



## Yesh Din

Volunteers for Human Rights

Urgent: The Knesset will vote tomorrow (30/5) on the [Bill for Extending the Validity of Emergency Regulations](#), which, in a clear display of legislative annexation, will allow Israelis to be detained for interrogation in the Ofer detention facilities in the West Bank.

Tomorrow, May 30<sup>th</sup>, the Knesset will vote on a bill enabling the Ofer military incarceration facility to be used as interrogation facilities, primarily by the Shin Bet, for Israeli citizens and residents who are suspected of security offenses.

If passed, the law will allow for Israelis arrested under the Israeli detention law to be held in a facility in the West Bank, where Israeli law is not applicable. The proposed legislation is a clear example of Israeli law being applied beyond its jurisdiction, in occupied territory, **constituting legislative annexation and an implicit declaration of Israeli sovereignty.**

On May 24, the Foreign Affairs and Defense Committee voted unanimously to approve the bill for second and third readings.

[Click to read details on the proposed law on the Knesset website](#)

### From the [Knesset report](#):

‘Since Ofer Prison is located in Judea and Samaria, which is a region to which Israeli law has not been applied, Israeli citizens and residents are not currently held there, and the Minister of Public Security does not have the authority to declare it a detention facility under the Detention Law.’

'Therefore, the committee agreed to a redefinition of the word 'detainee' to read "a person held in detention under the Detention Law." This was done at the advice of the committee's legal team and with the consent of the government ministries, so that it would be clearer that an Israeli arrested in Israel under the Detention Law should continue to be held in detention under the Israeli Detention Law, even though he or she is being held in a place in which Israeli law does not apply.'

**MK Gaby Lasky (Meretz) responded** in the hearing: "This bill is trying to make use of occupied territory as a back yard, contrary to international law and Israeli constitutional law. The Knesset has no more authority to legislate for occupied territory than it has for facilities in the United States. The military commander is the sovereign on the ground, and there is no authority to instruct him; it's simply unconstitutional."

Aside from constituting yet another example of the Knesset applying sovereignty over the oPt via legislation (see Yesh Din's [Annexation Legislation Database](#)), this proposed law threatens to begin an Israeli tradition of Guantanamo-esque extra-territorial detention. Further, this bill directly contradicts the State's claims in response to Yesh Din and other human rights organizations 2009 petition [HCI 2690/09](#), against the holding of Palestinian detainees in Israel, that this transfer was justified by a shortage of facilities for detention in the occupied territories; there now seems to be enough room to detain Israelis there as well. Finally, international law explicitly prohibits the use of occupied territory in service of the occupying power, as does the Israeli High Court ruling from 1983 concerning Route 443.

[Click for ACRI's position paper on the proposed law \(Hebrew\)](#)

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