



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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## **Israel: renewed attempt of Knesset to legalize incommunicado detention**

The International Commission of Jurists (ICJ) today wrote to the Chairman of the Knesset Constitution, Law and Justice Committee urging it not to adopt legislation that would authorize persons suspected of security offences to be held in prolonged incommunicado detention and without *habeas corpus*, as it is contrary to international law and opens the door to torture and ill-treatments.

For many months, the Knesset Committee has debated this draft law on the detention of persons suspected of security offences. In November 2005 and March 2006, the ICJ wrote to the Committee chairman expressing deep concerns that such a draft law violated Israel's international legal obligations and ignored international jurisprudence, as well as the recommendations UN bodies have made after reviewing the reports submitted by Israel. The ICJ urged the Committee not to act on the draft legislation and to adopt only provisions that fully comply with international standards.

In March 2006, the Committee amended the government's original draft and is planning to vote on the revised version on 20 June 2006. In the revised version, the maximum period without access to a lawyer is reduced from 50 to 30 days and the possibility to deny access to a judge for up to 96 hours is subject to several conditions. The circumstances in which it is possible to extend the detention of the suspect in his absence are also reduced.

"The Committee has attempted to address some of the weaknesses of the original bill. But this revised version is still unacceptable and violates international law", stressed the ICJ. The organisation stated in today's letter that these minimal changes do not bring the draft law much closer to respecting Israel's international legal obligations. For example, the revised draft continues to ignore the recommendations of the UN Human Rights Committee to the Israeli authorities in 2003 that no detainee be held for more than 48 hours without access to a lawyer. "The revised draft still allows for prolonged incommunicado detention, which is forbidden under international law. A detainee is most at risk torture and ill-treatment during the first 24 hours after arrest, and the new provisions do in no way eliminate this serious risk", added the ICJ.

The ICJ has once more urged the Committee not to consider this draft and to only adopt legislation that fully respects Israel's international obligations and standards. "International law makes clear that even for security reasons, no state can derogate from the right of a detainee to have prompt access to a judge and a lawyer", emphasized the ICJ./

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The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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