



المركز الفلسطيني لحقوق الإنسان

PALESTINIAN CENTRE FOR HUMAN RIGHTS

United Nations Special Procedures Division
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
CH-1211 Geneva 10
Switzerland

Date: 7 October 2019

RE: Urgent Appeal to the UN Special Procedures concerning the situation of Samer al-Arabid.

To the attention of:

- Mr. Michael Lynk, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967
- Mr. Juan Mendez, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Dear Mr. Lynk and Mr. Mendez,

On 27 September 2019, Samer al-Arabid, a 44-year old Palestinian, was hospitalized after undergoing interrogation with the Israeli internal security service (Shin Bet) in Al-Maskobiya detention Center, which is used to interrogate Palestinian detainees and prisoners.

According to PCHR's investigation Samer al-Arabid was arrested on Wednesday 25 September at approximately 8:00 am in Sateh Marhaba neighborhood in Ramallah while he was on his way to work on suspicions of involvement in the "Dolev" Settlement attack, west of Ramallah, which took place on 23 August and resulted in the killing of an Israeli female settler and the injury of two others.¹

His wife, Noura Al-Arabid, who was driving him to work at the time of the incident told PCHR that Israeli special forces physically assaulted al-Arabid, hitting him brutally on the head and neck using their guns and forcibly dragged him into a vehicle.

According to prisoner rights' group Addameer, he was then taken to the al-Mascobiyya interrogation center in Jerusalem, and an order was issued banning him from meeting his lawyer.² The following day, 26 September 2019, Samer had a military court session with his lawyer. According to Al-Dameer, he informed the judge that he is suffering from severe pain in the chest, unable to eat anything and throws up continuously. Instead of being hospitalized immediately,

¹ PCHR, "PCHR Holds Israel Responsible for Life of Prisoner Samer al-Arbid", 29 September 2019, available at:

² Addameer, "Prisoner Samer al-Arbeed in a Critical Health Situation due to Torture", 29 September 2019, available at: <http://www.addameer.org/news/addameer-prisoner-samer-al-%E2%80%99rbeed-critical-health-situation-due-torture>



المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

Samer was transferred to the Hadassah Hospital on Friday morning, 27 September 2019, though his family and lawyer were only informed the following day, 28 September 2019, at around 8:00 pm when one of the interrogators at al-Mascobiyyaa detention center called Al-Dameer's lawyer. The interrogator informed Addameer's lawyer that Arbed is unconscious, on artificial respiration and in a critical condition.

Regarding his hospitalization, the Shin Bet said in a statement released on Saturday evening: "During the investigation of the head of the terror cell responsible for the attack on the Ein Buvin spring that killed Rina Shnerb, the investigator reported that he did not feel well. According to procedure, he was transferred to the hospital for medical examinations and treatment. No other details can be provided."³

The Israeli Justice Ministry has launched an investigation into potential wrongdoing by Shin Bet Officers in the context of Samer al-Arabid's interrogation.⁴

Apparently, Samer al-Arabid was subject to torture and ill-treatment techniques during the interrogation that we are not unaware of until moment, as he was healthy when he was captured by the Israeli forces. According to Aldammer Lawyer, who was able to see him but not visit him, Samer was unconscious, had several broken ribs, marks were all over his body and suffered kidney failure".⁵

According to Israeli media, a special judicial permit was issued to use extra-ordinary measures during the interrogation due to the suspicion that al-Arbeed and his cell, which is allegedly composed of members of the Popular Front for the Liberation of Palestine, planned other attacks.⁶

While Israel's high court supposedly outlawed torture in 1999, it ruled that the domestic intelligence agency can use torture in supposedly "ticking time-bomb" circumstances to investigate Palestinian prisoners. The Court ruling gave tacit approval to the use of the defense of "necessity" contained in section 34(11) of the Penal Law (1977) for those members of the security services who may be prosecuted for acts of torture. Therefore, it could be invoked as a justification for torture in context of interrogation carried out in situation involving impending threats to human lives and a result lead to a lack of proper accountability.⁷

³ Haaretz, "Suspect in Killing of Israeli Teen Hospitalized After Shin Bet Interrogations", 29 September 2019, available at: <https://www.haaretz.com/israel-news/.premium-israel-nabs-killers-of-teen-slain-in-west-bank-spring-attack-1.7917912>

⁴ Haaretz, "Israel's Justice Ministry Investigating Palestinian Suspect's Torture by Shin Bet" <https://www.haaretz.com/israel-news/.premium-israel-investigating-palestinian-s-hospitalization-after-shin-bet-interrogation-1.7919300>

⁵ Ibid 1.

⁶ <https://twitter.com/OrHeller/status/1178047779635159040>

⁷ PCHR, "Briefing of the Palestinian Center for Human Rights for the United Nations Committee Against Torture in Consideration of the Third Periodic Report of Israel", 19 November 2011, available at: <http://www.pchrgaza.org/Interventions/uncatbriefing.htm>



المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

PCHR stresses that these extra-ordinary measures by Israeli security officers which led to the deterioration of Samer's condition is in violation of Israel's obligations under Article 2(2) of the Convention against Torture which provides that the prohibition of torture is absolute and non-derogable and that no exceptional circumstances whatsoever may be invoked by a State party to justify acts of torture. PCHR recalls that, in 2016, the United Nations (UN) Committee against Torture caked In Israel to "speed up the process aimed at incorporating a specific offence of torture into domestic law" and to completely remove necessity as a possible justification for torture. Moreover, torturing prisoners in the context of interrogation constitutes a grave breach under Article 147 of the Fourth Geneva Convention and Article 11 of the First Additional Protocol to the Geneva Conventions, and amounts to a war crime under Article 85 of the First Additional Protocol to the Geneva Conventions.⁸

Israeli media reported on 2 October 2019, that a military judge stated the medical conditional of Samer Arabid is improving and that he should be ready "in the coming days" to resume interrogation. This response came after Arbid's legal counsel petitioned the Yehuda Military Court to release him from Shin Bet custody due to the state of his health.⁹

PCHR is concerned that resuming Samer Arabid's interrogation can lead to a further deterioration in his health and endanger his life. Israel has many precedents, proving Israeli security officers involvement in torture against dozens of prisoners, the latest of which was the death of Nassar Majed Taqatqah (31), from Bethlehem, while in solitary confinement in "Nitzan" Prison (al-Ramlah) on 19 June 2019. He died during interrogation, only a month after his arrest.

Accordingly, PCHR submits this Urgent Appeal for your immediate intervention to publicly condemn Israel's use of extra-ordinary measures which amount to torture, against Palestinian prisoners and detainees including Samer Arabid, and to exert pressure to prevent Israel from using these extra-ordinary measures if his conditions improves and his interrogation continues.

Yours Sincerely,

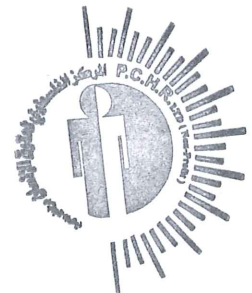
Raji Sourani

General Director- Palestinian Center for Human Rights

Gaza City, State of Palestine

Tel: +972 8 2824 776 Fax: +972 8 2835255

Website: www.pchrgaza.org



⁸ ICRC, Database on Customary International Humanitarian Law, Rule 90 on Torture and Cruel, Inhuman or Degrading Treatment, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule90

⁹Haaretz "Condition of Palestinian Terror Suspect Tortured in Shin Bet Interrogation Improves", 2 October 2019, available at: <https://www.haaretz.com/israel-news/.premium-condition-of-palestinian-terror-suspect-tortured-by-shin-bet-improves-1.7926521>