

Petition slams harsher terms for detention of security prisoners

• By DAN IZENBERG

Three human rights organizations petitioned the High Court of Justice earlier this week to overturn a provisional law imposing harsher detention terms for security suspects than those applied to regular criminal suspects.

Until the disengagement from the Gaza Strip in 2005, Palestinian suspects from Gaza and the West Bank were detained in accordance with military law imposed by the military commander. However, military law no longer applies to security suspects from the Gaza Strip, and therefore they must be detained in accordance with Israeli law.

The petitioners – the Association for Civil Rights in Israel, the Public Committee against Torture in Israel, and Adalah, the Legal Center for Arab Minority Rights in Israel – say the law violates the Basic Law: Human Dignity and Freedom.

“Through this law, the state sought, in effect, to import to Israel unacceptable law enforcement principles from the military regime in the territories,” the petitioners wrote. “In some matters, they went even further and established norms that did not exist even in military law. For this unacceptable purpose, [the state] formulated an unconstitutional arrangement which applies to all security suspects.

In practice, it is applied only to Palestinians.”

The provisional law, known as the Criminal Procedures Law (Detention of a Suspect for a Security Violation) was origi-

nally passed by the Knesset on June 29, 2006 for a period of 18 months. It was extended on December 18, 2007, this time for three years. According to the petitioners, the government now plans to turn the provisional law into a permanent one.

According to the legislation, the state may detain a security suspect for 96 hours without bringing him before a judge for remand in custody. Non-security criminal suspects are usually held for 24 hours, or up to 48 hours in unusual circumstances.

After appearing before the judge at the end of three days' detention, the security suspect may be held until the 20th day of his detention without seeing a judge again.

During that time, if additional remand hearings are held, they may take place without the suspect present, and the authorities do not have to inform him that a hearing occurred or what the outcome was.

After the 20th day, on which the suspect must again be brought before a judge, he may be held for another 15 days under the same terms.

Regular criminal suspects must be present in court for additional remand hearings and may only be held for a total of 30 days without an indictment being served.

In addition to these terms, security suspects may be prevented from seeing a lawyer for up to 21 days, so that they are held virtually incognito, except for one appearance before a judge, for almost three weeks.