

PUBLIC

AI Index: MDE 15/023/2006

17 March 2006

UA 63/06

Legal concern/ incommunicado detention

ISRAEL

Hundreds of detainees

The Israeli government is seeking to rush a new law through parliament before the forthcoming elections on 28 March, which would empower the General Security Service (GSS) to detain anyone classified as a non-resident of Israel without access to legal counsel for up to 50 days after arrest. The law would also deny such detainees the right to attend court hearings held to consider the extension of their detention. Amnesty International is concerned that permitting detainees to be cut off from the outside world for this length of time would increase their risk of being tortured or ill-treated.

The new law, entitled the "Criminal Procedure (Enforcement Powers - Special Provisions for Investigating Security Offences of Non-Residents) (Temporary Provision) Law, 5765 – 2005", would be fundamentally discriminatory as it would apply only to non-residents of Israel suspected of "security" offences. The law would extend the initial period for which security forces could hold detainees incommunicado from a maximum of 48 hours to 96 hours. It also allows for two additional periods of incommunicado detention, meaning that detainees could be held incommunicado for up to 50 days. The law currently in force in Israel allows detainees to be held incommunicado for a total maximum period of 30 days. The new law would also extend the time during which a detainee being interrogated by the security forces may be denied access to a lawyer from 21 days to 50 days.

The law would deny detainees the right to be present at court hearings held to consider an extension of their incommunicado detention, except for the first hearing (96 hours after arrest) and the hearing on expiry of the first period of incommunicado detention, as well as any appeal hearing against an extension. The law would therefore allow for detained suspects to be virtually cut off from the outside world for up to 50 days, with the exception of two appearances before a judge.

It is during incommunicado detention, when detainees are deprived of contact with families and lawyers, that they are most at risk of torture and ill-treatment. The majority of reports of torture or ill-treatment of detainees in Israel received by Amnesty International concern the period during which detainees are held incommunicado under interrogation.

The proposed extension of the already prolonged period of incommunicado detention permitted under the law currently in force in Israel is inconsistent with Israel's obligations under international human rights law. The UN Human Rights Committee stated in 2003 that the use of prolonged detention without any access to a lawyer or other persons of the outside world violates articles the International Covenant on Civil and Political Rights and called on Israel to: "...ensure that no one is held for more than 48 hours without access to a lawyer."

The Israeli Knesset (parliament) is currently in pre-election recess in preparation for the elections on 28 March, but efforts have been stepped up to get this draft law passed before the elections take place. In a most unusual move during a pre-election recess, the Knesset's Constitution, Law and Justice Committee convened a special session on 16 March to discuss the government-sponsored law. A further meeting of the Committee is scheduled for 20 March and if the proponents of the law succeed to re-call the Knesset by 27 March the draft law will be put to the vote.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Hebrew, or your own language:

- expressing concern that the draft law 5765 – 2005 would extend the length of time for which non resident suspects can be held incommunicado, and held without access to legal counsel;
- expressing concern that the law would also deny such detainees the right to attend court hearings held to consider the extension of their detention;
- expressing concern that the new law would increase the risk of torture or ill-treatment of detainees;
- expressing concern that law would be also be discriminatory, as it would apply only to non-residents of Israel;
- calling on the Members of the Knesset's Constitution, Law and Justice Committee not to support the law.

APPEALS TO:

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Chairman, Knesset Constitution, Law and Justice Committee Secretariat

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Salutation: Dear Mr Eitan

If possible, please also send appeals to the individual members of the Knesset Constitution, Law and Justice Committee, using the salutation "Dear Knesset Member":

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COPIES TO: diplomatic representatives of Israel accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 March 2006.