

Mr Moshe Bar Siman-Tov,
Director General
Ministry of Health
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cc:

Dr. Liav Goldstein, Chief Medical Officer, Israel Prison Service
Dr. Tamar Elram, Director, Hadassah Mt. Scopus Hospital
Prof. Zion Haggai, Chair, Israel Medical Association

Copenhagen, 13 November 2019

Dear Mr. Bar Siman-Tov,

We are writing you on behalf of the International Rehabilitation Council for Torture Victims (IRCT) and Physicians for Human Rights (PHR) in relation to the situation of Mr. Samer Arbeed.

We understand that Mr. Arbeed was a patient at Hadassah hospital in Jerusalem starting on September 27, when he was admitted in critical condition, two days after his arrest on September 25th. According to security officials, during the relevant two days Mr. Arbeed was interrogated using "exceptional methods," which according to NGOs include the use of stress positions, beating, and other torture methods. According to Mr. Arbeed's lawyer, he spent several days unconscious and on dialysis, suffering from 11 fractured ribs, among other issues. He was reportedly held in incommunicado detention, with no access to his lawyer or family, and security authorities had made it clear that they expected him to be returned to interrogation, and that the case was still considered one of "necessity," which permits the use of "exceptional methods." We also understand that he has now been transferred to an Israel Prison Service medical facility where he is expected to undergo further interrogation.

In our expert opinion, the information above raises real and credible concerns that Mr. Arbeed has been exposed to physical or psychological pain and suffering constituting torture or ill-treatment and that he risks further torture or ill-treatment if he is once again exposed to interrogation using "exceptional methods".

We greatly appreciate the difficult situation faced by doctors and other health professionals when concerns for an individual's health and human rights are challenged by the need to investigate crime. In relation to this situation, we would like to draw your attention to the following international human rights and medical ethical standards that should be helpful in determining the right course of action in this situation.

1. The [World Medical Association Helsinki Declaration](#) obliges physicians to document and report acts of torture or cruel, inhuman or degrading treatment of which they are aware.
2. The UN Convention against Torture (UNCAT), to which Israel is a party, places a clear obligation on the competent authorities to proceed to a prompt and impartial investigation, wherever there are

reasonable grounds to believe a person has been tortured or ill-treated. [The Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(the Istanbul Protocol\)](#) provides the internationally agreed standards for how to conduct medico-legal evaluations of persons who allege torture and ill-treatment.

3. The [World Medical Association Tokyo Declaration](#) provides an ethical obligation of health professionals to avoid any involvement in torture and ill-treatment. Furthermore, the UNCAT makes clear that this includes an obligation not to instigate, consent, or acquiesce to torture.

In light of the current situation, the international standards elaborated above, and the fact that Israel Prison Service is a State institution and therefore carries the State's responsibility to respect, protect and fulfil Israel's international human rights obligations, we respectfully call on you to ensure that:

1. Doctors responsible for treating Mr Arbeed in no way participate, instigate, consent, or acquiesce to interrogations that may cause Mr. Arbeed severe physical or psychological suffering amounting to torture or ill-treatment under the UNCAT.
2. Doctors responsible for treating Mr. Arbeed should offer a forensic medical evaluation to determine whether there are physical or psychological signs that he has been tortured or ill-treated during his detention and interrogation. This evaluation should be done in accordance with the standards in the Istanbul Protocol.
3. If they find signs that he has been tortured or ill-treated, this should be reported to the competent national authorities so that a prompt, effective and independent investigation can be conducted.
4. A full investigation is carried out to determine whether any health professionals who have been or are in contact with Mr. Arbeed have violated their international or national ethical and professional obligations.

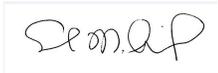
We hope that you will find our advice helpful and we make ourselves available to discuss this issue further as relevant.

Yours sincerely,



Jorge Aroche,

President, International Rehabilitation Council for Torture Victims (IRCT)



Susannah Sirkin

Director of Policy, Physicians for Human Rights (PHR)