

The Public Committee Against Torture in Israel Press Statement

16 February 2014

Chairperson of UN Human Rights Committee, International Experts and Israeli Law Professors in Amicus Briefs to Israeli High Court: Torture Occurred – Must be Investigated - Supporting Public Committee against Torture in Israel (PCATI) Petition.

In advance of the High Court of Justice hearing (HCJ 5722/12, [Hebrew link](#)) to take place later this month, four international experts on International law and the issue of tortures submitted an expert opinion to the Court this morning (10 February 2014) according to which the petitioner, Mr. Assad **Abu Ghosh was** tortured in the course of his Israel Security Agency – (ISA) interrogation. The expert opinion was annexed to the petition to the High Court demanding an investigation into Mr. Abu Ghosh's case and all cases of torture.

This expert opinion joins that of Professor Mordechai Kremnitzer and Professor Yuval Shany, which states that the failure to investigate (complaints of torture) is illegal and even **contradicts the guidelines of Israel's Attorney General** (today Supreme Court Justice) the Honorable Elyakim Rubinstein, on these matters.

The State admits that ISA interrogators tortured Mr. Abu Ghosh and the medical reports support his testimony. Some of his injuries affect him for the rest of his life. The Ministry of Justice is well aware of the details of this case yet still refuses to open a criminal investigation into this case while refraining from giving legal grounds for its refusal. **More than 800 complaints against ISA torture were submitted since 2001** and in 15% of them the State actually acknowledges that the torture described took place. **Despite this the number of criminal investigations ISA interrogators remains at ZERO (0).**

In light of the refusal to investigate in his case Mr. Abu Ghosh together with PCATI petitioned the High Court of Justice against the Attorney General, the State Attorney and the torturers, demanding that the Court order immediate investigations into cases of suspected torture. As the prominent expert jurists determined, the circumstances of this case require the opening of an investigation and that the general policy of impunity violates both Israeli law and International law and even contravenes the very judgment of the **1999 High Court of Justice Decision on torture ([HCJ 5100/94](#))**.

For more Details and Interview Coordination, Dr. Noam Hoffstater: 0544218518/ +972-54-421-8518

Legal Experts Submitting the International Amicus Opinions: **Professor Sir Nigel Rodley:** Professor of Law and Chair of the Human Rights Centre University of Essex (UK); Chair Person of the UN Human Rights Committee; President of the International Commission of Jurists. **Professor Peter Burns:** Professor Burns was appointed Chair of the International Centre for Criminal Law Reform and Criminal Justice Policy in 1993, is a former President of the Society for the Reform of Criminal Law, and has been a member of the UN Committee Against Torture since 1987 and its chair 1998 -2003. **Professor Malcolm D. Evans:** Professor of Public International Law, Bristol University (UK) and Chairperson of the The UN Sub-Committee on the Prevention of Torture. **Professor Manfred Nowak,** Professor of International Law and Human Rights at Vienna University, Co-Director of the Ludwig Boltzmann Institute of Human Rights and former UN Special Rapporteur on Torture.

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