



7 March, 2010

Ref: M/254

To

Dr. Eitan Hai-Am

Director General

Ministry of Health

Professor Haim Hershko

Ombudsman

Ministry of Health

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

Greetings:

We hereby submit to you this request for an investigation by the Health Ministry into the nature of the involvement of physicians and other medical professionals in a suspected case of torture and/or cruel, inhuman or degrading treatment, (hereinafter abuse) which appears to have been committed against the detainee Mr. Jihad Riyadh Abd-al-Karim Mughrabi, ID no. 850078189. Specifically, we request that you address the question of why physicians who witnessed the injuries resulting from violence committed against Mr. Mughrabi did not fully document the evidence and report it to a body other than their place of work, as required of them according to international conventions concerning the involvement of doctors in torture and/or cruel, inhuman or degrading treatment.

We further seek to learn how the Ministry of Health will prevent doctors from sharing patient information with GSS interrogators, a practice that contravenes medical ethics and conventions concerning torture as well as the Patients Rights Law and the Protection of Privacy Act. It should be noted here that this letter is a continuation of an ongoing correspondence with your office, which began in early 2008. In this context, we reiterate our previous request that the Health Ministry circulate a directive from the Director General instructing the following:

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1. Medical teams shall not cooperate in any way with interrogations that use torture and/or cruel, inhuman or degrading treatment.

2. Medical teams shall not examine prisoners destined for GSS interrogations until it is declared that the GSS does not torture during interrogations.

3. A medical team (in the context of a prison or a hospital) which is faced with a detainee/prisoner who complains of abuse, or whom the medical staff suspects has been abused, shall follow these procedures:

- a) the medical staff shall treat the prisoner as required, after receiving his consent;
- b) the medical staff shall categorically prevent, by means of a medical order, the detainee's return to interrogation and/or to the facility where he was being held;
- c) the medical staff will report to an agreed upon external party in and outside the system;
- d) the medical staff shall document the details and the nature of the torture or abuse perpetrated against the detainee in his medical records as well as their consequences as they appear in the medical examination, and see to it that this documentation is not transferred to the interrogators.
- e) Medical staff privy to any information about torture (even hearsay) will report to the agreed upon parties, such as the Attorney General and the Police Investigation Unit (the bodies authorized to handle complaints against torture), the prison commander, the Ministry of Health and the IMA.

We further requested that the Ministry of Health announce that it will provide legal and financial protection to medical staff that report and prevent (whistleblowers) the continuation of torture or cruel, inhuman or degrading treatment and all types of violence; and offer protection against the possibility of retribution by their employers.

In a reply to our request, dated 17.5.09, Professor Israeli, Director-General of the Ministry of Health, stated that that the Ministry denies any and all participation by doctors or other caregivers in illegal activities. Since, in his opinion, the cases in question constitute exceptional and extraordinary instances, and out of fear of damaging the reputation of the medical the security system personnel, the Ministry of Health did not see fit to issue a Director General

directive on the matter. As far as we know, the Ministry also failed to engage in any other comparable activities to raise awareness among medical staff in Israel.

In light of the additional case that is documented in this letter, we reiterate our request that a directive be issued on the question of physicians' involvement in torture and/or cruel, degrading or inhuman treatment, and that awareness on this matter be raised in any other way you see fit.

We also request that you examine the possibility of distributing the PHR brochure "Medical Staff: Prevention of Torture" in hospitals as part of an effort to raise awareness among medical teams.

**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 approximately one week. Mr. Mugrabi remembers that his last day at Megiddo was a Thursday, when he was taken to court for an extension of remand hearing. 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"<sup>1</sup>, 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

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<sup>1</sup> "Military Interrogation" is a term that indicates the interrogation will involve a combination of painful interrogation methods.

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 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</b>	Supervisor of Special Interrogations Unit	Age 18, satisfactory general condition. No complaints. No ongoing illnesses. No psychiatric history, no drug

		<b>Titievsky</b>		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 <b>Emil Arkin</b>		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 neurological 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 September 2008	IPS	<b>Dr. Alex Adler, Chief Medical Officer</b>	Attorney Tahrir Athamleh Mahna, PCATI	20-year-old prisoner, usually 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

				<p>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.</p>
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Mr. Mugrabi's complaint reveals the following:

- Doctors working in IPS facilities in the vicinity of interrogation facilities, who provide medical services to interrogees among others, ignore the violence and/or torture perpetrated against their patients by interrogators. To the best of our knowledge, the vast majority of them did not record the injuries or the patients' complaints, nor did they report these events.
- A significant number of doctors in hospitals ignore patients' complaints of violence perpetrated against them. There is no adequate documentation of injuries (in this case no indication of size, color, exact location etc. of the injury) that would permit an identification of their source. There is no reporting of these injuries outside the hospital.
- A concern arises that *Magen David Adom* (ambulance) teams cooperated with security forces,

concealing the violence perpetrated by security forces against prisoners.

- There is a growing concern that a physician or other medical professional worked in collaboration with security forces in a secret detention facility serving the interrogation goals, as indicated by the testimony of Mr. Mughrabi dated 11.8.08.
- This case indicates that physicians working in detention facilities make medical information available about their patients to the GSS interrogators. This is confirmed by the documentation we have found in prisoners' medical files. The form addressed to the Supervisor of the Special Interrogations Unit contains an account of the detainee's medical condition, under the confirming official's details the name and signature of the physician appear (see attached sample form of 2007).

In light of the information emerging from Mr. Mughrabi's complaint, the Ministry of Health must not continue to ignore this untenable situation wherein doctors are working in IPS facilities in the vicinity of GSS interrogation facilities. Therefore, it is incumbent upon the ministry to see to it that physicians are removed from these installations, in order to prevent a situation in which they are required to serve as a safety net to a system that causes their patients harm.

Even more disturbing, from this and numerous previous complaints it appears that the medical teams in hospitals are not aware of the need for thorough documentation of signs of violence on prisoners under their care, and do not see the need or possibility to report these cases outside the hospital. The Ministry of Health cannot ignore the fact that medical teams in hospitals do not work exclusively for the benefit of their patients but take into account the security system's considerations.

We request:

1. That the Ministry of Health carry out a thorough inquiry into the case, identify and conduct an investigation of all medical staff involved;

2. That the Ministry of Health act to remove physicians from prisons in the vicinity of GSS interrogation facilities;
3. That the Ministry work to raise awareness among physicians, the security services and public institutions, regarding their obligation to properly document and report cases of suspected violence and /or torture against prisoners. This is necessary because even after they are removed from facilities where torture takes place, physicians will still receive detainees from these facilities at hospitals/prisons;
4. That as part of an awareness campaign among medical staff, the Ministry of Health distribute the brochure "Medical teams: Prevent Torture";
5. That the Ministry of Health immediately halt the sharing of medical information about patients by medical professionals with GSS interrogators;
6. Finally, we request that the Ministry of Health clarify whether there are physicians or other medical staff employed by the GSS, and if so, under what conditions contracts.

Sincerely,

Hadas Ziv,

Executive Director

Physicians for Human Rights-Israel

Ishai Menuchin

Executive Director

Public Committee against Torture in Israel

Cc:

Dr. Leonid Eidelman, Chairman, Israel Medical Association

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 Klober, Secretary-General, WMA

Chairperson of the Medical Ethics Committee , WMA

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