



General Assembly

Distr.
GENERAL

A/C.5/44/11

2 November 1989

ORIGINAL: ENGLISH

Forty-fourth session
FIFTH COMMITTEE
Agenda item 130 (b)

PERSONNEL QUESTIONS: RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

Report of the Secretary-General

INTRODUCTION

1. The General Assembly, in its resolution **43/225** of 21 December 1988, called upon the Secretary-General, as chief administrative officer of the United Nations, to continue **personally** to act as the **focal** point in promoting and ensuring the **observance** of the **privileges and immunities** of officials of the United Nations and **the specialized agencies** and related **organizations** by **using** all **such** means **as** were available to him. It further urged the Secretary-General to give **priority**, through the United Nations Security Co-ordinator or his other special representatives, to **the** reporting and prompt follow-up of cases of arrest, detention and other **possible** matter-a relating to the security and proper functioning of officials of the United Nations and the **specialized** agencies and related **organizations**.

2. The current report, covering the period from 1 July 1988 to 30 June 1989, is **submitted** by the Secretary-General in **pursuance** of the aforementioned **resolution** on behalf and with **the** approval of the Administrative Committee on Co-ordination (ACC). As in previous years, it is based on the **information obtained from** United Nations **subsidiary organs**, offices or **missions** **as well as** **specialized** agencies and **related organizations**. A list of organisations, organs, offices and **missions** that have been **requested** to provide Information is **contained** in annex III to the present report,

3. The reporting period has been marked by one **particularly** disturbing development, namely the report of the **brutal** murder of Lieutenant-Colonel **William Richard Higgins**. Colonel Higgins, an officer of the United States of America, was serving **as** the **chief** of a **group** of military observer⁸ **assigned** to the

United Nations Interim Force in Lebanon (UNIFIL) when he was abducted on 17 February 1988. On 31 July 1989, an announcement at Beirut by his captors stated that he **had** been killed. The Security Council took note with great concern of the reports from Beirut that day, saying that, if **true**, the murder of Colonel Higgins was "**a** cruel and criminal act" (S/20758). On 1 August the **Secretary-General** sent Mr. **Marrack** Goulding, Under-Secretary-General for Special Political Affairs, to the area to **ascertain, as far as** was possible, what had happened to Colonel Higgins. Despite extensive conversations with various parties who may have been in a position to know the **facts**, Mr. Goulding could not obtain definitive proof of Colonel Higgins' fate. On 9 August, the Secretary-General, having received Mr. **Goulding's** report on his **mission**, announced that he had regretfully **come to the** conclusion that it was almost **certain** that **Colonel Higgins** was dead. He said he would continue to try to establish the facts and, if his fears were confirmed, to recover the body.

4. The Middle East continued to be an area of prime concern with the most **cases** of arrest, detention and abduction of officials. Efforts to improve the situation, however, have not produced encouraging results. The number of **cases** of arrest and detention without charge or trial of staff members of the **United Nations Relief and Works Agency** for Palestine Refugees in the Near East (UNRWA) remained very high. There have been regrettable **cases** of abuse of privileges and immunities in certain other regions that required, on a number of **occasions**, the personal intervention of the Secretary-General. At the **same** time, it **should** be noted that in the great majority of **Member** States, privileges and immunities of officials are scrupulously **respected** and any emerging **cases** are promptly **resolved** in a spirit of **close** co-operation between the parties concerned.

5. The Secretary-General, assisted by the United Nations Security Co-ordinator, his special representatives and the respective executive **heads** of the **organizations** concerned have continued, throughout the reporting period, to promote and ensure the observance of the privileges and **immunities** of officials of the United Nations and the **specialized** and related agencies, intervening, if required, with the **Member** States concerned on the basis of the relevant international **legal** instruments. In this endeavour, as in the **past**, they have enjoyed the full support of the **representatives** of the staff unions. While seeking the **co-operation** of Member States in fulfilling their obligation under the **international** instruments in **force**, the **Secretary-General** has **also**, as noted on **several occasions** in his previous reports, been **conscious** of the need to clarify for all officials the **precise** nature, **scope** and functional character of their privileges and immunities.

6. As was indicated in the report of the Secretary-General to the General Assembly at its **forty-second** session (A/C.5/42/14), when staff members of the United Nations and the **specialized** agencies and **related** organisations are **arrested** and detained, both legal and humanitarian considerations are taken into account by the Secretary-General or the executive head concerned in seeking access to them. The legal considerations derive from the relevant **international** instruments on **privileges** and immunities and relate principally to the determination of whether or not a staff member has been **arrested** or detained because of his or her official **activities**. This determination **must** be **made** by the organization concerned and, if the organization determines on the basis of visits to the detained or arrested

staff members that the arrest or detention is related to official functions, then immunity is asserted. **If**, however, the visiting official is satisfied, both from an interview with the detainee and from the charges brought, that the matter is not related to official functions, **there** is no legal basis for asserting immunity and the legal as distinct. from the humanitarian grounds for further intervention by the organisation no longer exist,

7. The humanitarian considerations involved are much broader and, pursuant to such considerations, the Secretary-General or the executive head concerned seeks to ensure that any staff member who is arrested and detained is treated fairly, properly charged and promptly brought to trial.

I. ARREST, DETENTION **AND ABDUCTION** OF OFFICIALS

8. While the majority of cases of arrest, detention or disappearance of officials are resolved to the satisfaction of the Secretary-General, a considerable amount of time is often spent both at Headquarters and at the duty station of **the** official concerned in obtaining such resolution. In particular, the arrest of locally recruited officials sometimes results in protracted negotiations with government officials on the rights of the organisation vis-à-vis the official. It must be recalled that the term "**official**" in the context of the relevant conventions includes all members of the staff, with the exception of those who are both recruited locally and paid at hourly rates. To the great regret and disappointment of the Secretary-General, the number **of** cases of arrest, detention **or** disappearance of officials for which the organisations have not been able fully to exercise their rights has increased substantially in the reporting period. Particulars regarding these cases are contained in the reports submitted by individual organisations and **agencies**, which are **summarized** in annex II to the present report. With particular reference to the present reporting period the following should be added.

9. Despite the serious expression of concern voiced by the Secretary-General in his last report (**A/C.5/43/18**), the number of **UNRWA staff** arrested and detained has remained at the high level recorded **for** the previous year, and has, in fact, marginally increased. During the period 1 July 1988 to 30 June 1989, 157 UNRWA staff were arrested or detained. However, there was a decrease in the number of staff detained by one or other of the militia groups in Lebanon; this number fell from 24 last year, to 11. Nine of the 157 staff were detained twice during the reporting period. Ninety **three** of the 157 staff were arrested or detained and released without charge ~~or~~ trial, including 11 who had been held by militia groups. Right were **charged**, tried and sentenced to various terms of imprisonment.

10. In no case has UNRWA received adequate and timely information on the reasons for the arrest and detention despite requests to the authorities. **UNRWA** has had access to **26** detained staff from the occupied West Bank and to 37 detained staff from the **Gaza** Strip. Several of these staff, however, were being held **in** prisons in Israel, having been **transferred there** from the occupied West Bank and the **Gaza** Strip.

11. **As a result** of the efforts **undertaken** by the Secretary-General, designated officials and officials in the field and with the strong support and activities of the staff unions, it has been possible to achieve the release of many staff **members** who were previously reported as being under arrest or detention.

Mr. **Shimelis** Teklu, a staff member of the Office of the United Nations High Commissioner for Refugees (UNHCR), detained in Ethiopia **since** 2 January 1984, was released in June 1989. In Lebanon, Mr. Omar Mustafa Hussein, a staff member of UNRWA who had been listed as missing since 15 April 1987 **was** also released. Eleven other UNRWA staff members detained in Lebanon during the reporting period **by** militias or unknown elements were released. In Chad, active intervention assured the quick release on 24 May 1989 of Mr. Nasser Dandjita, **local** administrative assistant of the World Food Programme (WFP), who was arrested on 6 May 1989. In Jordan, Mr. Jibril Taher Mohammed Jibril, a staff member of UNRWA, detained since 31 December 1987, and whose case became a matter of strenuous efforts **of** the **Administration** and the **Federation** of International Civil Servants' Association (FICSA), **was** released on 21 February 1989. Of those arrested during the reporting period, 39 staff members of UNRWA in the occupied Gaza Strip and 35 in the occupied West Bank were released without charge or trial. Mr. **Ahmad Mahmoud** Lababidi, arrested in 1988 in the Syrian Arab Republic, Mr. Abdel **Karim Keswamy** and Mr. Jousef **Juma'a**, arrested by the **Syrian** armed forces in 1989 in Lebanon, all of whom are staff members of UNRWA, were released in the first half of 1989. Mr. Khalil **Ahmad Abu Sleema**, also a staff member of UNRWA, arrested in Egypt on 25 August 1988, was released without **charge** or trial on 20 December 1988.

12. The Secretary-General regrets to report that there have been negative developments in respect of some previously reported **cases**. Mr. **Zeidan** Jassin, a locally recruited UNRWA staff member who was listed in last year's report as detained in Lebanon by Syrian armed forces since 27 May 1987 (see **A/C.5/43/18**, annex I), died in prison on 17 December 1988. No additional information has been **received** regarding other staff members of UNRWA listed in the 1987 report (**A/C.5/42/14**) as detained in Lebanon by militias or unknown elements and the Syrian armed forces. There has been no further progress **in** the case of Mr. **Tesfamariam Zeggao**, a staff member **of** the United Nations Economic Commission for Africa (ECA). Despite the personal intervention of the Secretary-General of the United Nations and several interventions by the administration of **ECA**, Mr. **Zeggao**, who has been detained since 2 March 1982, was sentenced by the **First** Instance Court in March 1987 to **life** imprisonment. Details of his case are contained in annex II to the present report.

13. On 18 May 1988, Mr. **Abdul Diallo** and on 22 May 1988 Ms. **Afton Ba Diallo**, staff **members** of the United Nations Development Programme (UNDP), were detained by the Mauritanian authorities to ascertain their nationality. They were subsequently accused of fraudulently obtaining Mauritanian citizenship and expelled to Senegal. These **actions** were immediately protested by the resident representative of UNDP. Further to these representations, on 16 June 1989 the Administrator of UNDP sent to the **Minister** for Foreign Affairs of Mauritania an **aide-mémoire**, in which, **inter alia**, he stated that the actions of the Government of Mauritania not only impeded the proper functioning of the UNDP mission in **Nouakchott**, in contravention of the 1979 Basic Agreement between the United Nations and Mauritania, but also constituted a violation of the provisions of Article 105 of the Charter of the

United Nations. It was pointed out that any **expulsion** of staff members from the UNDP mission in the country would, in the view of the **Secretary-General**, constitute a denial of the immunity guaranteed to United Nations officials by the Charter and considered necessary for the independent exercise of their **functions** in connection with the **Organization**. The Secretary-General felt obliged to intervene twice with regard to this matter. First, during his visit to Mauritania on 20 and 21 June 1989 and secondly, with the Minister for Foreign Affairs of Mauritania at the Assembly of Heads of State and Government of the **Organization of African Unity (OAU)** at Addis Ababa from 24 to 27 July 1989. Despite the **assurance** received by him that the situation would be corrected, these incidents are still pending resolution. It should also be noted with regret that representations made by the Food and Agriculture **Organization of the United Nations (FAO)** failed to prevent the arrest by Mauritanian authorities and expulsion to Senegal of the following five staff members of **FAO**: Mr. Abdoulaye Diaw, Mr. Ndiome Pouye, Mr. Demba Niang, Mr. Amadou Dieng and Mr. Mouhamedou Ba.

II. RESTRICTIONS ON OFFICIAL AND PRIVATE TRAVEL OF OFFICIALS OF THE UNITED NATIONS, THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

14. UNRWA has continued to **meet difficulties** in the movement of staff into and out of the West Bank and the **Gaza Strip**. There has been substantial delay in the **issue** of entry permits and, in some cases, they have been refused. The movement of staff within the occupied territories was also seriously **affected** by frequent imposition of **curfews** and the designation of **areas as closed military zones**.

15. Restrictive regulations imposed by the United States authorities on travel beyond a **25-mile** radius of Columbus Circle, New York, by staff members and their dependants who are nationals of particular countries, remained in force. On 26 January 1989, these restrictions were extended to **non-official** travel of staff members who are nationals of China. This **measure** was protested by the Secretary-General as another **instance of discrimination** in the treatment by the host **country** of staff members of the United Nations Secretariat solely on the basis of their nationality. The Secretary-General maintains the position he has **expressed** on previous occasions that, under the given circumstances, the compliance by individual staff members with such restrictive **conditions** cannot be considered to prejudice the legal position of the United Nations. In the **reporting** period, existing arrangements for official travel in the United States of the United Nations staff members have remained **unchanged**.

16. Some United Nations bodies that are not based in the United States have experienced delays in obtaining G-4 **visas** for entry into the United States by staff members of certain **nationalities**. On **several** occasions, such delays jeopardized the envisaged mission, or have rendered it impossible. In such circumstances, the **management** of United Nations bodies not based in the United States is severely constrained in sending staff members of certain nationalities on urgent **business** to United Nations Headquarters or to Washington-based institutions.

III. TAXATION OF OFFICIALS

17. Section 18 (b) of the Convention on the Privileges and Immunities of the United Nations provides that officials of the Organization shall be exempt from taxation on the salaries and emoluments paid to them by the United Nations. The rationale for this provision is to assure equality of treatment for all staff members, irrespective of their nationality, and to guarantee that funds contributed by Members of the Organization to its budget are not diverted to individual States by means of revenue-raising measures such as an income tax. The Convention on the Privileges and Immunities of the Specialized Agencies envisages in section 39 (b) that officials of the specialized agencies shall enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by these agencies and on the same conditions as are enjoyed by officials of the United Nations. The Secretary-General regrets to report that, notwithstanding the above-mentioned provisions, as has been indicated in the previous reports to the forty-first and forty-third sessions (A/C.5/41/12 and Corr.1 and A/C.5/43/18), a number of States, parties to both Conventions, have continued to impose taxes on the salaries of locally recruited officials.

18. Despite all efforts undertaken by the United Nations and some specialized agencies, there has been no change in Egypt in the recently enacted legislation concerning work permits. Under this legislation staff members of international organizations who are Egyptian nationals are required to obtain, for a considerable fee, work permits. Such a fee amounts to a direct tax on the emoluments of staff members of international organizations and as such is contrary to the provisions of the two Conventions referred to in the preceding paragraph. The Egyptian authorities have been requested to bring Egyptian legislation into conformity with these Conventions.

19. Early in 1988, the tax authorities of the Republic and Canton of Geneva decided to apply a global-rate system (*taux global*) to the taxable earnings of staff members of the United Nations and the specialized agencies at Geneva holding short-term contracts, thus taking into account the exempted income earned by such officials from their organizations in determining the rate of tax on earnings deriving from other sources. That decision seemed to be based on non-recognition of that category of employees as staff members (officials) of organizations in the United Nations common system. On behalf of the United Nations Office at Geneva and all the specialized agencies at Geneva, the Secretary-General took action on this question by sending a letter to the President of the Swiss Confederation, referring in particular to the right of the organizations to freely determine the categories of their personnel whom they considered to be officials, solely within the limits of the relevant charters, constitutions and staff regulations and subject to control only by Member States as collectively represented in the various governing bodies. In May 1989 the Head of the Federal Department for Foreign Affairs informed the Secretary-General that the Federal Council had requested the State Council of the Republic and Canton of Geneva to desist from applying the global-rate system to the taxable income of officials holding short-term contracts and that the Geneva Council of State had acceded to this request.

20. In Burundi, the Government adopted on 31 December 1988 a decree establishing a

service tax on imported or exported articles, including "exempted articles". Such a tax represents a direct tax from payment of which the United Nations and **specialized** agencies are exempt under **section 7** (a) of **the** Convention on the Privileges and Immunities of the United Nations and section 9 (a) of the Convention on the Privileges and Immunities of the **Specialized** Agencies respectively. Therefore, the adoption of the decree gave rise to concerted action on the part of the organizations of the United **Nations system** represented in Burundi, whereby they **expressed** their concern over the adoption of such a measure which contradicts the provisions of the above Conventions. The Government of Burundi admitted the legitimacy of such concern and on 29 March 1989 agreed to refrain from applying the aforementioned tax to the United Nations and **specialized** agencies.

21. The **United Nations Truce Supervision Organization** (UNTSO) reported problems experienced by it with regard to taxation. They are disclosed in detail in annex II to the present report. The 2 per cent ad valorem tax mentioned by UNTSO similarly affects the **activities** of the United Nations **Interim** Force in Lebanon (**UNIFIL**).

IV. OTHER MATTERS INVOLVING THE STATUS, **PRIVILEGES** AND IMMUNITIES OF OFFICIALS

22. As was indicated in the previous report, the United States informed the Secretariat of the United Nations by note **verbale** dated 14 June 1988 about its policy with regard to the implementation of laws applicable to the employment of non-resident aliens in the United States (see **A/C.5/43/18, paras. 25-27**). The Secretariat of the United Nations in **its** response to this **note** **expressed** concern that the stringent application of the immigration **regulations** would **substantially** interfere with the authority of the Secretary-General to recruit staff under **Article 101** of the Charter of the United Nations and would entail serious financial consequences for the Organization.

23. In order to resolve the difficulties, consultations were undertaken between officials of the United **Nations** and the United **States**. They **resulted** in the **achievement** in March 1989 of a working arrangement for visa conversion and local recruitment. It is understood that this arrangement is without prejudice to the position taken by the Secretary-General on the stringent application of immigration regulations by the United States **authorities**, or to any **further** discussions that may be held on the issue.

24. The Secretary-General deems it important to report recent developments relating to **Mr. Dumitru Maailu**, a former member of the **Sub-Commission on** Prevention of Discrimination and Protection of Minorities, charged by the **Sub-Commission** in 1985 with the preparation of a report on the question of human rights and youth. Mr. Maailu **was** not permitted by the **Romanian** authorities to travel to Geneva to present his report to the Sub-Commission and the Secretary-General was unable to establish personal contact with **Mr. Maailu**.

25. In the circumstances, the **Economic and Social Council** of the United Nations adopted, on 24 May 1989, resolution 1989/175 entitled "**Status of special**

rapporteurs". This resolution contained a request to the International Court of Justice to give its advisory opinion "on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Dumitru **Mazilu** as Special Rapporteur of the Sub-Commission". In accordance with article 65 of the Statute of the Court, the **Secretary-General** transmitted to it a dossier of documents likely to throw light upon the question. In addition, the Legal Counsel of the United Nations, on behalf of the Secretary-General, submitted to the Court, on 28 July 1989, a detailed written statement outlining the legal position of the United Nations on the matter. Following oral hearings held on 4 and 5 October 1989, the Court is expected to give its advisory opinion before the end of the year.

V. MEASURES AND PROPOSALS IN FURTHERANCE OF THE SAFETY AND THE **SECURITY OF OFFICIALS**

26. The procedures recommended by the United **Nations** Staff-Management Co-ordination Committee (SMCC), which were outlined in paragraph 7 of ~~the~~ report at its thirty-ninth session to the General Assembly (**A/C.5/39/17**) remained in place. The United Nations Security Committee has met regularly to review and follow-up cases involving disregard for the privileges and immunities of officials and to advise the Secretary-General on cases that cannot be resolved at the local level. The United Nations Security Co-ordinator has served as a focal point for assuring the flow of information within the United Nations system with regard to the protection of privileges and immunities of staff members and in helping to develop a concerted response by the system to the violations of these privileges and immunities. Whenever the situation so required, the Secretary-General has intervened personally or ha& **recourse** to special representatives. The heads of agencies and related organizations acted likewise.

VI. CONCLUSION

27. During the reporting period, the number of cases involving **arrest** and detention of officials remained very high. As underscored in the report, most of them are concentrated in one geographical area where, in the past several years, the situation has given rise to extreme concern. An additionally disturbing factor is that some other areas, ~~from~~ **from** time to time, witness outbursts of breaches of respect for the privileges and **immunities** of officials. The Secretary-General strongly believes that any change for the better requires mutual efforts by **Member** States and international organizations. Discussions at the General Assembly of the reports presented by the Secretary-General on behalf of ACC provides an opportunity to identify the problems of greatest **concern** and to elaborate measures to remedy the situation. It also assists in bringing about a more informed approach of Member States towards respect for privileges and immunities of officials. The Secretary-General is determined, as in the past, to work together with the respective executive heads and with the authorities of Governments concerned to **assure** strict implementation of the international agreements **concerning** privileges and immunities of **international** organisations and their officials.

Annex I

CONSOLIDATED LIST* OF STAFF MEMBERS UNDER ARREST AND DETENTION
 OR MISSING AND WITH RESPECT TO WHOM THE UNITED NATIONS AND THE
 SPECIALIZED AGENCIES **AND** RELATED **ORGANIZATIONS** HAVE BEEN UNABLE
 TO EXERCISE FULLY THEIR RIGHT TO PROTECTION

<u>Name</u>	<u>Agency</u>	<u>Place and date of incident</u>
Mr. Abdala Daker Hayatli	UNRWA	Missing in the Syrian Arab Republic since 20 April 1980
Mr. Izzedine Hussein Abu Kreish	"	Detained in the Syrian Arab Republic since 11 September 1980
Mr. Tesfamariam Zeggae	ECA	Detained in Ethiopia since 2 March 1982
Mr. Ali Said Shihabi	UNRWA	Detained in the Syrian Arab Republic since 31 March 1982
Mrs. T. Jawabri	FAO	Detained in the Syrian Arab Republic since 29 December 1982
Mr. Mahmoud Hussein Ahmad	UNRWA	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements
Mr. Mohammad Ali Sabbah	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements
Mr. Alec Collett	"	Detained in Lebanon by militias or unknown elements since 25 March 1985
Mr. Sami Izza	UNDOF	Detained in the Syrian Arab Republic since 6 October 1985
Mr. Abdalla Issa	UNRWA	Detained in the Syrian Arab Republic since 6 October 1985
Mr. Zaki Hamadeh	"	Detained in Lebanon by Syrian armed forces since 18 March 1986

* In chronological order.

Name	Agency	Place and date of incident
Mr. Mohammad Kteileh	UNRWA	Detained in the Syrian Arab Republic since 14 March 1986
Mr. Fadel Mohammad Kheir Salman	"	Detained in the Syrian Arab Republic since 1 April 1986
Mr. Yaser Hassun Jalbout	"	Detained in the Syrian Arab Republic since 5 April 1986
Mr. Daulat Mir	FAO	Detained and conscripted in November 1996 into military service in Afghanistan
Mr. Faye'a Freiji	UNRWA	Detained in Lebanon by Syrian armed forces since 29 November 1986
Mr. Fayyad Mohammad Freiji	"	Detained in Lebanon by Syrian armed forces since 27 November 1986
Mr. Mohammad Mustafa El-Hajj Ali	"	Missing in Lebanon since 28 November 1986. Reportedly detained by militias or unknown elements
Mr. Mohanunad Ahr Miri	"	Missing in Lebanon since 10 February 1987. Reportedly detained by militias or unknown elements
Mr. Samir Ishkuntana	"	Detained in Lebanon by Syrian armed forces since 7 April 1987
Mr. Mahmoud Hasan Ismail Zaggout	"	Detained in the occupied Gaze Strip since 30 August 1987
Mr. Ahmad Hasan Ismail Zaggout	"	Detained in the occupied Gaza Strip since 7 September 1989
Mr. Said Abdala Abu Qamar	"	Detained in the occupied Gaza Strip since 22 November 1989
Mr. Mohammad Imad Abdallnh Abdul Rahman Jabr	"	Detained in the occupied West Rnnk since 29 November 1987
Mr. Sunder Thapa	FAO	Detained in Nepal since 12 January 1988

Name	Agency	Place and date of incident
Mr. Rifa'at Ayoub	UNRWA	Detained in Lebanon by Syrian armed forces since 14 January 1980
Mr. Marwan Izzat Qassem Ali	"	Detained in the occupied Gaza Strip since 25 January 1988
Mr. Saleem Hairan	FAO	Detained and conscripted on 27 January 1988 into military service in Afghanistan
Lieutenant-Colonel William Richard Higgins	UNTSO	Abducted in Lebanon by unknown element: on 17 February 1988
Mr. Ibrahim Fawzi El-Kurd	UNRWA	Detained in the occupied Gaza Strip since 17 April 1988
Mrs. Taitu Ahmed	UNDP	Detained in Ethiopia since 5 May 1988
Mr. Mohammad Salama Mohammad El Habeel	UNRWA	Detained in the occupied Gaza Strip since 11 May 1988
Mrs. Zainab Aw Jama Adan	WFP	Missing in Somalia since 4 June 1988
Mr. Mohammad Mahmoud Diwab	UNRWA	Detained in the occupied Gaza Strip since 10 June 1988
Mr. Reverien Mgwise	WFP	Arrested in Rwanda on 18 June 1988
Mr. Mbainathan Betel	UNDP	Arrested in Chad on 31 July 1988
Mr. Ahmad Abdul Latif El Ashqar	UNRWA	Detained in the occupied Gaza Strip since 2 August 1988
Mr. Yusef Ismail Shaban	UNRWA	Detained in the occupied West Bank since 8 August 1988
Mr. Husain Ibrahim Abu Nar	"	Detained in the occupied Gaza Strip since 15 August 1988
Mr. Abdelatman Seid	UNDP	Arrested in Chad on 13 September 1988
Mr. Abdul Fattah Hasan Dukhan	UNRWA	Detained in the occupied Gaza Strip since 18 September 1988

Name	Agency	Date and place of incident
Mr. Mohammad Hasan Shama	UNRWA	Detained in the occupied Gaza Strip since 27 September 1988
Mr. Mohammad Abdul Hay Wabhan	"	Detained in the occupied Gaza Strip since 25 October 1988
Mr. Ahmad Juma Arabi	"	Detained in Lebanon since 31 October 1988 by Syrian armed forces
Mr. Hisham Mohammad Suleiman Darwish	"	Detained in the occupied West Bank since 13 November 1988
Mr. Fayea Nour Salha	"	Detained in the occupied Gaze Strip since 21. Novemher 1988
Mr, Suhail Said El Hasheem	"	Detained in the occupied Gaza Strip since 30 November 1988
Mr. Marwan Ismoil Hudeib	"	Detained in the occupied West Bank since 21 December 1988
Mr. Sufia Dasouki Saadia Jabr	"	Detained in the occupied West Bank since 2 January 1989
Mr. Talat Jamal El Safadi	"	Detained in the occupied Gaza Strip since 20 January 1989
Mr. Ramadan Tawfiq Dahalan	"	Detained in the occupied Gaza Strip since 24 January 1989
Mr. Awni Yusuf El Hans	"	Detained in the occupied Gaza Strip since 31 January 1989
Mr. Anwar Khalil Maliha	"	Detained in the occupied Gaza Strip since 2 February 1989
Mr. Mohammad Samih Ragheb Massad	"	Detained in the occupied West Bank since 14 February 1989
Miss Lamis Mahmoud Arafah	"	Detained in the occupied West : Bank since 22 February 1989
Mr. Majed Mohammad Abu El Auf	"	Detained in the occupied Gaza Strip since 26 February 1989

Name	Agency	Date and place of incident
Mr. Majed Kanj	UNRWA	Detained in Lebanon by Syrian armed forces since 27 February 1989
Mr. Mohammad Rashed Ibrahim Qeisi	"	Detained in the occupied West Bank since 28 February 1989
Mr. Zigal Abed Abu Auda	"	Detained in the occupied Gaza Strip since 12 March 1989
Mr. Naim Mohammad Ajrami	"	Detained in the occupied Gaaa Strip since 13 March 1989
Mr. Jabr Abdalla Nijim	"	Detained in the occupied Gaza Strip since 24 March 1989
Mr. Zuhair Husain Adwan	"	Detained by Egyptian authorities since 1 April 1989
Mr. Tbrahim Mohammed Ali Abu Arqoub	"	Detained in the occupied West Bank since 5 April 1989
Mr. Mohammad Taysir Irsan Twair	"	Detained in the occupied West Bank since 14 April 1989
Mr. Mohammed Husain Abu Seda	"	Detained in the occupied Gaaa Strip since 16 April 1989
Mr. Hassan Ahmad Mansour	"	Detained in the occupied Gaza Strip since 1.7 April 1989
Mr. Jihnnd Mohammad Hamdan	"	Detained in Jordan since 20 April 1989
Mr. Samir Mohammad Hamden	"	Detained in Jordan since 21 Apri 1989
Mr. Sami Oweis	"	Detained in Jordan since 21 April 1989
Mr. Yasin Musallam Abu Hatab	"	Detained in the occupied Gaza Strip since 1 Mry 1989
Mr. Bassam Nihad Ibrahim Jar-rnr	"	Detained in the occupied West Bank since 15 May 1989

Name	Agency	Date and place of incident
Mr. Mohammed Omar	P'AO	Detained and conscripted on 17 May 1989 into military service in Afghanistan
Mr. Bassam Fadi Mahmoud	UNRWA	Detained in the occupied Gaza Strip since 18 May 1989
Mr. Nabil Ibrahim El Sawalhi	"	Detained in the occupied Gaza Strip since 18 May 1989
Mr. Ahmad Mohammad Madi	"	Detained in the occupied Gaza Strip since 19 May 1989
Mr. Ahmad Mohammad Hamdan	"	Detained in the occupied Gaza Strip since 19 May 1989
Mr. Ahmad Harb El Kurd	"	Detained in the occupied Gaza Strip since 19 May 1989
Mr. Nayef Mahd Abu Shammala	"	Detained in the occupied Gaza Strip since 19 May 1989
Mr. Zaher Ismail Ahmad	"	Detained in the occupied Gaza Strip since 21 May 1989
Mr. Hasan Husain Hamdan	"	Detained in the occupied Gaza Strip since 27 May 1989
Mr. Hassan Abdul Hamid Dib	"	Detained in the occupied Gaza Strip since 30 May 1989
Mr. Ismail Hassan Abu Shanab	"	Detained in the occupied Gaza Strip since 30 May 1989
Mr. Yousef Ibrahim Abdul Din	"	Detained in the occupied West Bank since 30 May 1989
Mr. Said Salem Abu Salam	"	Detained in the occupied West Bank since 30 May 1989
Mr. Ali Abdul Majid Abu Shawish	"	Detained in the occupied Gaza Strip since 31 May 1989
Mr. Awni Mohammad Abu Saif	"	Detained in the occupied Gaza Strip since 31 May 1989
Mr. Hasan Ibrahim Muzayyen	"	Detained in the occupied Gaza Strip since 31 May 1989

Name	Agency	Date and place of incident
Mr. Munir Mohamrnad El Masawabi	UNRWA	Detained in the occupied Gaza Strip aince 31 May 1989
Mr. Adnan Badr Siam	"	Detained in the occupied Gaza Strip since 1 June 1989
Mr. Mohammad Ibrahim Noufal	"	Detained in the occupied Gaza Strip since 3 June 1989
Ma. Guenet Mebratu	WHO	Detained in Ethiopia since 8 June 1989
Mr. Zaher Saadi Kuhail	UNRWA	Detained in the occupied Gaza Strip since 10 June 1989
Mr. Zayed Iamail Khattab	"	Detained in the occupied Gaaa Strip aince 16 June 1989
Mr. Ata Mohammad Abu Saman	"	Detained in the occupied Gaaa Strip aince 19 June 1989
Mr. Ziyad Ibrahim Abu Rokba	"	Detained in the occupied Gaza Strip since 19 June 1989
Mr. Anwar Ali AS Barawi	"	Detained in tho occupied Gaaa Strip since 21 June 1989
Mr. Mohammad Ahmad Abu Rukba	"	Detained in the occupied Gaaa Strip since 22 June 1989
Mr. Abdul Aziz Mohammad El Burai	"	Detained in the occupied Gaza Strip since 27 June 1989
Mr Ahmad Fares Odeh	"	Detained in the occupied West Bank since 28 June 1.989

Annex II

INFORMATION SUBMITTED BY INDIVIDUAL ORGANIZATIONS AND UNITED NATIONS SUBSIDIARY ORGANS AND OFFICES FOR INCLUSION IN THE PRESENT REPORT

A. United Nations Relief and Works Agency for Palestine Refugees in the Near East

1. Between 1 July 1988 and 30 June 1989, 157 UNRWA staff were arrested or detained. Ninety-three of them have been released without charge or trial and 8 were charged, tried and sentenced to various terms of imprisonment. The remaining 56 were still in detention as at 30 June 1989 as follows:

Lebanon (Syrian armed forces)	2
Occupied Gaza Strip	39
Occupied West Bank	11
Jordan	3
Egypt	1

56

2. The names of UNRWA staff members currently under detention or who have been reported missing are set out in the consolidated list contained in annex I to the present report..

B. United Nations Economic Commission for Africa

3. Mr. Tesfamariam Zeggae, a General Service staff member at ECA and an Ethiopian national, was arrested at his home at Addis Ababa on 2 March 1982. After his arrest, he was not seen until 5 November 1986, when the Chief of the ECA Security Unit, accompanied by the Vice-Chairman of the Staff Council, met him in the office where the trial was supposed to be held. The meeting lasted about 30 minutes; the staff member was found with an eye infirmity due, according to him, to torture such as electric shocks. On 23 December 1986 and 24 June 1987, notes verbales were sent by the ECA Administration to the Ministry of Foreign Affairs requesting the authorization for the staff member to be examined as soon as possible by a team of doctors from ECA and also to have an ECA staff member to be permitted to attend the trial as an observer in order to report to the Secretary-General on this case in accordance with international conventions governing the subject. No reply was received from the Ministry of Foreign Affairs. It should also be noticed that the Secretary-General himself, during his visit to Addis Ababa in July 1987, had a meeting with the Ethiopian Minister for Foreign Affairs where this matter was also discussed. It is only after a further ECA note verbale on this subject sent on 31 July 1987 to the Ministry of Foreign Affairs recalling the meeting held between the Minister for Foreign Affairs and the Secretary-General of the United Nations; that a team from ECA headed by the Officer in Charge of the Division of Administration and two other staff members were received by the Head of the International Relations Department of the Ministry of Foreign Affairs. They were

/...

verbally informed that the staff member, Mr. Zeggae, had been sentenced by the high court to life imprisonment in March 1987. A copy of the sentence concerning the staff member was requested and the request contained in the previous notes was repeated, namely that an authorization be granted for ECA doctors to visit him in order to provide him with any medical assistance that might be deemed necessary since he was almost blind. The Head of the International Relations Department, Mr. Alemayohu Seifu, confirmed that a copy of the sentence could be made available and the staff member himself could demand that a copy be provided to ECA. As for medical attention, he stated that he had inquired and he could confirm that adequate medical attention was being given to him through regular channels. He added that he would further consider if an authorization could be granted for United Nations doctors to visit the staff member in detention. However, it was his view that no special treatment, that is, medical assistance, would be authorized for any prisoner simply because the individual concerned worked for an organization. Furthermore, a note verbale from the Ministry of Foreign Affairs, dated 27 August 1987, confirmed in writing that Mr. Zeggae, having been found guilty of the charges against him by the first instance court was sentenced to life imprisonment and, after an appeal of his sentence, the original sentence was maintained by the appellate court on 23 June 1987. No United Nations staff member or United Nations-designated lawyer was called for the trial in court. Furthermore, the same note verbale mentions the charges against the staff member which related to the "political unity and territorial integrity of Ethiopia". It is also stated in the note verbale that Mr. Zeggae was put under detention only after sufficient evidence was brought against him and that, following his detention and after the preliminary investigation was completed, he was allowed to appear before the court of law. It should be mentioned also, that ECA was authorized by Headquarters to keep the staff member on special leave with full pay and his salary has been paid to his wife continuously to date. On 5 January 1989 ECA sent a note verbale to the Ministry of Foreign Affairs requesting that they arrange for Mr. Koffi Annan, Assistant Secretary-General for Human Resources Management and United Nations Security Co-ordinator, to meet the detained staff member. In a note verbale of 10 January 1989, the Ministry of Foreign Affairs stated that it would try to arrange the meeting, but finally it did not take place.

4. Mr. Daniel Riley, Emergency Co-ordinator and a national of the United States, and Mr. Abebe Baysi, driver, an Ethiopian national, both UNHCR staff members, while on official mission to Assab on 19 January 1989, were shot at by military personnel and wounded in the head and arm respectively. On 27 January 1989, ECA sent a note verbale to the Ministry of Foreign Affairs deploring the fact that a United Nations vehicle carrying United Nations staff had been shot at without provocation by the military and requesting the Ministry to investigate the incident. To date no reply has been received.

5. On 8 June 1989, Ms. Guene' Mebratu, a locally recruited WHO staff member and Ethiopian national working with the WHO Panafrikan Centre for Emergency Preparedness and Response in Ethiopia, was detained by Ethiopian security personnel who took her away from her home to an unknown destination. A note verbale addressed to the Ministry of Foreign Affairs by ECA requested information on the staff member's whereabouts and that it be granted access to her, but to no avail.

C. United Nations Truce Supervision Organization

Taxes and restrictions on freedom of movement

6. A 2 per cent ad **valorem** tax on imports through Haifa and **Ashdad** is being levied by the Israeli Customs Authorities. The United Nations is making representations to the Government of **Israel**.

7. The Israeli **tar** levied on the movement of **UNTSO personnel** to and from Egypt and Jordan **is** still being argued. The Foreign Ministry has indicated that it is prepared to waive the tax over the **border** with Egypt and, for the **time** being, the procedural requirements at the crossing point on the Jordan River have been minimised.

Arrest and imprisonment of local staff members and their children

8. The children of local Palestinian staff members have been arrested for breaches of the peace under Israeli security legislation, which gives the **army** and the police wide powers of **arrest** and detention. Typically, they are held incommunicado for one or two weeks during which **time** the family is unable to find out where they are. Often **the Israeli** authorities decline to specify what were the circumstances of arrest and **what** charges will be brought. In **some** cases children are released after a few weeks. In other cases, they are continually brought before a judge **and** remanded to Prison for extended **periods** before being brought to trial and convicted of **some** breach of the peace under the **security** regulations. In one instance the son of a local **staff** member of UNTSO **was** remanded for a period of nearly six months before convicted of stone-throwing and **sentenced** to imprisonment.

D. Food and Agriculture Organization of the United Nations

9. As stated in **previous FAO reports**, Mrs. T. Jawabri, an **FAO** staff member of Syrian nationality assigned as a cleaner at the G-1 level to the **FAO** Representative in Damascus, was arrested **on** 28 December 1982. The facts of this case were reported in 1983 and are set out in a **previous** report of the Secretary-General (A/C.5/38/17). Mrs. Jawabri **is** still under detention.

10. As stated in the 1986, 1987 and 1988 reports of FAG, Mr. Daulat Mir, a locally recruited **FAO staff member** of **Afghan** nationality who was assigned to a project in Afghanistan as a driver at the G-2 level, was taken from his house on 28 August 1984 by security authorities. Mr. Mir was **released** on 18 November 1986 but immediately conscripted into the army. Despite an intervention by the **UNDP** Resident Representative **seeking** exemption from such military service on behalf of Mr. Mir, the latter never **resumed** his duties with the organization.

11. Mr. Saleem Hairan, a locally recruited **FAO** staff member of Afghan nationality, assigned to a project as a driver, was picked up by Afghan government army authorities on 27 January 1988 for compulsory service with **them**, in spite of his holding a valid exemption card. Despite the **d&marches** made by the **IJNDP** Office at Kabul seeking exemption from **such** military service on behalf of Mr. **Hairan** the latter **never** resumed his duties with the organization.

12. Mr. Mohammed Omar, a locally recruited G-1 messenger of Afghan nationality, was taken away by personnel believed to be from the Ministry of State Security on **17 May 1989**, having left his residence with his daughter on the way to the **FAO** office. On the same day a **note verbale** was sent to the Protocol Department of the Ministry of Foreign Affairs of Afghanistan seeking ~~the~~ urgent assistance of the Ministry in determining and **advising FAO** of the whereabouts of **Mr. Omar**, and if he was in detention, the nature of the charge, if any, made against him. A further **note verbale** was sent on 21 May 1989 asking again for assistance in establishing the whereabouts of Mr. Omar. The Ministry of Foreign Affairs first advised that **Mr. Omar** would **be exempt from service** and released but then informed the organisation that he volunteered to serve in the **army** and therefore would not return. The Ministry declined to put **this** information in **writing**. Further efforts are being made to secure his **release** but without success for **the moment**.

13. As already reported, Mr. Sunder Thapa, a national of Nepal and an **FAO** staff member at the **G-2** level working as a driver in that country, was **arrested** on 6 August 1987 following a **car** accident while on official duty. Mr. **Thapa** was under detention until 9 September 1987 when he **was released** after posting bail of 6,000 rupees. He was requested to report to court on **11** October 1987. The Ministry of Foreign Affairs advised that **since** Mr. Thapa was a Nepalese national, he was not **fully** covered by the Convention on the Privileges and Immunities of the Specialised Agencies and by the Agreement between the Government and **FAO** and he was therefore subject to **Nepali** law. On 2 October 1987, the Director-General wrote to the Minister for **Foreign Affairs** and Land Reform requesting his personal intervention to see that the **summons** was withdrawn and that no further criminal or civil action would be **taken**. The Ministry did not agree and the staff member was summoned to court on 12 January 1988. No further information could be obtained.

14. Mr. Abel Nyirenda, a national of **Zambia** working as a G-1 watchman in that country was arrested on 16 March 1989 by the police for suspected theft of a radio. He was apparently beaten by the police and on 29 April 1989 died of the consequences (Internal bleeding) after five weeks of illness. Apart from the statement of the staff member no further evidence on his mistreatment is **available**; the authorities were not prepared to **allow** an autopsy of the body, which had already been buried. Headquarters asked the **FAO** Representative for further information regarding the circumstances of the staff member's death. For the moment no reply has been **received**.

15. Mr. Ouabi Alimi, a locally recruited **FAO staff** member assigned to a project in Togo as a driver was arrested on 31 **August** 1988 following a car accident while on official duty. Mr. Alimi remained under detention until 2 September.

16. Events in Mauritania in April 1989 led to the expulsion of several **FAO** staff members from that country. Formal action was undertaken through the **FAO** Representative in Mauritania:

(a) Mr. Abdoulaye Diaw, a national of Mauritania, working for the **FAO** Representative as a G--4 mechanic **and** co-ordinator of the **vehicles** in that country, was arrested **and** expelled from Mauritania to Senegal during the night of 23 to **24 May 1989**;

(b) Mr. Ndiome **Pouye**, a national of Senegal, working for the **FAO** Representative as a G-2 driver was expelled from Mauritania to Senegal on 2 May 1989;

(c) Mr. Demba Nicng, a national of Mauritania, working as a G-2 driver/mechanic for **FAO** in that country, **was** expelled to Senegal on 2 May 1989;

(d) Mr. Amadou Dieng, a national of Mauritania, working **as** a G-3 driver/mechanic for **FAO** in that country was expelled to Senegal on 6 May 1989;

(e) **Mr.** Mouhamedou Ba, a national of Mauritania, employed as a G-2 driver in that country was expelled from Mauritania on 12 **June** 1989.

17. **Mr.** Omar Larfaoui, an Algerian national and an **FAO** staff member since 1980 assigned to **FAO** headquarters at ~~the~~ P-4 grade, was placed under preventive arrest by the Italian authorities on 27 August 1988 on the basis of an international warrant issued by the Algerian authorities in 1982. **Mr.** Larfaoui had apparently been tried and convicted by ~~an~~ Algerian court in his absence **and** sentenced to a term of imprisonment in 1982. **Mr.** Larfaoui was released on bail on 27 September 1988. **FAO** has protested against the arrest of **Mr.** Larfaoui on the grounds, inter alia, that his arrest infringed the immunity from preventive arrest accorded to officials of **FAO** under article XIII, section 27 (a), of ~~the~~ **FAO** Headquarters Agreement. On 1 **May** 1989, **Mr.** Larfaoui was promoted to P-5, a grade at which he enjoys diplomatic privileges and immunities under the Headquarters Agreement. The Italian Court has upheld his immunity but the case is now under appeal.

18. **As** already explained in previous reports on the subject, **FAO** considers that, given the diversity of the circumstances surrounding incidents in which the organization may be called upon to intervene in order to ensure the security of its staff and respect for privileges and immunities, it is **still** preferable to maintain a flexible approach.

Annex III

LIST OF UNITED NATIONS SUBSIDIARY **ORGANS**, OFFICES AND MISSIONS,
SPECIALIZED AGENCIES AND RELATED **ORGANIZATIONS** THAT WERE
REQUESTED TO PROVIDE INFORMATION FOR THE PRESENT REPORT

ECA	Economic Commission for Africa
ECE	Economic Commission for Europe
ECLAC	Economic Commission for Latin America and the Caribbean
ESCAP	Economic and Social Commission for Asia and the Pacific
ESCWA	Economic and Social Commission for Western Asia
FAO	Food and Agriculture Organisation of the United Nations
GATT	General Agreement on Tariffs and Trade
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organisation
IFAD	International Fund for Agricultural Development
ILO	International Labour Organisation
IMF	International Monetary Fund
IMO	International Maritime Organisation
ITU	International Telecommunication Union
UNCTAD	United Nations Conference on Trade and Development
UNDOF	United Nations Disengagement Observer Force
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFICYP	United Nations Peace-keeping Force in Cyprus
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organisation
UNIFIL	United Nations Interim Force in Lebanon
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNTSO	United Nations Truce Supervision Organisation
UNU	United Nations University

UPU	Universal Postal Union
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Oryaniaation
WMO	World Meteorological Organiaation
	World Bank