

PALESTINIAN AUTHORITY

Death in custody of Mahmud Jumayel

“This man has been subjected to a sustained assault in which he has been extensively beaten and has had multiple burns inflicted on him... it is clear this man has died as a result of torture.” Dr Christopher Milroy, Senior Lecturer, Department of Forensic Pathology, University of Sheffield.

Mahmud Jumayel, age 26, died on 31 July 1996 in Hadassah Hospital, Jerusalem. He had been admitted to hospital following severe torture over a three-hour period on 27 July 1996 by members of the Naval Police (*bahiriyya*) in Jneid Prison, Nablus, West Bank. It is believed that Mahmud Jumayel was hung upside down by the ankles and beaten by numerous members of the Naval Police. He reportedly fell and his skull was fractured. He was hidden under a blanket and taken to Rafidiyya Hospital in Nablus where he was admitted under the false name of Ahmad Sa'id al-Sabbah. On arrival he was found to have suffered a cardiac arrest and resuscitation was attempted. However, when hospital staff reestablished his heart beat he was found to be brain dead.

Suspension by the ankles during beating

In an apparent attempt by the authorities to cover up the death, Mahmud Jumayel was promptly moved to Ramallah Hospital and admitted under the same false name. That evening, on Saturday 27 July, his mother received an anonymous telephone call telling her that her son was in hospital. When the family went to Rafidiyya Hospital they were told Mahmud Jumayel had been moved to Ramallah. On arrival in Ramallah Hospital, they were told that there was no one of that name in intensive care. Mahmud Jumayel's mother ran past hospital staff into the intensive care unit and saw her son on a life-support machine, covered in burns, bruises and whip marks.

Mahmud Jumayel's body was photographed in hospital (see page 5). Amnesty International received copies of these photographs and referred them to a forensic pathologist for comment. The photographs show a pattern of bruising which the pathologist states are “in keeping with having been caused by being hit with electric cable or similar material. These injuries are present on the chest, abdomen and back. Probably 50 or more blows have been delivered.” There were also 20 or more U-shaped burn marks, many of them deep. The pathologist commented that they were “in keeping with having been delivered with an electric element such as is used in a kettle. Probably 20 or more such injuries have been inflicted to the chest, abdomen, back and limbs.”

On 30 July, Mahmud Jumayel was transferred to Hadassah Hospital in Jerusalem at the request of his family, who hoped that he might be resuscitated there, but he died on the night of 31 July. At the request of his family no autopsy was performed.

Mahmud Jumayel is the seventh person to have died apparently as a result of torture in the Palestinian Authority since July 1995. Since then two further detainees, Nahid Dahlan and Khaled Habal, have died in circumstances which suggest that torture under interrogation may have been a major factor in their deaths.

BACKGROUND

Mahmud Jumayel was arrested on 18 December 1995 while seeking clarification from the authorities on the fate of his brother Mu'ayyad who had earlier been arrested. Others, such as Ahmad Tabuk and Naser Jum'a, were arrested and detained with Mahmud Jumayel in Jericho. They had been active during the Palestinian *intifada* and had been strong supporters of the *Fatah* movement headed by Yasser Arafat. None of them were ever charged or tried during their detention. Their families were repeatedly told that their sons would be released "soon".

Naser Jum'a was a close friend of Mahmud Jumayel, and had shared a cell with him for months in Jericho. He was also tortured on 27 July. He stated that he was hung up and beaten throughout the night by the Naval Police. They apparently interrogated him about visits to Jordan and Syria. He said that the night was the longest of his life and that when the beating stopped he thought he would die. At the time of writing, Naser Jum'a remains detained without charge or trial in Jneid Prison, apparently still unaware that his friend is dead.

It is unclear why Mahmud Jumayel and Naser Jum'a were suddenly brutally tortured by the Naval Police following their transfer to Jneid Prison on 26 July. They had already been in custody since December 1995 in Jericho, apparently without having been ill-treated.

EVENTS AFTER THE DEATH OF MAHMUD JUMAYEL

Following the death of Mahmud Jumayel, there were angry protests from within the Palestinian Authority and abroad. President Yasser Arafat ordered an investigation and the Palestinian Legislative Council also established a Commission of Inquiry. Three members of the Naval Police were tried before the State Security Court in Jericho on 3 August 1996, charged under Article 384(a) of the 1979 PLO code which relates to unintentional death. Captain 'Abd al-Hakim Hijjo and Lieutenant 'Umar Qadumi were sentenced to 15 years' imprisonment with hard labour and Sergeant Ahmad Biddo to ten years' imprisonment with hard labour. However, the trial, which lasted two hours including a half-hour adjournment, was grossly unfair: the defendants had a state-appointed military lawyer who offered no defence, no witnesses were called and no information was given as to who had ordered the torture.

No results have been made public from the investigation ordered by President Yasser Arafat into the death. In fact, none of the procedures and results of investigations into any of the deaths in custody under the PA have ever been made public. Neither has the report drawn up by the Legislative Council been made public, although it was discussed in closed sessions of the Council on 14 and 15 August 1996.

Amnesty International remains extremely concerned at the widespread torture taking place in detention centres in the Palestinian Authority. In some centres, such as Jneid, Gaza and Jericho,

torture is systematic. The great majority of political detainees are never charged or brought before a judge. Many have not been permitted access to lawyers. Others are allowed visits from their families or from human rights organizations, but still have no access to lawyers. Amnesty International delegates, including an Arabic-speaking doctor, who visited the Palestinian Authority in August met victims of torture who described severe beatings; burning with cigarettes; beating during suspension from the ceiling, often in contorted positions; and prolonged sleep deprivation. Some of those who lodged complaints were either ignored or were threatened with reprisals if they pursued their complaint.

RECOMMENDATIONS

Following a visit on 15 August 1996 by Norwegian State Secretary Jan Egeland to the Palestinian Authority, President Yasser Arafat stated that he would not tolerate torture and that he planned to establish a Presidential Committee to investigate allegations of torture. Since then it has been announced that the International Committee for the Red Cross has been authorized to visit prisons in all the areas controlled by the Palestinian Authority. Amnesty International welcomes President Yasser Arafat's statements and proposes the following recommendations to the Palestinian Authority to help ensure the promotion and protection of human rights.

➤ Condemnation of Torture and an End to Impunity

President Arafat, on behalf of the Palestinian Authority, should make it clear to all law-enforcement bodies that torture will never be tolerated under any circumstances and that those who have ordered torture or carried out torture will be brought to justice in fair trials.

➤ Immediate Access to Lawyer and Relatives and Prompt Appearance before a Judge

Families, lawyers and doctors should have immediate and regular access to detainees. Detainees should be brought before a judge within the legal limit of 48 hours.

➤ Full and Public Inquiries

Amnesty International calls on the Palestinian Authority to set up a commission of inquiry comprised of persons known for their independence, integrity and commitment to human rights to investigate the use of torture by the security services. The commission should have the power to visit all detention centres and prisons, to take evidence from detainees and other interested persons, and to ensure the protection of witnesses. Its reports should be made public.

➤ Freedom for Human Rights Defenders

Fear of reprisals is creating a climate in which torture can flourish. Human rights defenders, lawyers, and all Palestinians should have the right to raise individual cases of human rights abuse without fear.

➤ End Prolonged Political Detention without Trial

Hundreds of detainees have been detained for more than six months without charge or trial. Some political detainees have been detained for up to two years without trial. Amnesty International calls on the Palestinian Authority to immediately free all prisoners of

conscience. All political detainees should be released unless they are to be promptly brought to trial on recognizably criminal charges.

► **Halt Trials by State Security Courts**

The State Security Courts do not provide the guarantees for a fair trial. State Security court trials should be halted and new, fair trials should be held for those already convicted.

Photographs of the back (above) and the left side and upper arm (below) of Mahmud Jumayel taken on 30 July 1996 when he was brain dead but on a life support system.

