Rehabilitation Centres Act envisages mechanisms for classifying inmates into sections, and a classification programme has been adopted whereby pretrial detainees are held separately from convicted inmates.

56. The Director General of Police issued Circular No. 18 of 2022 regarding the creation of a register of persons deprived of liberty.

#### **P. Paragraphs 42 and 43: Deaths in custody**

57. All information concerning inmates of correctional and rehabilitation centres is made available to the competent official authorities.

58. Three deaths were recorded during 2020, which were due to natural causes according to forensic examinations.

59. One death was recorded during 2021, which was due to natural causes according to a forensic examination.

#### **Q. Paragraphs 46 and 47: Juvenile justice**

60. The Director General of Police issued Circular No. 6 of 2020 regarding the handling of cases involving juveniles and children.

61. The Director General of Police issued Circular No. 7 of 2021 regarding the protection of juveniles during legal proceedings.

#### **R. Paragraphs 50 and 51**

62. The Public Prosecution Service conducts careful examinations into all cases of gender-based violence and prosecutes alleged perpetrators. Persons convicted in that connection are duly punished and adequate compensation and rehabilitation is offered to victims and their families, who also receive legal aid, safe shelters, medical care and psychosocial support.

63. As a way of challenging the social acceptance of gender-based violence and of removing any stigma against victims who report it, the Public Prosecution Service is running educational and media campaigns to make both men and women aware of the criminal nature of such acts.
64. The competent prosecutors have adopted strategies and methods to increase prosecution and conviction rates in cases of gender-based violence, and to build the capacity of prosecutors to apply the strategic litigation manual in cases of violence against women.
65. A manual has been formulated on how to deal with cybercrimes committed against women, and capacity-building has been offered to prosecutors who deal with cases of domestic violence and of cybercrime.
66. The Public Prosecution Service is reinforcing its contacts and interaction with partners and other stakeholders in cases involving violence against women and children.
67. In cooperation with its gender unit, the Public Prosecution Service produces statistics disaggregated by gender concerning the cases it receives.
68. Once the revised national referral system has been endorsed by prosecutors, it will be adopted and training will be provided, before being implemented by the judicial inspectorate.
69. In response to Decree No. 9 of 2011, which regulates the operation of shelters for female victims of violence, the Public Prosecution Service has formulated a vision for the rehabilitation of such shelters. It envisions the creation of temporary shelters that are responsive to the needs of all individuals and of individual differences, using clear, rapid and gender-sensitive response criteria (for women, children and persons with disabilities).
70. Palestine has participated in case conferences on protection and prevention, with a view to formulating an intervention plan for female victims of violence and of reintegrating them into the community in a way that safeguards their human dignity.
71. Educational and media campaigns are being held to refute the stereotypes surrounding gender-based violence and to examine the role of the Public Prosecution Service as a body responsive to needs of protection, prevention and accountability.
72. Efforts are being made to train the largest possible number of prosecutors in the use of the manual of standard operating procedures for cases of violence against women. The manual explains the main concepts behind gender issues, identifies the roles and responsibilities of prosecutors and describes the mechanism for receiving complaints and conducting investigations. It also covers how to handle complaints and sets forth procedures for the private and confidential treatment of cases of adultery and fornication, protection measures and procedures for guarding against malicious complaints. In addition to this, the manual goes into the procedures to be applied if a complaint is dropped or a person bears false witness, so that women are not punished for such acts, depending upon the requirements of each case.
73. Rulings handed down in cases of gender-based violence are being reviewed to verify the implementation of court directives and the extent to which courts use their powers of discretion to mitigate or aggravate penalties in the case of honour killings (without necessarily accepting that term).
74. A strategic litigation manual has been prepared for use in cases of violence against women.
75. A manual has been formulated, and will shortly begin to be used, on how to deal with cybercrimes committed against women, and capacity-building has been offered to prosecutors who deal with cases of domestic violence and of cybercrime.
76. Contacts and interaction with other stakeholders are being reinforced in cases involving violence against women and children.
77. The Mizan 3 programme is being developed, which will produce statistics disaggregated by gender.
78. Once the revised national referral system has been endorsed, it will be adopted and training will be provided, before being implemented by the judicial inspectorate.

79. Palestine has participated in case conferences and is working on a plan to reintegrate female victims of violence into the community in a way that safeguards their human dignity.

80. During the course of 2023, the Public Prosecution Service participated in 20 educational and media campaigns to refute the stereotypes surrounding gender-based violence and to examine the role the Service has as a body responsive to needs of protection, prevention and accountability.

81. Forty prosecutors have been trained in the use of the manual of standard operating procedures for cases of violence against women.

82. Rulings handed down in cases of gender-based violence are periodically reviewed by the technical department of the Office of the Prosecutor General, and by prosecutors who deal with cases of domestic violence, to verify the implementation of court directives.

## **S. Paragraphs 54 and 55: Training**

83. The Ministry of the Interior believes that the best way to promote human rights and to build capacity among law enforcement officials and ensure that they do not resort to the arbitrary use of violence, is to disseminate a culture of human rights among them and to facilitate their access to information by means of education and training courses. In fact, there is a permanent and obligatory module on human rights in all training curricula for security service personnel and for staff in the competent departments in the Ministry and other justice-sector institutions. The Ministry holds seminars and workshops on legal matters, on the skills officials need in order to operate within the bounds of the rule of law and on professional capacity-building in the field of law and human rights. As an additional vehicle of human rights training, the Ministry uses papers written by experts and academics, which it distributes among law enforcement officials. Furthermore, the Ministry has provided places for specialized academic studies in areas related to the law and human rights, at both Palestinian and foreign universities. The Ministry also provides ongoing training for law enforcement officials of all ranks and disciplines in various different standards and codes of conduct, including the following:

- Rules on the use of force and firearms by members of the Palestinian security forces, issued pursuant to Decree No. 211 of 2011 of the Minister of the Interior.
- A code of ethics and general rules of conduct for Palestinian security personnel, signed by the President on 26 March 2018. These are intended to be a point of reference for security forces as they carry out their duty and seek to strike a balance between, on the one hand, the preservation of public rights and freedoms and, on the other, the maintenance of public security and order, in accordance with current legislation and international treaties.
- A manual regulating the relationship between journalists and security forces in the field, which was developed by the Ministry in cooperation with the Journalists' Syndicate and the Independent Commission for Human Rights.
- A portfolio of human rights training materials for law enforcement officials, which was developed by the Ministry of the Interior with Birzeit University. Nineteen trainers were trained and a team of 12 qualified trainers was formed to provide training on the portfolio via six annual five-day training courses. The materials focus on five basic areas: the right of peaceful assembly, the right to freedom of opinion and expression, torture prevention, responsibility for carrying out illegal orders from a superior officer and the social, economic and cultural rights of inmates in correctional and rehabilitation centres.
- Specialized training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), in cooperation with An-Najah National University and the forensic medicine department of the Ministry of Justice. Fifty law enforcement officials as well as members of several civil society institutions benefited from the training.

84. The table below illustrates the training plans that were put into effect between 2022 and July 2023.

No.	Name of training course	Date	Participants	Male	Female	Total
1	Train-the-trainer course on the portfolio of human rights training materials for law enforcement officials	4 Apr. 22	Law enforcement agencies	10	9	19
2	Training course for law enforcement officials on the portfolio of human rights training materials	11 Nov. 22	Law enforcement agencies	23	7	30
3	Production of a television programme entitled <i>The State of Freedom, the Right of Peaceful Assembly and Freedom of Opinion and Expression in Palestine</i> , in partnership with the Arab Observatory for Democracy and Elections and the Horizon Centre for Political Studies and Media Outreach	31 Mar. 22	Ministry of the Interior, Public Prosecution Service and civil society bodies	8	episodes	
4	Series of meetings to raise awareness about the right to freedom of expression and peaceful assembly	23 May 22	Law enforcement agencies and civil society bodies	156	164	320
5	Training course on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)	30 Jun. 22	Law enforcement agencies, ministries and civil society bodies	28	11	39
6	Training course on a code of conduct and ethics for security personnel	16 May 23	Law enforcement agencies	49	24	73
7	Training course for law enforcement officials on the portfolio of human rights training materials	17 Jul. 23	Law enforcement agencies	75	39	114
	Training course for female law enforcement officials in correctional and rehabilitation centres.	14-16 Mar. 23	Female law enforcement officials in correctional and rehabilitation centres	7	40	47

85. The law enforcement agencies participating in the courses were as follows: the National Security Forces, the General Intelligence Services, the Preventive Security Force, the Police, the Military Intelligence Services, Civil Defence, Customs, the Justice Commission of the Security Forces, the Political and National Guidance Commission, the Military Liaison Service and the Medical Services Division.

The participating ministries were as follows: the Ministry of Justice, the Ministry of Social Development, the Ministry of Health and the Ministry of Foreign Affairs as well as the Commission for Detainees and Former Detainees.

Participating governorates: northern governorates.

The Independent Commission for Human Rights.

The civil society organizations that participated were as follows: the Hurryyat Centre, the Addameer association, the Al-Haq organization, Relief International and the Arab Observatory for Democracy and Elections.

86. In conclusion, it is important to draw attention once again to the obstacles that the occupying Power places in the way of all attempts on the part of the State to protect and promote human rights in the Occupied Territory. It is also important to highlight the crimes committed by the occupying State against the Palestinian people, which amount to war crimes and crimes against humanity. This is in addition to the regime of systematic torture that is applied on the basis of orders from the Israeli leadership, and the green light given to its military and security forces and the colonists.

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