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HUMAN RIGHTS COUNCIL

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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by Agir Ensemble pour les Droits de l’Homme ,
a non-governmental in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[16 June 2006]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Anti-terror law in Israel

The Public Committee Against Torture in Israel, an Israeli NGO affiliated with **Agir Ensemble pour les Droits de l'Homme (Working Together for Human Rights)**, respectfully requests that the Human Rights Council address a proposed anti-terror law in Israel, which is incompatible with international human rights law. The proposal would regulate the detention of “Detainees Suspected of Security Offenses”¹.

The Israeli Justice Ministry proposed this bill to Israel’s Parliament, the Knesset, on October 31, 2005. It is currently pending before the parliamentary Constitution, Law and Justice Committee².

If adopted into law, the proposed legislation would open the door to torture or ill-treatment of suspects by creating a regime of *incommunicado* detention.

First, the bill would empower the authorities to prevent a suspect in security offenses from seeing a lawyer for up to thirty days. This measure flaunts the Human Rights Committee’s recommendation of 2003 to the State of Israel. The Committee requested Israel to “ensure that no one is held for more than 48 hours without access to a lawyer”.

Second, the bill would delay judicial oversight of the security suspect’s detention from a maximum 48 hours before the suspect must be brought before a judge, under current law, to 96 hours. Most cases of torture occur during the first days of interrogation. Delayed judicial oversight, combined with lack of access to counsel, will serve as an invitation to torture.

Furthermore, most remand hearings may be held, under the proposal, without bringing the suspect to court. This means that a suspect suffering physical or mental abuse will have no opportunity to complain before the judge and will be prevented from defending his liberty in court.

Prevented from seeing a judge, denied access to an attorney, and also denied family visits, the suspect may be held virtually *incommunicado* during his entire interrogation. The introduction of prolonged *incommunicado* detention into Israeli law is a step to facilitate torture, not to prevent it, as required by section 11 of the Convention Against Torture.

The entire proposal singles out persons suspected of crimes against security – in fact almost entirely Palestinians - who will be denied basic protections afforded all other suspects under Israeli law. Thus the proposed law violates the fundamental international obligation to treat with humanity all persons denied of their liberty, without discrimination, and to maintain the equality of all persons before the courts of law³.

¹ The proposal is entitled: Criminal Procedure (Enforcement Powers – Detention) (Non-Resident Detainee Suspected of Security Offense) (Temporary Provision) Law, 5765 – 2005. The proposal was amended in committee hearings. Originally intended to apply to non-residents (i.e. foreigners) alone, this overtly *de jure* discrimination was eliminated by the committee.

² The Government certified this bill for continued parliamentary consideration in the newly elected Knesset after it convened in May 2006.

³ ICCPR articles 2, 10(1), 14(1), CERD art. 1.

A wide coalition of Israeli human rights organizations and prominent jurists actively oppose this bill. Amnesty International and the International Commission of Jurists (ICJ) have written to the Chair of the Knesset Constitution & Law Committee expressing their objections.

The Human Rights Council should add its voice and call upon Israel's Justice Minister to withdraw the bill and the Chair of the Knesset Constitution, Law and Justice Committee to reject it.

Israel must effectively *protect the lives* of its citizens from terror. However Israel must at the same time fully comply with its international obligations *to protect human rights*.
