

permits lose their validity during times of closure. Furthermore, only attorneys registered in Israel may petition the High Court, while Israeli attorneys' fees are much higher than in the West Bank.

In view of the above, HaMoked has decided to attempt and provide fast-response legal services to detainees under GSS interrogation in Israel. For HaMoked's advocacy in these cases to date see High Court Petitions section below.

## B. Torture

Three proposed legislations, which are soon to be brought before the government, deal with the rights of suspects and detainees. Human rights organizations have coordinated joint action in opposing certain clauses of the proposed legislations and pressuring for compliance with human rights standards, as well as international law.

1. The GSS law - the official draft of this proposed legislation has not yet been published. According to press reports, the legislation deals with patent regulations, governing investigative authority, which are to remain classified. The debate on the proposed bill is to be classified as well. These proposed regulations are to provide a legal basis for the use of violence and intimidation during investigations, violating the body and the dignity of the interrogatee. The classified nature of these regulations will preclude any judicial review.

The coalition of human rights organizations opposes patent clauses in GSS legislation, which authorize the GSS to violate the body and dignity of the interrogatee, affording it immunity from criminal prosecution.

2. Bill against torture - the international covenant against torture, of which Israel is a signatory, states explicitly that no extenuating circumstances, such as a state of war, the threat of war, internal political instability, or any other emergency situation permits the use of torture. The carrying out of orders of either a superior or of any public authority does not constitute a justification of torture.

The proposed bill is to reflect Israel's signing and ratification of the International Covenant Against Torture in its legislation. We demand that the proposed bill include a definition of torture compatible with that of the covenant and its rigorous application. We consider the proposed legislation on torture to provide an historical opportunity not to be missed, yet we oppose the draft's definition of torture as severe physical or mental pain or suffering, except for the pain or suffering inherent in the nature of the investigation process or lawfull punishment itself.

The above clause, in our estimate, allows potential amendments, which will legalize torture. We prefer no legislation at all, to a bill, which contravenes the Covenant Against Torture.

3. Admissibility of evidence - convictions based entirely on the suspect's statement, the right to a new trial - these are the central issues of the third proposed legislation. Although the Knesset committee, drafting this bill, has made a number of valuable suggestions, regulating the interrogatee's rights during an interrogation, here too, we fear suggestions conducive to legalized torture. We support a proposal by a number of Knesset members, which would constitute any statement, derived by violent means, inadmissible as evidence.