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**ISRAEL AND THE
OCCUPIED
TERRITORIES**

***Declaration of Detainees'
Rights***



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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

Declaration of Detainees' Rights

These rights are set out in international treaties to which Israel is a State Party:

- ➔ *Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. (Article 9(1) International Covenant on Civil and Political Rights)*
- ➔ *All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. (Article 10(1), ICCPR)*
- ➔ *Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation. (Article 9(5), ICCPR)*
- ➔ *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. (Article 7, ICCPR)*
- ➔ *Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. (Article 9(2), ICCPR)*
- ➔ *Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. (Article 9(4) ICCPR)*
- ➔ *(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;*

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted. (Article 2(3) ICCPR)

- ➔ *Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction (Article 12, Convention Against Torture)*
- ➔ *Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given. (Article 13, Convention Against Torture)*
- ➔ *No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. (Article 33, 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War)*
- ➔ *Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. (Article 27, Fourth Geneva Convention)*
- ➔ *(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;*

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.
(Article 37, Convention on the Rights of the Child)