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Israel: New draft law – a green light to torture

The new draft of the General Security Service (GSS) Law will continue to legitimize Israel's torture of 'security' detainees during interrogation and to allow the perpetrators of such abuses to get away with it, Amnesty International declared today.

The new draft law will be put before the Knesset (the Israeli Parliament) after Sunday's endorsement by the Israeli Government. It will regulate, for the first time in Israel's history, the GSS which is responsible for safeguarding the security of the State of Israel.

For many years Amnesty International has severely criticised the GSS for systematically using torture and ill-treatment, sanctioned by secret administrative guidelines, during the interrogation of detainees. In May last year the United Nations (UN) Committee against Torture explicitly requested Israel to incorporate the treaty's provisions into Israeli law.

"There is no evidence that Israel has any intention of rejecting the use of torture and taking seriously its international obligation to eradicate this practice," Amnesty International stated. "On the contrary, the law appears to provide a legal shield for continuing use of torture by the GSS."

The GSS law was first introduced in 1996 but withdrawn after widespread protests. The present version of the law omits Article 9 which caused a furore by expressly stating that the use of physical pressure was allowed. But it empowers the Prime Minister and a ministerial committee to adopt rules on interrogation which will remain secret. The result is likely to be no different from the current situation where torture by the GSS is effectively legalized by secret guidelines.

One article of the new law grants GSS employees immunity from criminal liability if they are acting "*in good faith and in a reasonable manner in the course of carrying out their duties*".

"If interrogation rules sanction and defend the use of torture and ill-treatment as they do now, even GSS agents who cause death, permanent disability or psychological damage will continue to benefit from impunity for their activities," Amnesty International said.

Another article, which states that '*a person shall not be subject to criminal or disciplinary responsibility under Service rules or instructions that were not published in the official Gazette unless he was informed of them in another manner*' sets a premium on ignorance.

Finally, the draft law would make it a criminal offence punishable by imprisonment for any member of the GSS or any member of the Knesset committee entrusted with oversight of the GSS to disclose information without authorization. Amnesty International is concerned that the new draft law provides no defence for whistleblowers who, for reasons of conscience, reveal information to the public about human rights violations by the GSS.

“The GSS will be operating under a shroud of secrecy,” the organization said. “This complete lack of transparency will promote impunity and do nothing to deter human rights violations.”

Review of the agency’s operations will be conducted by a special committee of the Knesset. The committee will normally sit in closed sessions. Any unauthorized disclosure of information by committee members or GSS agents will be punishable by imprisonment. The rules and directives governing the GSS will be confidential.

The GSS is currently fighting a legal challenge in the High Court brought by detainees who have been subjected to interrogation techniques such as violent shaking; sleep deprivation for prolonged periods while being forced to remain in painful positions; hooding and continuous loud music -- methods condemned by the UN Committee against Torture. This draft law may have been resuscitated in order to postpone any High Court ruling.

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