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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR
REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND
TERRITORIES**

Extrajudicial, summary or arbitrary executions

Report of the Special Rapporteur, Mr. Bacre Waly Ndiaye,
submitted pursuant to Commission on Human Rights
resolution 1997/61
Addendum
Country situations

Introduction

1. This addendum to the report on extrajudicial, summary or arbitrary executions describes 86 country situations and gives an account of actions undertaken by the Special Rapporteur between 2 November 1996 and 31 October 1997. It also contains in summary form the replies received from Governments to his communications, as well as observations of the Special Rapporteur where appropriate.
2. Owing to restrictions on the length of documents, the Special Rapporteur was obliged to reduce considerably details of communications sent and received. As a result, requests from Governments to publish their replies in their totality could not be acceded to. For the same reason, responses from sources to requests of the Special Rapporteur, although of great importance to his work, are only reflected very briefly in the report.
3. In the report, the dates included in parentheses refer to the dates of Government replies and those of transmission of urgent appeals. The dates on which the Special Rapporteur transmitted allegations of violations of the right to life, that is 14 February 1997, 30 May 1997, 13 and 27 August 1997 and

29 September 1997, are not mentioned in the report.

I. COUNTRIES

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Israel

Information received and communications sent

235. By way of exception, as these allegations had come to the light only in 1996, the Special Rapporteur transmitted the alleged violations of the right to life of Subhi Abu Jamea and Majdi Abu Jamea, aged 17 and 20 respectively, on 13 April 1984 in the Gaza Strip. It was brought to the Special Rapporteur's attention that Subhi Abu Jamea and Majdi Abu Jamea, responsible for the hijacking of a bus, were reportedly killed after being taken into custody by members of Shabak, the Israeli security services, upon an order given by the head of Shabak. At the time, Israeli authorities had reportedly announced that the two had died as a result of injuries sustained in beatings by Israeli security forces and hostages following their surrender.

Communications received

236. The Government provided a reply to several cases transmitted during 1996. With regard to the case of Abd-Al-Nabi Quanaze, who reportedly died in Keziot Military Detention Centre after having been tortured by other detainees, the Government informed the Special Rapporteur that there was no reason to take measures against the army officers involved because the activities of the various persons in charge of local security and guarding prisoners had proved to be beyond reproach. Regarding the case of Muhammad Mousa Abu Shaqra, who reportedly died as a result of torture by other inmates in Keziot Military Detention Centre, the Special Rapporteur was informed that the activities of the persons in charge of the prison were found to be beyond reproach and the file was closed as police investigations could not ascertain the person directly responsible for the murder. With regard to the cases of 'Abd Al-Rahman Al-Kilani and 'Adel 'Ayad Yusef Al-Shehetit, who reportedly died in Megiddo Military Detention Centre, the Government affirmed that they were killed by fellow prisoners and that no fault has been found with the actions of the detention facility staff.

237. In regard to these cases, the Special Rapporteur was further informed that prisoners threatened by other prisoners are usually separated but that tighter security would require 24-hour surveillance by soldiers in the detention facilities, which was counter to the interest of allowing prisoners to conduct autonomous lives in the facility (11 February 1997).

Observations

238. The Special Rapporteur is concerned at the deaths which occurred in custody as a result of violent acts committed by fellow prisoners which remained apparently unnoticed by the persons in charge of the security in the detention centres. He is even more concerned that no persons were found to be responsible as no faults were found with the actions of the staff.

239. In this context, the Special Rapporteur should like to note that staff of detention facilities have the duty to protect the right to life of detainees. In accordance with rule 27 of the Standard Minimum Rules for the Treatment of Prisoners (d)iscipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life. Further, the right of detained persons to be treated with humanity and with respect for the inherent dignity for the human person cannot be understood to include allowing prisoners to conduct autonomous lives in detention facilities to the extent that crimes can be committed with impunity within the prison.

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II. OTHERS
Palestinian Authority

Information received and communications sent

436. It was brought to the Special Rapporteurs attention that in certain detention centres in Gaza and the West Bank, i.e. Jneid and Jericho, systematic torture and ill-treatment are alleged to be taking place. From July 1995 to December 1996 at least nine persons were believed to have died in the custody of the Palestinian security services as a result of torture. Burning with electric elements and cigarettes, suspension upside-down from a hook in the ceiling as well as repeated beating were said to have led to the death of several detainees. It was further reported that, despite the fact that investigations were said to have been conducted in some of these cases, the findings and conclusions of the investigations were never published. Members of the Palestinian Preventive Security Service (PSS), the Naval police (bahriyya), as well as members of the intelligence service (mukhabarat) appear to have been involved in the reported cases of deaths in custody.

437. In addition, it was reported that in some cases, even when those responsible for the deaths had been brought to justice, information regarding the circumstances of the persons deaths had not been made public. This is reported to have occurred in the cases of Mahmud Jumayel, who reportedly died in custody on 31 July 1996 in Jerusalem, and of Azzam Muslah, reportedly killed while in the custody of the PSS in Ramallah on 28 September 1996.

438. The Special Rapporteur sent urgent appeals on behalf of the following persons sentenced to death:

(a) Kheireddin al-Bheisi, Faras al-Bheisi and Mohammad al-Bheisi, reportedly sentenced on 6 March 1997, just 36 hours after their detention, in a single session, and without the right to appeal (14 March 1997);

(b) Major Fathi Freihat, Mahmoud Zayyid and Wael Ghanem, reportedly sentenced on 3 July 1997 two days after their detention. It was further reported that their appointed counsel did not appear in court to plead (8 July 1997);

(c) Fawzi Muhammad Mahmud Sawalha, reportedly sentenced on 12 August 1997. According to the information received, Fawzi Muhammad Mahmud Sawalha was tortured to extract a confession and his lawyers were intimidated by the authorities (27 August 1997).

439. The Special Rapporteur also sent allegations regarding violation of the right to life of the following persons:

(a) Who reportedly died in custody as a result of torture: Faiz Hana Kumsiveh on 17 January 1997 in Bethlehem; Muhammad Atwa Abd al-Majid al-Amur on 21 June 1995 in the Gaza strip; Tawfiq Subaih al-Sawarkeh on 27 August 1995 in Gaza Central Prison; Yussef Ismail Al Baba on 1 February 1997 in Rafidiyye Hospital following his arrest the same day on criminal charges and his interrogation by officials of the Palestinian Military Intelligence; Khaled Isa al-Habal on 11 August 1996 in Ramallah;

(b) Who reportedly died in custody under other circumstances: Rashid Daoud Rashid al-Fetyani, reportedly killed by a guard in the district prison of Jericho on 3 December 1996, following an argument which led to a fight between them;

(c) Yusuf al-ShaRawi, who reportedly died on 26 May 1996 of a shot in the head while being interrogated by a policeman in Gaza;

(d) Riba Nidal Hindi, an 11-year-old girl, reportedly killed in Gaza during a shoot-out between rival

members of the police and the PSS;

(e) Nahed Mujahed Dahlan, who reportedly died on 7 August 1996 in a hospital in Khan Yunis after he was found with signs of scars and bruising. It was reported that the week before his death he was every evening summoned for interrogation by members of the mukhabarat, who would let him go home every morning. It was also reported that the autopsy report, which was never made available to his family, concluded that he had committed suicide;

(f) Hanan Ahmad Mahmoud Qasham (female), who was reportedly killed on 17 April 1997 when persons alleged to be members of the PSS reportedly fired without warning on a civilian car five kilometres from the village of Rammoun.

Communications received

440. In response to the urgent appeal sent by the Special Rapporteur on behalf of Fathi Freihat, Mahmoud Zayyid and Wael Ghanem, the Permanent Observer for Palestine to the United Nations reported that it was transferred to the competent authorities in the Palestinian Authority (10 July 1997).

Observations

441. The Special Rapporteur is concerned about the numerous reports received regarding the occurrence of deaths in custody, especially when resulting from torture. The Special Rapporteur urges the authorities to investigate all alleged violations of the right to life, to bring those responsible to justice and to provide compensation to the victims families. The Special Rapporteur is further concerned about the use of the death penalty after trials alleged to fall short of international fair trial standards.

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