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**At the District Court in Jerusalem**

**CA 1311/00**

In the matter of: Judah

Represented by counsel, Adv. Michal Pinchuk  
(License No. 21600) and/or Eliahu Abram  
(License No. 11851) and/or Hisham Shabaita  
(License No. 17362), and/or Yossi Wolfson  
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Individual founded by Dr. Lotte Saltzberger  
4 Abu Obeidah St., Jerusalem  
Tel. 02-6283555, Fax 02-6276317

**The Appellant**

- Versus -

1. \_\_\_\_\_ Avraham,
2. \_\_\_\_\_ Zvi,
3. The State of Israel

Represented by the Office of the District  
Attorney of Jerusalem  
4 Uzi Hasson St. 94152  
Jerusalem 94152  
Tel. 02-6208177, Fax 02-6222385

**The Respondents**

### **Appeal**

The Appellant hereby respectfully files an appeal from the judgment of Hon. Justice R. Yacobi in CC 20965/98, issued at the Magistrates Court in Jerusalem on May 25, 2000 and served on the Appellant's counsel on June 1, 2000.

The Appeal is directed only against the low amount of damages, in the sum of ILS 13,000, that was awarded to the Plaintiff.

A certified copy of the judgment is attached to this Appeal.

The grounds for the appeal are as follows:

1. Introduction:

The Honorable Trial Court determined in its judgment that the entire factual portion of the Statement of Claim had been proven, and that the Appellant's Claim should be granted (p. 3, lines 8-9 of the judgment).

The Honorable Trial Court proceeded to determine with regard to the Plaintiff's damage that "the severe disgrace, the humiliation he underwent, along with the physical beating, indeed constitute bodily and mental injury. When the denial of liberty due to the false arrest is added thereto, the damage is substantial." (p. 7, lines 11-14). This damage, the Honorable Court determined, left its mark for the future as well, "in the way that the Plaintiff carries with him sorrow and insult that will doubtfully ever fade away entirely". (Ibid., line 15).

2. The Honorable Trial Court erred in determining that the Plaintiff should be awarded damages in the sum total of ILS 13,000 only, an amount that does not stand in reasonable proportion to the non-pecuniary damage, which was caused to the Plaintiff and acknowledged by the Court, and is much lower than is customary under the circumstances.
3. The Honorable Trial Court erred in awarding the Plaintiff damages in the sum of ILS 13,000 only, *inter alia*, due to the denial of liberty caused by a 48-hour false arrest. The right to personal liberty is a basic human right that was enshrined in Basic Law: Human Dignity and Liberty. It would have been appropriate that the severe impingement upon this right would have entitled the Plaintiff to larger damages.
4. The Honorable Trial Court erred in awarding the Plaintiff damages in the sum of ILS 13,000 only, *inter alia*, due to the severe physical beating he endured, the great disgrace, and the severe humiliation he underwent. Article 2 of Basic Law: Human Dignity and Liberty provides that there shall be no violation of the life, body or dignity of any person as such. The low damages awarded to the Plaintiff do not reflect the severe impingement upon his rights and the damage caused to him.
5. The Honorable Trial Court erred in not imposing punitive damages upon the Defendants, in spite of its severe findings against Respondents 1 and 2 and its explicit determination that the incident discussed in the Statement of Claim is "an extremely severe case of abuse of power and authority, in an unbridled manner". (Ibid, p. 3, lines 10-11)
6. The Honorable Trial Court erred in determining that compensating the Plaintiff in the sum total of ILS 13,000 already includes the interest for the period of

approximately eight years and three months, from the date of the events until the date of the judgment.

The Honorable Court is therefore moved to allow the appeal and to significantly increase the amount of damages awarded to the Appellant and to charge the Respondents with payment of trial costs and legal fees for this appeal.

Jerusalem, July 5, 2000.

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Adv. Michal Pinchuk  
Counsel for the Appellant

(T.S. 2765)