

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
UA ISR 14/2019

9 October 2019

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30, 35/15, 1993/2A and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the detention and alleged torture of Mr. **Samer Al-A'rbeed**.

According to the information received:

On 25 September 2019, Mr. Samer Al-A'rbeed was arrested by Israeli security forces in front of his workplace in Ramallah. During his arrest, security forces beat him heavily with their guns. He was then taken to al-Mascobiyya detention centre in Jerusalem and an order was issued preventing him from meeting with legal representation. Eyewitnesses to the arrest state that Mr. Al-A'rbeed was in good health prior to his arrest.

On 26 September, Mr. Al-A'rbeed attended a court hearing without the presence of his lawyer. During the hearing, he complained to the judge that he was suffering from pain in his chest, that he was unable to eat and that he was vomiting continuously, however he was not brought to a hospital at this stage.

On 27 September, Mr. Al-A'rbeed was transferred to Hadassah Hospital in el-Esawya Jerusalem. Between his arrest and his transfer to hospital, in the course of his interrogation, Mr. Al-A'rbeed allegedly suffered torture and ill-treatment. A judge had allegedly previously signed an order permitting exceptional interrogation methods. Mr. Al-A'rbeed's lawyer and family were notified that he was in hospital on 28 September at 8:00 p.m.. They were also informed that he was unconscious and on an artificial respirator. Mr. Al-A'rbeed has several broken ribs, acute kidney failure and marks all over his body.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our grave concern over the allegations of torture used against Mr. Al-A'rbeed.

We wish to draw to the attention of your Excellency's Government articles 6, 7, 9 and 14 of the International Covenant on Civil and Political Rights, ratified by Israel on 3 October 1991, which provide for the rights to life, to be free from torture and ill-treatment, to liberty and personal security and to a fair trial.

We furthermore wish to draw to the attention of your Excellency's Government articles 2, 12 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Israel on 3 October 1991, which place an obligation on states to prevent acts of torture or cruel, inhuman or degrading treatment or punishment occurring on their territory, or on any other territory under their jurisdiction, and to ensure a prompt and impartial investigation into allegations when there are grounds to believe that such acts have occurred.

In this context, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "[c]ondemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States 4 to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information regarding the legal and factual bases for the arrest of Mr. Al-A'rbeed. Are there any charges against him?

3. Please provide information on any investigation which has taken place with regards to the alleged torture of Mr. Al-A'rbeed. If no investigation has taken place, please explain why.
4. Please provide information with regards to the allegations detailed above which state that a judge signed an order permitting exceptional interrogation methods. Please provide details regarding these methods and explain how they are compatible with international human rights standards.
5. Please provide the full details of any prosecutions which may have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
6. Please provide information with regards to the current state of Mr. Al-A'rbeed's health, along with information on what steps have been taken in order to ensure that he has adequate access to medical care. If his family have been unable to visit him, please explain why.
7. Please provide information on what steps have been taken to ensure that Mr. Al-A'rbeed is being provided with adequate legal representation.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

We may wish to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Leigh Toomey  
Vice-Chair of the Working Group on Arbitrary Detention

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Michael Lynk  
Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment