

To the attention of:

- President of the International Committee of the Red Cross Peter Maurer,
- UN Secretary General Antonio Guterres,
- EU High Representative for Foreign Affairs Federica Mogherini,
- European External Action Service,
- Members of the European Parliament

October 29, 2019

Subject: Use of torture, cruel and inhumane treatment by the Israeli forces in the case of Mr. Samer Al-Arbeed

As civil society and human rights organisations, we are outraged by the acts of torture suffered by Samer Al Arbeed, at Al Mascobiyya Detention Center in Jerusalem. These abuses occurred between the day of his arrest, on 25 September, and his admission to hospital in critical condition three days later. Israeli forces have reportedly made unsubstantiated claims of Mr. Arbeed's involvement in an explosion near the Dolev settlement in the West Bank in August, which resulted in the death of a teenage girl. Although no evidence was provided to prove these allegations and although Mr. Arbeed was denied any access to a lawyer, the Israeli army acts as if Mr. Arbeed's guilt had been proven.

We are shocked by the inexcusable and barbaric torture of Mr. Arbeed by the Israeli Security Agency. The use of torture cannot be justified in any circumstances.

Torture is prohibited under the *Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (UNCAT)*, which was adopted in 1948 and entered into force in 1978. The UN Committee Against Torture provides that no **“exceptional circumstances whatsoever, whether a state of war or a threat of war”** may be invoked as a justification of torture, thus establishing an internationally recognized peremptory norm against torture even in compelling circumstances relating to counter terrorism. In the same way, using torture in order to force prisoners to incriminate themselves is a violation of international law (*Article 15 of the UNCAT & Article 12 of the 1975 General Assembly Declaration*) as well as using potential evidence obtained through torture in any proceeding. Furthermore, according to the *Rome Statute, Articles 8, 7*, **torture amounts to a war crime** and when systematic and wide-spread **to a crime against humanity**.

It is all the more worrying as these practices were, a priori, authorized by a “judicial body” but were also hidden by the perpetrators. Moreover, it is worth recalling the basic rules of criminal law which state that **every person is presumed innocent until proved guilty**. This is the foundation of every criminal justice system and all suspects must be looked at from the angle of innocence until when the cases are proved against them.

As civil society, we demand and call upon:

1. The EU Special Representative for Foreign Affairs to take immediate and effective action to ensure the safety of Samer Al Arbeed, in particular to make a public statement to demand his release and arrange the highest level of investigation into the case of his torture;
2. The European Union to exclude Israeli Ministry of Public Security, which includes the Israeli police, responsible for illegal detention practices and routine torture, from EU-funded Research Programs until Israel complies with international law;

3. EU Member states, the International Committee of the Red Cross and UN specialized committees to take measures to pressure the occupying state of Israel to release Mr. Al Arbeed and ensure he gets full health treatment and stop the on-going crime of torture against him;
4. The International Committee of the Red Cross to open an immediate investigation, and to assign a medical committee to investigate the torturing of Mr. Al Arbeed;
5. The UN Secretary General and the rest of the United Nations committees and agencies to take all the required and available procedures and steps to end the Israeli practice of torture and ill-treatment in the Occupied Palestinian Territory. Additionally, to act immediately in actual attempts to hold the Israeli occupation authorities accountable for their crimes;
6. The High Contracting Parties to the Fourth Geneva Convention to hold perpetrators of torture accountable as described in Article 146 and 147.

The case of Mr. Arbeed is unfortunately the result of common and systematic methods in Israeli Detention Centers, which reflect Israeli occupying, illegal, and arbitrary policies, that are crimes against humanity. Reports indicate that 221 Palestinian detainees had died in Israeli prisons since 1967, including 73 as a result of torture.

Sincerely,

1. Mundubat - Eneko Gerrikabeitia, President
2. European Coordination of Committees and Associations for Palestine – Michel Legrand, President
3. La Via Campesina - Elizabeth Mpofu, General Coordinator
4. European Coordination Via Campesina - Paula Gioia, Member of the Coordinating Committee of ECVC
5. The International Fellowship of Reconciliation – french section, Marlène Tuininga
6. Friends of the Earth International - Karin Nansen, Chair
7. Transnational Institute - Lyda Fernanda Forero
8. Broederlijk Delen (Belgium) - Katelijne Suetens
9. Jewish Voice for Peace (Germany) - Iris Hefets
10. Union Juive Française Pour La Paix (UJFP), André Rosevègue, Chair
11. The Israeli Committee Against House Demolitions (Finland) – Syksy Rasanen
12. FIAN International - Sofia Monsalve, Secretary General
13. Border Agricultural Workers Project - Carlos Marentes
14. L'autre syndicat - Philippe Sauvin
15. Bangladesh Agricultural Farm Labour Federation (BAFLF) - Abdul Mazid, General Secretary
16. Movement for Land and Agricultural Reform - Chintaka Rajapakse
17. Plantation Movement – S. T. Ganeshalingam
18. Lanka Farmers Forum - Ranjit Senarathne
19. People's Movement for Plantation Community Land Rights
20. Grassroots International - Chung-Wha Hong, Executive Director
21. BIZILUR - Asociación para la Cooperación y el Desarrollo de los Pueblos - Miren Zufiaurre Astigarraga, President
22. California Progressive Alliance

23. Pakistan Kissan Rabita Committee - Farooq Tariq, General Secretary
24. Association France Palestine Solidarité (AFPS) – Bertrand Heilbronn, President
25. Palestine Solidarity Campaign UK – Ben Jamal, Director
26. Global Justice (UK) – Nick Dearden
27. Cultura è Libertà (Italy)– Alessandra Mecozzi
28. Belgian Campaign for the Academic and Cultural Boycott of Israel – Herman De Ley
29. Gibanje za pravice Palestincev (Slovenia) – Nada Pretnar
30. Association belgo-palestinienne (ABP) - Pierre Galand, Chairman
31. Finnish-Arab Friendship Society - Ilona Junka, Chairperson
32. Women im Black (Austria) – Angela Waldegg
33. New Weapons Research Group (Italy) - Andrea Balduzzi
34. Association des Universitaires pour le Respect du Droit International en Palestine (L'AURDIP) – Hasna Abid
35. Red Jubileo Sur Américas - Sandra Quintela
36. DocP, the Netherlands - Sonja Zimmermann, Chair
37. Ecologistas en Acción-Spain – Tom Kucharz
38. Nederlands Palesitna Komitee
39. BDS Berlin
40. Iniciatíva za spravodlivý mier na Blízkom východe