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COMMISSION ON HUMAN RIGHTS
Fiftyfourth session
Item 8 (a) of the provisional agenda

**QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO
ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:
TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT**

Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted
pursuant to Commission on Human Rights resolution 1997/38

Addendum

Summary of cases transmitted to Governments and replies received

...

Israel

By letter dated 11 June 1997, the Special Rapporteur transmitted to the Government the cases summarized in the paragraphs below.

Musa Masharqeh, an asthma sufferer, was reportedly arrested on 7 March 1995 and detained in Ramallah prison. He was reportedly made to wear dark welders' glasses to disorient him; subjected to prolonged sleep deprivation; held in solitary confinement; subjected to shabeh (forced to remain in uncomfortable positions for long periods); exposed to cold temperatures; subjected to violent shaking several times; and threatened with death or rape of family members.

Daher Muhammad Salah Abu Mayaleh was reportedly arrested on 15 February 1996 and detained in Ashkelon prison. He was allegedly shaken violently, as a result of which he lost consciousness for five hours. After having been given some ammoniac to smell, he was reportedly further interrogated and tortured over the course of the next 30 days, including further violent shaking and sleep deprivation while seated on a low bench.

Bashar Tarabieh, a consultant for the United States-based organization Human Rights Watch and a United States resident, was reportedly arrested on 19 August 1996 and taken to Jalameh prison near

Haifa. He was allegedly hooded, tied to a chair with his hands and feet bound, forced to sit for hours in contorted positions and denied regular meals. During interrogation, he was reportedly questioned about his work for Human Rights Watch.

Azam Aarda was reportedly arrested on 16 October 1996 and detained at Jalameh/Qishon prison. He was allegedly forced to sit handcuffed and hooded in painful and contorted positions, subjected to prolonged sleep deprivation and beaten over the course of three weeks.

Iyad Abu Hamdieh was reportedly arrested on 3 April 1997 on suspicion of connections with Hamas and interrogated at Shikmah prison. He was allegedly forced to squat, despite suffering from rheumatism in his legs, kicked repeatedly in the legs, subjected to violent shaking, and held in shabeh next to a cold air conditioner.

Ayman Kafishah was reportedly detained in Shikmah prison on 5 April 1997. Several interrogators allegedly tortured him during his first 36 hours of detention. The forms of torture used were said to include: violent shaking; tightening the cuffs on his wrists thereby cutting off the blood flow; having his hands struck against a table; being forced to squat; being forced to sit in painful and contorted positions for prolonged periods; being forced to sit through the night next to an air conditioner; being deprived of sleep; being subjected to threats that his family members would be arrested and ill-treated; and being prevented from using the toilet.

Urgent appeals transmitted and replies received

The Special Rapporteur made urgent appeals, on the dates mentioned in brackets, on behalf of the following persons reportedly detained at al-Khiam detention centre in southern Lebanon: Ahmad Kamil Sa'id, a secondary school student from South Lebanon, reportedly arrested by the Israeli Defence Force on 2 June 1997 and held incommunicado (19 June 1997); Ghassan Ali Eisa, Huda Assad Alla Hamada, Khalil Karnaib, Suleiman Karnaib and Haydar Ali Eissa, allegedly arrested in the village of Maron al-Ross by the South Lebanon Army in July 1997; Huda Hamada, an epilepsy sufferer, was said to have been denied access to medication (22 August 1997); 'Abbas Muhammad 'Atiya, Muhammad Salim Qataih, Mustafa Jawad Tubej and Qasem Lutfi 'Assaf, reportedly arrested on 2 October 1997 by Israeli forces searching the village of Arnum, South Lebanon (7 October 1997); Taysir Dabaja, Na'ima Faysel Jaber, Khaled Idris, Bisam 'Ali Hamdeh, Bilal Ibrahim al-Ashqar, Bilal Kayed Faraj, Mazen 'Abdallah, all students under the age of 16, and Zeinab Naser, reportedly arrested between 10 and 14 October 1997 by Israeli forces in their villages situated in Israel's security zone in southern Lebanon (16 October 1997).

Ali 'Abd al-Nabi 'Atiya, aged 17, reportedly arrested on 22 October 1997, Muhammad Hassan Hasshem, aged 52, Khalil Hassan Hashem, Akram Ba'Ibeki, Yahiya al-Asmar, Fahd Rimal, Yahiya 'Abbud, Baahiya Ba'Ibeki (female) and Usama Nur al-Din, all reportedly arrested between 22 and 26 November 1997 (2 December 1997); Almaza Ibrahim (female), Nadim Husayn Sa'b, and 'Atef Hassan Hashem, allegedly arrested on 26 and 28 November 1997 (4 December 1997). In the last two urgent appeals the Special Rapporteur also raised reports that visits from the International Committee of the Red Cross or detainees relatives had been prohibited at al-Khiam detention centre since 10 September 1997, heightening concern for the detainees' well-being.

By letters dated 23 September and 21 October 1997, the Government responded to the first three urgent appeals denying any responsibility for al-Khiam detention centre which, it stated, is controlled by the South Lebanon Army. It added that the centre had been visited by the International Committee of the Red Cross on a regular basis. The Government further stated that the presence of the Israeli Defence Forces in the zone is limited and restricted to specific and defined security objectives and could, as a consequence, not bear any other responsibility for the zone and matters happening within it.

On 21 November 1997, the Special Rapporteur made an urgent appeal on behalf of Ashraf Rafiq

Salim Nasrallah, reportedly arrested on 1 November 1997 and detained at Shikma (Ashkelon) prison, where he had allegedly been tortured by General Security Service (GSS) interrogators. He was said to have been subject to shabeh, obliged to sit on a small chair 30 cm high with his hands and legs shackled and a sack over his head, and obliged to squat repeatedly in frog position. Loud music was reportedly played continuously. A petition filed with the Israeli High Court by his lawyer was reportedly withdrawn on the basis of assurances given by the Government that no physical force would be used. On 18 November, the authorities allegedly prohibited further visits from his lawyer, a decision which was upheld by the High Court. On 19 November, a new petition against the use of force by the GSS was reportedly submitted to the High Court.

Information received from the Government on cases appearing in previous reports

On 26 December 1996 the Government replied to the cases of Muhammad 'Abd al-'Aziz Hamdan and Khader Mubarak, who were allegedly subjected to physical pressure during interrogation said to have been allowed by Israeli Supreme Court rulings (see E/CN.4/1997/7/Add.1, paras 272 and 273). In its reply, to which the Supreme Court rulings were attached, the Government stated that the Court had not granted the General Security Service a general mandate to use physical pressure. In the case of Muhammad 'Abd al-'Aziz Hamdan, the Government referred in particular to the Court's statement that a clear suspicion of the possession of extremely vital information, the immediate disclosure of which would prevent a terrible disaster, would save human lives and would prevent the most serious terrorist attacks, justified the cancelling of the interim injunction prohibiting the use of physical pressure. This decision was, however, not tantamount to permission to use interrogation methods which were against the law, the Court stated. The Government further stated that the Court, with the agreement of the General Security Service, had issued another injunction prohibiting the use of physical pressure in the interrogation of Mr. Hamdan. In the case of Khader Mubarak, the Government referred in particular to the Court's statement that it had been assured that the handcuffing of the petitioner was not for the purpose of interrogation and that the hands of the interrogatee were not stretched behind him and that all steps were taken to ensure that, as much as possible, the handcuffs did not press or rub the wrists of the interrogatee, but that handcuffing as described

by the petitioner was prohibited. The Government further assured the Special Rapporteur that no detainee would be subject to torture at the hands of Israeli officials.

In December 1996, the Government also replied to the case of Fu'ad Shamasneh who had allegedly been hooded with a sack, deprived of sleep, kept in a painful position and whose arm had reportedly been dislocated while in detention (see E/CN.4/1997/7/Add.1, para. 269). In its reply, the Government stated that the Department for Investigations of the Police in the Ministry of Justice had investigated the complaints. On the basis of the results of the investigation, which included interviews with the interrogators, Mr. Shamasneh himself, and the examination of relevant detention records, the Government stated that there was no indication that Mr. Shamasneh suffered any injury and that the findings did not justify any steps against the interrogators.

In February 1997, the Government replied to the case of Muhannad Abu Rumi who was allegedly kept in incommunicado detention in the Moscobiyyah police detention centre in Jerusalem following his arrest in Hebron on 18 November 1996 (see E/CN.4/1997/7/Add.1, para. 274). In its reply, the Government confirmed his arrest which, it stated, had taken place on suspicion of involvement in terrorist activities of the Islamic Jihad. Regarding his access to legal counsel, the Government stated that his petition had been dismissed by the Supreme Court which was satisfied that the factual and legal circumstances of the case justified the postponement of Abu Rumi's meeting with his lawyer in the interests of the investigation. He was permitted to meet his lawyer after 11 December 1996. The Court had also noted the statement by the attorney for the General Security Services that his interrogation was carried out without the use of physical pressure. He was tried, convicted and sentenced by the military court of Hebron while being represented by counsel of his choice.

By letters dated 20 January and 21 February 1997 the Government responded to the case of Dr.

George Kalim Nakd, who was reportedly arrested on 1 November 1996 by the South Lebanon Army and detained at al-Khiam detention centre in southern Lebanon (see E/CN.4/1997/7/Add.1, para. 271). In its reply, the Government stated that al-Khiam detention centre is controlled by the South Lebanese Army and that neither the Israeli army nor the Israeli General Security Service conduct investigations at al-Khiam, nor are they responsible for what occurs in the centre. It added that representatives of the International Committee of the Red Cross had visited al-Khiam and also noted the release of Mr. Nakd as of 23 January 1996.

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Other communications: information transmitted to the Palestinian Authority

On 2 December 1997, the Special Rapporteur transmitted to the Palestinian Authority an urgent appeal on behalf of Abd al-Hakim Ahmad Bani Odeh who was said to have been held in Jneid Prison in Nablus since 11 November 1997. He was reportedly beaten on the legs by members of the Palestinian Preventive Security Service during interrogation and was said to have been interrogated throughout the night following a telephone call from Amnesty International to the prison directorate inquiring about his situation. Requests for access by his family and lawyer had reportedly been unsuccessful.

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