

Translation Disclaimer: The English language text below is not an official translation and is provided for information purposes only. The original text of this document is in the Hebrew language. In the event of any discrepancies between the English translation and the Hebrew original, the Hebrew original shall prevail. Whilst every effort has been made to provide an accurate translation we are not liable for the proper and complete translation of the Hebrew original and we do not accept any liability for the use of, or reliance on, the English translation or for any errors or misunderstandings that may derive from the translation.

At the Supreme Court
Sitting as the High Court of Justice

H CJ 9733/03

In the matter of:

**HaMoked Center for the Defence of the Individual,
founded by Dr. Lotte Salzberger**

represented by counsel, Att. Daniel Shenhar (Lic. No. 41065) et al.
of HaMoked Center for the Defence of the Individual,
founded by Dr. Lotte Salzberger
4 Abu Obeida St., Jerusalem, 97200
Tel: 02-6283555; Fax: 02-6276317

The Petitioner

v.

The State of Israel et al.

The Respondents

Request to Submit Document

The Petitioner hereby requests to submit to the Honorable Court the concluding observations of the UN Committee against Torture. The Petitioner believes that this document is of relevance to the matter of continuing proceedings in the petition at bar.

The details of the request are as follows:

1. The petition concerns the existence of a secret prison facility, referred to by the Respondents as “Facility 1391”, and the Petitioner’s demand that it be shut down forthwith.
2. On 14 May 2009, during its 42nd session, the UN Committee against Torture published its concluding observations regarding a report submitted to it by the State of Israel. The report was prepared by the State under Section 19 of the International Convention against Torture (hereinafter: **the Convention**), to which Israel is party.

The concluding observations of the Committee against Torture are attached and marked **P/101**.

3. The report, the fourth submitted by Israel pursuant to the Convention, summarizes the overall aspects concerning implementation of the Convention’s provisions by Israel. As stated in the Committee’s

concluding observations, the report includes, *inter alia*, references by the State to the detention facility which is the subject matter of this petition, known as 1391. Below is an excerpt from pages 7-8 of the concluding observations, from the section regarding detention facility 1391:

Notwithstanding the information from the State party that ISA secret detention and interrogation facility known as “Facility 1391” has not been used since 2006 to detain or interrogate security suspects, the Committee notes with concern that several petitions filed to the Supreme Court to examine the facility were rejected and that the Supreme Court has found that Israeli authorities acted reasonably in not conducting investigations on allegations on torture and ill-treatment and poor detention conditions in the Facility.

The State party should ensure that no one is detained in any secret detention facility under its control in the future, as **a secret detention center is *per se* a breach of the Convention**. The State party should investigate and disclose the existence of any other such facility and the authority under which it has been established. It should ensure that all allegations of torture and ill-treatment by detainees in Facility 1391 be impartially investigated, the results made public, and any perpetrators responsible for breaches of the Convention be held accountable. (emphasis added – D.S.).

4. Due to the great relevance of these remarks to the petition at bar, which is still pending, the Petitioners request to submit to the Honorable Court the complete concluding observations.
5. It was impossible to obtain the consent of the Counsel for the Respondents.

Jerusalem, 25 May 2009

Daniel Shenhar, Att.
Counsel for the Petitioners

(T.S. 28500)