

## CASE LAW COVER PAGE TEMPLATE

<b>Name of the court</b> <sup>1</sup> (English name in brackets if the court's language is not English): <a href="#">[Israeli High Court]</a>	
<b>Date of the decision:</b> (2013/04/18)	<b>Case number:</b> <sup>2</sup> 1689/13
<b>Parties to the case:</b> Siamon Woldu v. Minister of Interior	
<b>Decision available on the internet?</b> <input checked="" type="checkbox"/> Yes (in Hebrew) <input type="checkbox"/> No	
If yes, please provide the link: <a href="http://www.psakdin.co.il/fileprint.asp?FileName=/Minhali/Private/ver_whcg.htm">http://www.psakdin.co.il/fileprint.asp?FileName=/Minhali/Private/ver_whcg.htm</a>	
<b>Language(s) in which the decision is written:</b> Hebrew	
<b>Official court translation available in any other languages?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, which):	
<b>Countr(y)(ies) of origin of the applicant(s):</b> Eritrea	
<b>Country of asylum (or for cases with statelessness aspects, country of habitual residence) of the applicant(s):</b> Israel	
<b>Any third country of relevance to the case:</b> <sup>3</sup>	
<b>Is the country of asylum or habitual residence party to:</b>	
The 1951 Convention relating to the Status of Refugees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 <input type="checkbox"/> #4 <input type="checkbox"/> #5 <input type="checkbox"/> #6 <input type="checkbox"/> #7 <input type="checkbox"/> #8 <input type="checkbox"/> #9 <input type="checkbox"/> #10 <input type="checkbox"/> #11 <input type="checkbox"/> #12 <input type="checkbox"/> #13 <input type="checkbox"/> #14 <input type="checkbox"/> #15 <input type="checkbox"/> #16 <input type="checkbox"/> #17 <input type="checkbox"/> #18 <input type="checkbox"/> #19 <input type="checkbox"/> #20 <input type="checkbox"/> #21 <input type="checkbox"/> #22 <input type="checkbox"/> #23 <input type="checkbox"/> #24 <input type="checkbox"/> #25 <input checked="" type="checkbox"/> #26 <input type="checkbox"/> #27 <input type="checkbox"/> #28 <input type="checkbox"/> #29 <input type="checkbox"/> <input type="checkbox"/> #30 <input checked="" type="checkbox"/> #31 <input type="checkbox"/> #32 <input type="checkbox"/> #33 <input type="checkbox"/> #34 <input type="checkbox"/> #35 <input type="checkbox"/> #36 <input type="checkbox"/> #37 <input type="checkbox"/> #38 <input type="checkbox"/> <input type="checkbox"/> #39 <input type="checkbox"/> #40 <input type="checkbox"/> #41 <input type="checkbox"/> #42 <input type="checkbox"/> #43 <input type="checkbox"/> #44 <input type="checkbox"/> #45 <input type="checkbox"/> #46
<b>(Only for cases with statelessness aspects)</b> The 1954 Convention relating to the Status of Stateless Persons <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 <input type="checkbox"/> #4 <input type="checkbox"/> #5 <input type="checkbox"/> #6 <input type="checkbox"/> #7 <input type="checkbox"/> #8 <input type="checkbox"/> #9 <input type="checkbox"/> #10 <input type="checkbox"/> #11 <input type="checkbox"/> #12 <input type="checkbox"/> #13 <input type="checkbox"/> #14 <input type="checkbox"/> #15 <input type="checkbox"/> #16 <input type="checkbox"/> #17 <input type="checkbox"/> #18 <input type="checkbox"/> #19 <input type="checkbox"/> #20 <input type="checkbox"/> #21 <input type="checkbox"/> #22 <input type="checkbox"/> #23 <input type="checkbox"/> #24 <input type="checkbox"/> #25 <input type="checkbox"/> #26 <input type="checkbox"/> #27 <input type="checkbox"/> #28 <input type="checkbox"/> #29 <input type="checkbox"/> #30 <input type="checkbox"/> #31 <input type="checkbox"/> #32 <input type="checkbox"/> #33 <input type="checkbox"/> #34 <input type="checkbox"/> #35 <input type="checkbox"/> #36 <input type="checkbox"/> #37 <input type="checkbox"/> #38 <input type="checkbox"/> #39 <input type="checkbox"/> #40 <input type="checkbox"/> #41
<b>(Only for cases with statelessness aspects)</b> The 1961 Convention on the Reduction of Statelessness <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 <input type="checkbox"/> #4 <input type="checkbox"/> #5 <input type="checkbox"/> #6 <input type="checkbox"/> #7 <input type="checkbox"/> #8 <input type="checkbox"/> #9 <input type="checkbox"/> #10 <input type="checkbox"/> #11 <input type="checkbox"/> #12 <input type="checkbox"/> #13 <input type="checkbox"/> #14 <input type="checkbox"/> #15 <input type="checkbox"/> #16 <input type="checkbox"/> #17 <input type="checkbox"/> #18 <input type="checkbox"/> #19 <input type="checkbox"/> #20 <input type="checkbox"/> #21
<b>(For AU member states):</b> The 1969 OAU Convention governing the specific aspects of refugee problems in Africa <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 <input type="checkbox"/> #4 <input type="checkbox"/> #5 <input type="checkbox"/> #6 <input type="checkbox"/> #7 <input type="checkbox"/> #8 <input type="checkbox"/> #9 <input type="checkbox"/> #10 <input type="checkbox"/> #11 <input type="checkbox"/> #12 <input type="checkbox"/> #13 <input type="checkbox"/> #14 <input type="checkbox"/> #15
<b>For EU member states:</b> please indicate which EU instruments are referred to in the decision	Relevant articles of the EU instruments referred to in the decision:

**Topics / Key terms: (see attached 'Topics' annex):**

**Detention**

**Humanitarian release**

**Victims of Torture**

**Key facts (as reflected in the decision):** [No more than 200 words]

The Supreme Court accepted an appeal against a verdict rendered by a Lower Court that rejected the Petitioner's request to release an asylum seeker who survived the torture camps in Sinai from detention. The Lower Court ruling stated that severe torture cannot be considered as an "exceptional humanitarian reason" for release under the Anti-Infiltration Law. All asylum seekers who have entered Israel since June 2012 have been jailed under this law according to which asylum seekers can be released only in exceptional circumstances including "exceptional humanitarian" cases. The Lower Court's ruling stated that torture cannot be considered an "exceptional humanitarian reason" for release because it occurs too often, adding: "It appears to me that recognizing [victims of] torture like those described by the appellant as a justifiable circumstance for release from custody, is likely to lead an increase in the phenomenon of torture and to a deterioration, and even to the creation of a phenomenon among infiltrators of self-inflicted harm. And that, in this case, is not desirable."

Following this ruling, the Petitioners appealed to the Supreme Court on behalf of the Eritrean asylum seeker and victim of torture. The Supreme Court rejected the Lower Court's decision and held that each case of an asylum seeker requesting release as a result of torture from which they suffered in Sinai needs to be examined based on its merits and that it is possible that detaining people who are survivors of torture could further harm their physical and mental health. Accordingly, the Court held that the fact that they are victims of torture could meet the definition of an "exceptional humanitarian" case and therefore serve as a release provision under the Anti-Infiltration Law.

**Key considerations of the court (translate key considerations (containing relevant legal reasoning) of the decision; include numbers of relevant paragraphs; do not summarize key considerations) [max. 1 page]**

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**Other comments or references (for example, links to other cases, does this decision replace a previous decision?)**

## **EXPLANATORY NOTE**

1. Decisions submitted with this form may be court decisions, or decisions of other judicial, quasi-judicial and administrative bodies.
2. Where applicable, please follow the court's official case reference system.
3. For example in situations where the country of return would be different from the applicant's country of origin.

For any questions relating to this form, please contact the RefWorld team at the address below.

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