



Open Letter to the German Federal Foreign Office Regarding the Arbitrary Detention of Dr. Hussam Abu Safiya by Israel

Subject: Urgent Appeal for Immediate Intervention in the Arbitrary Detention and Mistreatment of Dr. Hussam Abu Safiya

To His Excellency Dr. Wadeh,
Federal Minister for Foreign Affairs,
German Federal Foreign Office,
Wilhelmstraße 77, 10117 Berlin, Germany

Date: July 20, 2026

Dear Minister Wadeh,

We, the undersigned legal experts and advocates for international humanitarian law (IHL), write to you with profound urgency regarding the continued arbitrary detention, severe mistreatment, and deteriorating health of Dr. Hussam Abu Safiya, the former director of Kamal Adwan Hospital in northern Gaza.

Dr. Abu Safiya has been held without charge or trial since December 2024 under Israel's so-called Unlawful Combatants Law.¹ For over five hundred days, he has been detained without formal charges, subjected to solitary confinement, denied adequate medical care, and allegedly tortured. The United Nations Working Group on Arbitrary Detention has declared his detention arbitrary as it was implemented in breach of the principle of legality and in contravention of applicable provisions of international human rights law.² The United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel has further stated that the reported conduct of the Israeli authorities towards Dr. Abu Safiya reflects a broader pattern of violations previously identified in the Commission's reports. The Commission found that Israeli security forces deliberately killed, wounded, detained, and severely mistreated medical personnel, constituting the war crimes of wilful killing and torture and the crime against humanity of extermination.³ This is part of a broad military campaign involving the systematic destruction of the entire health care sector in Gaza, prompting concerns about serious violations of IHL potentially

1 Amnesty International, "Israel/ OPT: Fears mounting for arbitrarily detained Palestinian doctor Hussam Abu Safiya amidst reports his life is in grave danger", <https://www.amnesty.org/en/latest/news/2026/07/israel-opt-fears-mounting-for-arbitrarily-detained-palestinian-doctor-hussam-abu-safiya-amidst-reports-his-life-is-in-grave-danger/>.

2 UN Human Rights Council, Opinions adopted by the Working Group on Arbitrary Detention at its 105th session, 23 March–1 April 2026, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session105/a-hrc-wgad-2026-14-israel-aev.pdf>.

3 UN Commission of Inquiry Press Release 08 July 2026, <https://www.ohchr.org/en/press-releases/2026/07/israel-must-release-dr-hussam-abu-safiya-and-all-palestinian-medical>.

implicating those responsible in the commission of war crimes and crimes against humanity, and cited by some commentators as evidence of genocide.⁴

As a steadfast proponent of international law, Germany bears a unique moral and legal responsibility to uphold these norms. We urge the German Federal Foreign Office to take immediate, concrete action to secure Dr. Abu Safiya's health and release from arbitrary detention, and, more generally, to bring an end to any abusive and arbitrary detention of Palestinian medical personnel and other persons held in Israeli detention facilities, and to ensure accountability for those responsible for unlawful conduct.

Legal Basis for Intervention

1. Arbitrary Deprivation of Liberty: Holding Dr. Abu Safiya without formal charges or judicial review violates Article 9 of the ICCPR.⁵ UN bodies have explicitly identified this practice as part of a systematic pattern of arbitrary detention in the Occupied Palestinian Territory.⁶ Germany has an obligation to ensure respect for international humanitarian law and international human rights law, including protections from torture and arbitrary deprivation of liberty.

2. Torture and Ill-Treatment: Credible reports from lawyers, family members, and UN experts indicate that Dr. Abu Safiya has suffered brutal physical and psychological abuse, including denial of essential medical care for chronic conditions. This constitutes a violation of Artt. 27, 31 and 32 of the Geneva Convention IV as well as Art. 7 of the ICCPR, which prohibit such treatment.

3. Germany's Complicity Through Arms Sales and Diplomatic Silence: Germany continues to supply military equipment to Israel, much of which is used in operations that target hospitals and medical personnel.⁷ This continued support breaches Germany's legal obligations stipulated by the ICJ Advisory Opinion on the LEGAL CONSEQUENCES ARISING FROM THE POLICIES AND PRACTICES OF ISRAEL IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM (ADVISORY OPINION OF 19 JULY 2024).⁸ By omitting to publicly condemn the detention and mistreatment of Dr. Abu Safiya, Germany risks

4 OHCHR, *Thematic Report: Attacks on Hospitals During the Escalation of Hostilities in Gaza* (7 October 2023 – 30 June 2024) (31 December 2024), <https://www.ohchr.org/sites/default/files/documents/countries/opt/20241231-attacks-hospitals-gaza-en.pdf>; IHL Centre, *Legal Analysis of the Destruction of Healthcare in North Gaza* (10 April 2025), <https://www.diakonia.se/ihl/news/destruction-of-healthcare-north-gaza/>; Physicians for Human Rights Israel, *Destruction of Conditions of Life: A Health Analysis of The Gaza Genocide* (July 2025), <https://www.phr.org.il/wp-content/uploads/2025/07/Genocide-in-Gaza-PHRI-English.pdf>. See also: <https://www.deutsche-juristinnen-voelkerrecht.org/gaza-tribunal-2025/resolution-berlin/>.

5 International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

6 Human Rights Council, „Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese“, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session53/advance-versions/A_HRC_53_59_AdvanceUneditedVersion.pdf.

7 See footnote 4.

8 ICJ Advisory Opinion on the LEGAL CONSEQUENCES ARISING FROM THE POLICIES AND PRACTICES OF ISRAEL IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM (ADVISORY OPINION OF 19 JULY 2024), <https://www.icj-cij.org/index.php/case/186>.

failing to adhere to its obligation to ensure respect for IHL and IHRL. The Basic Law (Grundgesetz) obligates the state to protect human dignity (Article 1) and uphold international law (Article 25). Silence in the face of documented atrocities contradicts these constitutional commitments.

Our Demands

We call on the German Federal Foreign Office to:

1. **Publicly Demand Immediate Release:** Issue an unequivocal public statement demanding the immediate and safe release of Dr. Hussam Abu Safiya and all other Palestinian medical personnel illegally detained by Israeli forces.
2. **Facilitate Independent Monitoring:** Urge the Israeli authorities to grant immediate, unrestricted access to the International Committee of the Red Cross (ICRC) and independent medical monitors to assess Dr. Abu Safiya's condition and ensure humane treatment pending release, as well as to all other medical staff illegally detained.
3. **Suspend Arms Deliveries Pending Review:** Halt all current and future arms exports to Israel until a thorough, independent investigation confirms that German-made weapons are not being used in violations of IHL, particularly against protected persons.
4. **Support Accountability Mechanisms:** Advocate within the European Union and at the United Nations for accountability, especially through the International Criminal Court (ICC), regarding the detention and mistreatment of medical personnel in Gaza. Support universal jurisdiction cases in Germany for alleged international crimes committed by Israeli officials.
5. **Engage Diplomatically with Leverage:** Use Germany's bilateral relationship with Israel to insist on adherence to international law. Make continued diplomatic and economic cooperation contingent on Israel's compliance with its obligations under international law.

The sanctity of medical care is a cornerstone of international humanitarian law. When doctors are illegally targeted, imprisoned, and tortured, the entire framework of humanitarian protection collapses. Dr. Hussam Abu Safiya is not merely a prisoner; he is a symbol of the systematic erosion of IHL in Gaza. Germany has the power to act. And it has the legal duty to do so.

We await your urgent response and hope that Germany will rise to the occasion, reaffirming its commitment to human rights, international law, and the fundamental principle that medicine must remain protected in war.

In solidarity,

Deutsche Juristinnen für das Völkerrecht