

**A statement for immediate release issued by
Human Rights & Democracy Media Center "SHAMS"
On the occasion of International Day against Torture and other cruel degrading and
inhuman treatment**

26/6/2017

Torture is not an outdated crime

"SHAMS" center condemns the systemized torture actions committed by Israeli soldiers and interrogators against the Palestinian detainees in the Israeli prisons. Israeli is the only state that permits torture through the resolution of the Israeli Supreme Court of 1996 which allows investigators to use physical pressure (moderate) against Palestinian detainees. Israel is the first country whose citizens support practicing torture against the so called "terrorists", also, Israel is considered of the first countries which manufactures and exports torture tools like shackles, fetters and chuffing chairs according to a report issued by Amnesty International. In addition to the use of chemical materials which cause paralysis, nerves' gas, toxics, tear gas and electrocution tools.

Therefore, Israel is the state of terrorism which violates international conventions and treaties. This was mentioned within a press release issued by "SHAMS" center on the occasion of International Day against Torture and other cruel degrading and inhuman treatment on June 26. According to the resolution no. 39/46 issued by General Assembly of the United Nations' of December 10, 1984.

"SHAMS" center assures that Palestine's accession to a number of international treaties and conventions including the Convention against Torture on April 1st of 2014, Represents a victory for the struggles of human rights movement and its demands and its different pressure mechanisms. Such accession is considered as a legal, political achievement especially for human rights; also it is considered as expectancy for more achievements. However, the accession hasn't put an end for violations yet, while reports issued by human rights organizations indicates and emphasizes that no serious changes occur.

"SHAMS" center reminds that prohibition of torture is mentioned within international law, article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights to prevent torture and other ill-treatment. Moreover, Article 7 of the Rome Statute of the International Criminal Court considers torture as a crime against humanity if committed as part of a broader attack targeting any group of civilians with prior knowledge of the attack. Furthermore, article 8 of the Rome Statute stipulates that torture and other forms of mal-treatment constitute war crimes when committed as part of a plan, public policy or large-scale campaign to commit such crimes. When the crime of torture or mal-treatment is committed in the context of non-international armed conflicts, it would represent a breach of article 3 which is common among the four Geneva Conventions of 1949. Torture and ill-treatment also signifies gross violations against the Geneva Convention of August 12th of 1949, as defined in article 147 of the Fourth Geneva Convention related to the Protection of Civilian Persons in Time of war. Violations against the Geneva Conventions embody war crimes according to the provisions of article 8 of the Rome Statute of the International Criminal Court.

"SHAMS" center puts an emphasis that the prohibition of torture by the international community is based on a resolution adopted by the General Assembly for of the United Nations in its resolution 52/25 on December 12th of 1997. For the purpose of total elimination of torture and the effective functioning

of the Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the United on December 10th of 1984. Where torture was considered a crime under international law, the principle of prohibition to be regarded as a rule was fully in accordance With international rules on the non-Applicability of Statutory Limitations to war crimes and crimes against humanity. And that all the rules of the Convention or of customary international law which contradict the principle of non-prescription is void. This principle is another factor in combating impunity and irresponsible perpetrators of physical violations of fundamental human rights. And the value of the principle of prohibition is a fundamental pillar for another procedural rule, namely, the rule of universal jurisdiction. This rule represents the complementarity between domestic and international justice, on the one hand, and a restriction on the movement of perpetrators of torture on the other.

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