

**The Public Committee Against Torture In Israel**  
**Public Statement on the Treatment of Detainees Taken During the Current War in Gaza**  
**Respect Detainee Rights, Refrain from Torture and Ill Treatment, Abide by International Law**

A new human rights concern has been added to the already long list of appalling violations that the war in Gaza has brought, including massive civilian death and suffering, the vast majority of which have occurred in the Gaza Strip. The human rights community in Israel, the OPT and internationally has for decades documented, and expressed deep concern over Israel's violation of the absolute right of any person to be free from torture and cruel, inhuman or degrading treatment or punishment. This right is enshrined in both international humanitarian law and in international human rights law. Israel is a party to the relevant treaties in both bodies of law, all of which prohibit torture and other ill-treatment in all circumstances without exception, including in the course of armed conflict.

Responding to reports that dozens of Palestinians from the Gaza Strip have been detained by Israeli forces during its current attacks on Gaza, that some of them have been transferred to Israel for interrogation, and that Israel has dedicated an army camp as a place of detention for "unlawful combatants", we reiterate our concern for the fundamental human rights of those detainees.

We expect Israel to strictly adhere to the prohibition against torture and other ill treatment and to ensure that all detainees are held in strict accord with the relevant provisions of international humanitarian law and international human rights law. This necessarily means, among other things that Israel must:

- Make public the location of any facilities in which individuals detained in Gaza will be held or are being held;
- Immediately inform the families of those detained and the ICRC of the fact and place of detention;
- Consider every detainee a protected person under the 4<sup>th</sup> Geneva Convention and grant them the full protections guaranteed under this Convention; in particular refrain from declaring any persons as having a status non-existent under international law, such as "unlawful combatant" as an excuse for denying their basic rights;
- Provide every detainee, without exception, with prompt and thereafter frequent access to counsel;
- Provide every detainee, without exception, with prompt access to an independent court where he or she may challenge the lawfulness of detention;
- Guarantee every detainee prompt and thereafter frequent access to independent medical care;
- Ensure that all detainees are held in adequate conditions, including shelter, food, health, hygiene, exercise, family visits and the ability to worship according to their beliefs;
- Ensure that detainees' treatment and conditions of detention are monitored by independent bodies, including the ICRC, UN human rights monitoring mechanisms such as the UN Special Rapporteur on Torture and the Working Group on Arbitrary Detentions, and Israeli, Palestinian and international human rights NGOs.

Israel should report regularly to the UN human rights bodies, the international and local NGO community and to family members regarding such facilities and detainees.

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