



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Seventy-sixth session

**List of issues to be taken up in connection with the consideration of
the second periodic report of Israel (CCPR/C/ISR/2001/2), adopted
by the Human Rights Committee on 30 October 2002**

Implementation of article 2 of the International Covenant on Civil and Political Rights

1. While reiterating its view that Israel is responsible under international law for the application of the Covenant in the occupied territories, the Committee is gravely concerned at the increasing extent of human rights violations in those territories, particularly through military operations by the State party. In this regard, would the State party indicate what specific legislative, executive or administrative steps have been taken to ensure that:

(a) Those and other operations are subject to such measures as are necessary to guarantee the protection and enjoyment of human rights and, when civilians particularly women and children are killed or injured and where demolition of property or devastation takes place, to investigate those violations, impose appropriate sanctions and provide remedies;

(b) The freedom of movement of people, particularly from one part of the territories to the other, their access to medical facilities and places of work and worship, and visits to relatives and friends are not disrupted by frequent control at checkpoints, curfews, blockades and virtual confinement to their respective localities;

(c) The education of hundreds of thousands of children is not disrupted by curfews or the destruction, damage or conversion to military outposts or detention centres of their schools.

States of emergency (art. 4) and derogation from international standards

2. To what extent is Israel derogating from the provisions of the Covenant, basing itself on the state of emergency notified upon its ratification of the Covenant? In the light of the concluding observations by the Human Rights Committee (CCPR/C/79/Add.93) and General Comment No. 29 (HRI/GEN/1/Rev.5/Add.1), please provide detailed information on restrictions or derogations made by Israel, in practice, in respect of all the articles of the Covenant, and explain how they are compatible with the Covenant.

3. What is the status of the petition challenging the state of emergency, currently pending before the Israeli courts (para. 74)?

4. How is compliance with the Covenant ensured when taking counter-terrorism measures, pursuant to Security Council resolution 1373 (2001)?

5. What is the justification for the collective punishment of families of persons who have committed a crime (including suicide bombers), such as the demolition of homes and deportations? Please explain how the forcible transfer of relatives of suspected Palestinian suicide bombers is compatible with article 12 of the Covenant. Please detail the judicial challenges that have been lodged against this policy, the executive's response to them and the criteria used in taking a decision forcibly to transfer a person.

6. Please provide information on: (a) up-to-date statistics of persons, disaggregated by gender, age and ethnicity, currently held in administrative detention, as well as the reasons for and the duration of their detention; how is the practice of administrative detention considered compatible with article 9 of the Covenant; (b) the justification for mass arrests of Palestinians for prolonged periods under Military Order No. 1500; and (c) the role of the courts in reviewing the legality of these forms of detention.
7. While welcoming the judgement of the Supreme Court of Israel of September 1999 concerning the investigation methods used by the Israel Security Agency (Public Committee Against Torture in Israel v. the State of Israel), information before the Committee suggests that measures incompatible with article 7 of the Covenant continue to be taken. In particular, reports have been received about torture of minors in Gush Etzion police station. Please comment.
8. The Supreme Court's judgement stated that "If the State wishes to enable GSS investigators to utilize physical means in interrogations, it must seek the enactment of legislation for this purpose." According to information before the Committee, several public officials have called for the enactment of a law that would allow GSS to continue to use physical force during interrogations. Please provide information in this regard.
9. How is the practice of "liquidations" (extrajudicial executions) of persons suspected of terrorist activities and the further loss of civilian life considered compatible with article 6 of the Covenant?

**Right to life, freedom from torture, right to liberty and security of the person
(arts. 6, 7, 9 and 10)**

10. Please provide information on the number of people killed in Israel and the occupied territories by suicide and other bombings. Please explain the overall framework of measures taken to protect the right to life against unlawful attacks, such as suicide bombers. In particular, what measures are being taken to address the root causes of such violations?
11. According to information brought to the attention of the Committee, more than 460 Palestinians, including more than 79 children, were killed by the Israeli security forces during 2001. During the same year, Palestinian armed groups reportedly killed 187 Israelis, including 154 civilians. What measures are taken in the context of the current conflict to protect the right to life of all persons in Israel and the occupied territories? In this context, please provide information on the number of deaths caused by the Israeli security forces, including those caused by rubber and other kinds of bullets, the number of complaints arising from their use and the number of defence and security personnel that have been punished or disciplined as a result, as requested by the Committee in its previous concluding observations.
12. Please provide information on Operation Defensive Shield and in particular on the events that took place in Jenin in April 2002. In particular, please provide information on the refusal by Israel to accept a United Nations mission of enquiry, including information on whether Israel

itself has conducted an enquiry to determine the number of persons killed, disaggregated by gender and age, and the extent of destruction of property, indicating the results of such enquiry, if any.

13. Information brought to the attention of the Committee refers to the use by the Israeli Defence Forces (IDF) of Palestinian civilians as “human shields”, which in some cases reportedly led to the death of those being used in this way. Reportedly, IDF has announced its decision to discontinue this practice. Please provide further details concerning both the judicial challenges against this practice and the Government’s current policy in this respect.

Freedom of movement (art. 12)

14. Please provide information on the status of closures, curfews and checkpoints, which obstruct freedom of movement, notably of Israeli Arabs and Palestinians. What are the criteria used to determine whether a person living in the West Bank or Gaza can enter Israel or vice versa?

Principle of non-discrimination and non-discrimination against individuals belonging to minorities (arts. 2, para. 1, 26 and 27)

15. According to the report (para. 17), the rights of an oleh (new immigrant), are also extended to the spouse of a Jew, to the child and grandchild of a Jew and to their spouses (section 4A of the Law of Return). For many years, the Ministry of the Interior interpreted the Law of Return as extending also to the non-Jewish spouses of Jews who were already Israeli nationals (but not new immigrants), thus granting them a status similar to that of Jews and of an oleh under the Law of Citizenship. In 1995, the Ministry of Interior changed its policy but considering that the Law of Return was no longer applicable to the non-Jewish spouse of a person who already is an Israeli national; this means that he or she will no longer receive the benefits to which a Jewish new immigrant is entitled, including the right automatically to acquire Israeli citizenship. Please explain the reasons for this change in policy and how it is consistent with the Covenant.

16. What is the current status of the Multi-Year Plan for the Development of Arab Sector Communities?

17. In July 2001 the High Court ruled on a petition from the Association for Civil Rights in Israel, that Israeli Arabs were entitled to fair and proportionate representation in governmental bodies. The Court held that the principle of affirmative action should apply to the Lands Council, which is responsible for supervising the Israeli Lands Administration and whose 24 members included only one Arab. What changes have taken place since the ruling was made in terms of representation of Israeli Arab citizens on governmental bodies? Please provide details.

18. Please provide information concerning the revocation of Israeli citizenship, in particular with regard to individuals belonging to the Arab minority, and the remedies available in such cases.

Right to a fair trial (art. 14)

19. The report (para. 133) acknowledges that the right to a lawyer within the meaning of article 14, paragraph 3 (a), is not being adequately implemented. What measures are being taken by the State party to ensure compliance with this provision in all cases?

20. Please clarify the status of the draft law proposed by the Knesset's Constitution, Law and Justice Committee that would deny compensation to persons injured by the Israeli security forces in the occupied territories.

Protection of children (art. 24)

21. The report notes that "[t]he National Health Insurance Law does not apply to foreign workers and their children, even if they are legally present in Israel" (para. 230). Please clarify how this situation is compatible with articles 2 and 26 of the Covenant, in respect of protection from discrimination.

22. Please provide detailed information about Israeli Military Order No. 132, which reportedly allows the arrest and detention of Palestinian children aged 12-14 years.

Freedom of conscience (art. 18)

23. According to information brought to the attention of the Committee, an increasing number of Israeli soldiers and reservists are being imprisoned for refusing to do military service in the occupied territories. Is alternative civilian service of a length comparable to military service not offered to conscientious objectors? If so, please explain why.

**Gender equality and the principle of non-discrimination
(arts. 3 and 26)**

24. Please indicate what measures are being taken to ensure that women are not subjected to domestic violence. In particular, and in the context of police investigation of domestic violence, the report (para. 53) notes that the police may also file a report even if the victim declines to do so. In such cases, what measures are being taken to protect women from possible reprisals/retaliation based on the filing of a report?

25. What is the current status of the draft laws seeking to extend the range of maternity grant receivers to include women who do not give birth in an official medical institution (para. 187)? Please also provide information on the current status of the draft law that would prohibit the dismissal of a worker undergoing in vitro fertility treatment.

**Dissemination of information regarding the Covenant and the Optional Protocol
(art. 2)**

26. According to the report, the initial report and the Committee's concluding observations on it were translated into Hebrew and widely distributed. Were they also translated into Arabic? If not, are there plans to do so with the present report and the Committee's concluding observations on it?

27. According to the report (para. 15), the Convention on the Rights of the Child has been introduced into school curricula. Have similar steps been taken with regard to the Covenant? Is any training being provided to law-enforcement officers and security forces to raise awareness of their obligations under the Covenant?
