



8 March, 2010  
Ref: AA-117-10- AS

To  
Dr. Leonid Eidelman  
Chairman, Israel Medical Association

Re: **Physicians' Involvement in Torture and/or Cruel, Inhuman  
or Degrading Treatment**

Greetings:

First, let us congratulate you upon assuming the position of Chairman of the Israel Medical Association. We wish you success in promoting the professionalism and ethical commitment of medical personnel as well as furthering an egalitarian public health system in Israel and the Occupied Territories.

We would like to request of you that the Israel Medical Association take the following actions:

1. Summon before the Ethics Committee those physicians named in the following medical reports in order to investigate the nature of their involvement in a case in which torture and or inhuman, cruel or degrading treatment may have been employed against detainee Jihad Riad Abed el-Karim Mugrabi, holder of ID number 850078189. Should the IMA lack the authority to investigate, we request that it submit a complaint on this case to the Ministry of Health.
2. In particular, we would like to know why physicians who witnessed the violence used against Mr. Mugrabi failed to fully document and report it to anyone outside their place of employment, as they are required to do in accordance with international treaties pertaining to physicians' involvement in torture or cruel, inhuman or degrading treatment.
3. Inform us of the action that the IMA intends to take with regards to the fact that physicians routinely transfer patient information to GSS interrogators, in violation of medical ethics and treaties pertaining to torture as well as the Patients' Rights Law and the Privacy Protection Law.
4. Publicize physicians' duties as regards the identification and protection of victims of torture and/or violence.

**Mr. Mugrabi's complaints are described below as per two affidavits given before an attorney from the Public Committee against Torture in Israel (PCATI): the first on June 12, 2008 and the second on August 11, 2008. Complaints in reference to both affidavits have been submitted to the Attorney General:**

1. Mr. Mugrabi was arrested at his home in Tulkarm on April 26, 2008 at about 23:00. He was transferred blindfolded and shackled with plastic cuffs to an unknown location, where he underwent a medical examination. He was also made to respond to a questionnaire on his medical history. Mr. Mugrabi was then transferred to the Kishon detention and interrogation facility. Upon his arrival at Kishon, he was examined by a physician and declared not be suffering from any medical problem.

2. Throughout the first 20 days of interrogation, with the exception of Fridays and Saturdays, Mr. Mugrabi underwent intense interrogation. He was held for hours on end in the interrogation room with his hands tied behind the back of a chair that was bolted to the floor, except for short breaks to eat, drink or use the toilet. An interrogator known as "Maimon" struck Mr. Mugrabi on the forehead and head with his hand; more than once, he held him by the shirt and threw him on the chair he was sitting on with his hands tied behind him, causing his back to receive the blow. Mr. Mugrabi testified that he experienced back pain even after the interrogation ended.

3. After about 20 days of interrogation, a police officer took Mr. Mugrabi's testimony, and he was transferred to Beer Sheva prison for a number of days. From there, he was returned to the solitary confinement cell at Kishon. The interrogator at Kishon told him that he had been returned to Kishon instead of a regular prison mistakenly, and he was subsequently transferred to Megiddo Prison, where he remained for about a week. Mr. Mugrabi remembers that his last day at Megiddo was a Thursday, when he was taken to court for extension of remand. Upon the court's granting of the extension, he was transferred back to the Kishon interrogation facility, where he was held in solitary confinement for the weekend, without being interrogated. Beginning on 8 June 2008, continual interrogations were reinstated, with Mr. Mugrabi seated for hours on end on a chair that was bolted to the floor, with his hands tied behind its back. For no less than three days he slept only about two hours a night. In his affidavit, Mr. Mugrabi indicated that during the interrogations preceding his affidavit to PCATI's attorney (on 12 June 2008) he was beaten on the arms, pulled by the shirt and thrown back on the chair. On one occasion, his interrogators grasped his jaw, holding his head against the chair. When he complained of the pain caused by this violence, the interrogators only repeated use of the painful methods. The interrogators threatened Mr. Mugrabi with a "military interrogation", arrest of his mother and sisters and demolition of his home. On Wednesday, they told him that his mother had been arrested and that the key to her release was in his hands.

4. It is important to indicate that Mr. Mugrabi was prevented from meeting with an attorney for 40 days. Only on 10 June 2008, his interrogators informed him that the prevention order had been removed. PCATI submitted a complaint on Mr. Mugrabi's behalf to the Attorney General on 28 July 2008 regarding the actions by the GSS and its agents' behavior toward him. To date, no response has been received to this complaint.

5. Even more serious is the fact that after over three months during which Mr. Mugrabi was not charged, he was returned to solitary confinement at Kishon following his hearing on extension of remand on 4 August 2008, where he remained until the evening hours and underwent a short interrogation. The following morning he was blindfolded, handcuffed, and his legs shackled, and placed in a vehicle. According to his estimate, the journey lasted for a number of hours. He was not informed of the destination. When the vehicle stopped, he found himself in an underground parking lot from which he was led into an apartment by three people in civilian clothing.

6. At the apartment he was allowed to wash his face. He was then seated on a sofa by his guards and two of them left the premises. About 15 minutes later, one of his Kishon interrogators, known as "Eldad", came in, shook his hand and asked the guard to remove Mr. Mugrabi's shackles. The interrogator gave Mr. Mugrabi clothes and a towel and told him to take a shower. After the shower, "Eldad" told the guard to leave and the guard took the cuffs with him. "Eldad" offered Mr. Mugrabi sunflower seeds and coffee while he asked him questions. "Major Adi", an interrogator familiar to Mr. Mugrabi from Kishon, then joined them, bringing more food. "Adi" sent "Eldad" to go out and buy a warm meal, and the interrogation continued. Throughout the day, food, seeds and beverages were brought in. They even offered him alcohol and women, but Mr. Mugrabi refused. At almost 20:00, the interrogators informed Mr. Mugrabi that they were keeping him on the premises overnight so that he could think until morning. They showed him how to open up the sofa bed, to operate the television and the electric kettle, then closed the doors and left him alone.

7. After he got ready to sleep, two young people entered the apartment. They yelled, threw him against the couch on which he lay, and struck him all over his body. They punched and kicked him and beat him on the head with the butts of their pistols. Mr. Mugrabi felt he was losing consciousness. The two young men threw him stomach-down on the floor and told him not to move. They handcuffed him and called a physician. The man who arrived was in civilian clothing but had a doctor's bag. He sat Mr. Mugrabi on a chair, removed his shirt and saw the marks left by the blows. He saw that Mr. Mugrabi was unable to breathe and placed an oxygen mask on him. Mr. Mugrabi testified that he had bled from his mouth and head, which had been injured from the blows. The physician bandaged his head and told him to stay seated on the chair. "Adi" arrived. At the physician's request, one of the men who had hit Mr. Mugrabi called for an ambulance. In the presence of the physician and the ambulance staff, "Adi" told the men who had hit Mr. Mugrabi not to tell anyone about what had happened and that if someone asked, they should say that Mr. Mugrabi had fallen down the stairs. The ambulance staff agreed, saying there was no problem, and everyone consented to the version that had been proposed.

8. Mr. Mugrabi was placed in the ambulance on a stretcher, with hands and legs shackled. In the ambulance eyeglasses were placed on him. They arrived at a civilian hospital, where he was taken by stretcher to the emergency room. A physician arrived and asked what had happened. She was told that Mr. Mugrabi had fallen down the stairs. Mr. Mugrabi told her that this was a lie and that he had been beaten. The physician told Mr. Mugrabi that this was not her business and that it was her job to treat him, and that she was not interested in the cause of his injury. Mr. Mugrabi was examined in the hospital by two additional physicians to whom he tried to tell what had happened. These two physicians gave the same response as the first physician. The entire time, a large group of security personnel stood around Mr. Mugrabi. At the hospital his head

injuries were stitched and his chest and shoulders were x-rayed. After about three hours, Mr. Mugrabi was discharged from the hospital. He overheard the interrogator asking the physician to make an effort not to hospitalize him.

9. At the hospital, Mr. Mugrabi heard “Major Adi” saying that there was a problem with the physician that was supposed to receive him back at Kishon as he might give them a hard time. Therefore they decided to wait for the physicians' shift change. When they arrived at Kishon, they waited in the car until the doctors' shifts changed. Before bringing Mr. Mugrabi in to the physician, the guards coordinated their version between them that Mr. Mugrabi suffered from pain from previous surgery. Mr. Mugrabi requested an analgesic from the physician but did not receive one. The physician did not examine him but rather asked him whether he had suffered from anything when he left Kishon, to which Mr. Mugrabi responded that he had not. He tried to tell the physician about the beating but the physician did not respond and the interrogators told Mr. Mugrabi to be quiet.

Mr. Mugrabi was then transferred for a short time to the solitary confinement cell, received a change of clothing and from there was taken to the criminal ward. In one of the cells, he was placed on his back on the bed and shackled to the side of the bed such that he could not move. He was left shackled to the bed until the following noon and was then transferred for a short interrogation during which the interrogator made accusations against him. He was then returned to the solitary confinement cell. On his way to solitary confinement, Mr. Mugrabi encountered a Red Cross representative and asked her to come speak with him. He was then told to shower with legs shackled and received clean clothes instead of the blood-stained ones. He was taken to meet with the Red Cross representative, accompanied by four guards and shackled hands and feet. The Red Cross representative requested that the shackles be removed and the guards tried to refuse, claiming that he was dangerous, but she insisted and the shackles were removed. During the meeting with the Red Cross representative, the physician that had received him upon his return to Kishon entered. He asked Mr. Mugrabi if he would like medication, to which Mr. Mugrabi responded that he certainly would. The physician asked him why he had refused to take medication the previous day, although Mr. Mugrabi had actually requested analgesic medication when he returned to Kishon and certainly did not refuse it. The physician gave him analgesics in the presence of the Red Cross representative.

10. On 11 August 2008, the day Mr. Mugrabi's affidavit was given, he complained of ongoing pain in the rib area, which was sensitive both to touch and to movement of his arm. He also complained of pain where the stitches had been and where he had been beaten on the head. At the time, a wound was clearly healing on his left shoulder. He also stated that while he routinely asked for medication for his headaches, only after repeated requests would he receive an “Acamol” [paracetamol], which was ineffective. On 28 August 2008, PCATI submitted a complaint on behalf of Mr. Mugrabi to the Attorney General regarding the GSS interrogators' actions and behavior towards him. To this day no response has been received to this complaint.

Mr. Mugrabi's documents show the following:

<b>Date</b>	<b>Source</b>	<b>From</b>	<b>To</b>	<b>Content</b> (blanks where our documents were illegible)
3 August 2008	IPS	Kishon Detention Center Clinic <b>Dr. Valery Titievsky</b>	Supervisor of Special Interrogations Unit	Age 18, satisfactory general condition. No complaints. No ongoing illnesses. No psychiatric history, no drug use. Is not treated with medications.
4 August 2008	IPS	Kishon Detention Center Clinic <b>Dr. Olga Marcus</b>	Supervisor of Special Interrogations Unit	In exam: headaches, leg pain, wounds in mouth. Pharynx WNL, ears WNL, health WNL Regular heart sounds Stomatitis Susp. BP 130/90 Pulse___ Moxipen 500 mg 3x/day for 3 days
5 August 2008	Laniado Hospital, Emergency Medicine Division	<b>Dr. Alexander Afansayev</b>		
5 August 2008	Laniado Hospital, Emergency Medicine Division	<b>Dr. Alexander Afansayev</b>		Dx: Assault _____. Laceration of Scalp Contusion of chest Wounds stitched w/local anesthetic Physician follow-up recommended Pain meds as needed Remove stitches in 1 week Discharge 6 August 2008 at 00:55
6 August 2008	IPS	Kishon Detention Center Clinic Emil Arkin		Usually healthy. Was beaten today. Good general condition. Received treatment at Laniado hospital. Refuses antibiotic treatment.
18 August 2008	IPS	Kishon Detention Center Clinic <b>Dr. Fares Suleiman</b>	Head of Special Unit Interrogators	Returned from Ramle Court Satisfactory general condition, fully conscious, no signs of distress. Physical and neuro exam WNL except for stitched wound from about 2 weeks ago, does not know how occurred. Right scalp no signs of infection, stitches removed after disinfecting with Polidin. Denies mental illness or suicidal thoughts
9	IPS	<b>Dr. Alex</b>	Attorney Tahrir	20-year-old prisoner, usually

September 2008		<b>Adler</b> , Chief Medical Officer	Athamleh Mahna, PCATI	healthy. In the past used drugs for about 1½ years. On 6 August 2008 was examined at Laniado hospital ER due to injury (he claimed he was beaten by interrogators). In ER was diagnosed with scalp laceration which was stitched. Chest and rib x-ray normal. On the day of arrival at Kishon detention center, was examined by physician. Physician examined patient and recommended course of antibiotics to prevent infection of the wound but detainee refused treatment. Afterwards, during his stay at Kishon detention center was examined a number of times by physician and serious medical problem was ruled out. After removal of stitches wound is clean, without discharge or sign of infection. Last exam on 31 August 2008: satisfactory general condition, no medical complaints, physical exam WNL.
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To generalize from this specific case:

This is not the first time we turn to the IMA requesting that action be taken to increase awareness among physicians of their duty to document and report cases of violence and/or torture used against their patients. The presence of physicians in IPS jails adjacent to interrogation facilities serves as a safety net for GSS interrogators who employ interrogation methods that range from “moderate physical pressure” to abuse and torture that involve physical and emotional damage, some of which is irreversible.

Past Correspondence with the IMA:

On 12 February 2009, we submitted complaints to Prof. Avinoam Reches regarding six cases in which physicians appeared to turn a blind eye towards torture and/or violence used against their patients. We asked that Professor Reches look into these cases.

On 9 March 2009, the Professor sent an e-mail in English to an extensive mailing list that included entities abroad, as well as PCATI. Professor Reches indicated in his letter that following efforts on his part he was able to locate most of the physicians named in our complaint

and to speak with them personally. Professor Reches stated that most of the physicians denied any connection to the IPS in the past or present. The three who were employed by the IPS vehemently denied involvement in interrogations or torture or medical approval of torture. Professor Reches claimed that if definitive proof could be given beyond prisoners' testimony, the allegations could be better examined more. According to Professor Reches, the allegations could not be confirmed or denied if no additional proof was given beyond indicating the physician's name.

We subsequently wrote to Professor Reches again on 21 May 2009, indicating that his response was insufficient, and demanding that the IMA conduct a comprehensive, in-depth inquiry into the conduct of physicians described in our letter, based on PCATI's "Ticking Bombs" report, particularly as it pertains to physicians' behavior. We also demanded that the IMA take action to increase awareness and assimilation of the rules of medical ethics among physicians in hospitals and detention facilities. We stated that if the IMA was unable to conduct such an investigation, it should refer treatment of the cases described in the report to the Ministry of Health or the Ministry of Justice. Some ten months have since elapsed, and to date no response whatsoever has been received regarding our complaint. The Mugrabi case is unique primarily due to the fact that we have medical documents supporting his affidavit, and that to date law enforcement authorities have avoided investigating his complaint despite its being submitted a year and a half ago.

The Mugrabi case raises the following concerns:

- That physicians who work in IPS facilities adjacent to interrogation facilities and who provide service to interrogees among others, turn a blind eye to violence and/or torture used by interrogators against their patients. They do not document the injuries or patients' complaints and do not report these incidents.
- That hospital physicians ignore prisoners' complaints of violence used against them. They do not adequately document injuries (in this case, for example, size, color, exact location of the injury were not documented) in a manner that would enable identification of their source. Apparently, they do not report these injuries to anyone outside the hospital.
- That the Magen David Adom collaborates with security forces in covering up violence used by security forces against detainees.
- That in this case, a physician or other member of medical staff collaborated with the security forces in their interest, as arises from Mr. Mugrabi's testimony about what occurred at the "house".

In addition, forms that we found in prisoners' medical files show that physicians employed in detention facilities do transfer patients' medical information to the GSS. See for example, the attached form from 2007.

We request:

1. That the IMA conduct an in-depth examination of this case including all medical personnel involved.
2. That the IMA submit a complaint on this case to the Ministry of Health.
3. That the IMA take action to remove physicians from jails that are adjacent to GSS interrogation facilities.
4. That the IMA take action to increase awareness among physicians who work in security facilities and at public institutions of their duty to properly document and report cases in which violence and/or torture may have been employed against prisoners.
5. As part of increasing awareness, we request that the IMA publicize PHR-Israel's booklet "Medical Teams: Prevent Torture" among medical staff. Allow us to remind you that the IMA congratulated PHR-Israel on this booklet during our meeting at your offices on February 10, 2008.
6. That the IMA take action to immediately halt the transfer of patients' medical information from medical personnel to GSS interrogators.
7. That the IMA inform us whether there are physicians or medical personnel from other professions who are employed by GSS, and if so, under what conditions and according to which contracts.

Sincerely,

Hadas Ziv,

Executive Director

Physicians for Human Rights-Israel

Ishai Menuchin

Executive Director

Public Committee against Torture in Israel

Cc:

Dr. Eitan Hai-Am, Director-General, Ministry of Health

Prof. Haim Hershko, Ombudsman, Ministry of Health

Yuval Diskin, Head of General Security Service

Dan Meridor, Minister of Intelligence

Dr. Dini Tishler Orkin, Chief Medical Officer, IPS

Health and Human Rights Team, WHO

Dr. Lars Moller, Manager, Health in Prisons Project, WHO

Dr. Otmar Klobner, Secretary-General, WMA

Chairperson of the Medical Ethics Committee, WMA

IRCT