

PUBLIC

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Death Penalty

PALESTINIAN
AUTHORITY

Shadi 'Abdul Karim al-Madhoun (m) aged 28
'Aamer Saber Hussein al-Jundiya (m) aged 45
Salem 'Ali al-Jundiya (m) aged 40
Mo'men Hussein al-Jundiya (m) 37
Nasser Salamah Abu Freih (m) aged 28
Mohammed Ali Hassan Saidam, (m), aged around 36
Iyad Ahmed Diab Sukkar (m) aged 35

Amnesty International is gravely concerned that the seven men named above are at risk of execution. They were sentenced to death by military courts operating under the jurisdiction of the Hamas de-facto administration in Gaza, where proceedings do not meet international standards for fair trial.

The men have been convicted of various crimes including kidnapping, murder, political killings and of "collaboration" with the Israeli army resulting in killings of fellow Palestinians. Shadi 'Abdul Karim al-Madhoun was sentenced on 24 May 2009 for kidnapping and murder. 'Aamer Saber Hussein al-Jundiya, Salem 'Ali al-Jundiya and Mo'men Hussein al-Jundiya were also sentenced on 10 March 2009 for kidnapping and murder. Nasser Salamah Abu Freih was sentenced on 22 February for "collaboration" with the Israeli army. Mohammed Ali Hassan Saidam was sentenced on 16 December 2008 for the same reason; as was Iyad Ahmed Diab Sukkar, who was sentenced on 20 July 2008.

Several defendants have been convicted under provisions of the 1979 Revolutionary Penal Code of the Palestine Liberation Organization (PLO). This code was never ratified by the elected legislative authority, the Palestinian Legislative Council (PLC, the parliament). It is therefore not part of Palestinian law according to the Basic Law which serves as the Constitution.

Under Palestinian Law, the death sentences must be ratified by the Palestinian Authority (PA) President before they can be carried out. However, the Hamas de-facto administration, which has been ruling Gaza since June 2007 and which remains in conflict with the West-Bank based PA caretaker government of PA President Mahmoud Abbas, has announced that it is establishing a committee composed of legal advisors and officials in the Hamas Ministry of Justice who will be responsible for ratifying death sentences in Gaza. If this committee decides to ratify these sentences, the men could be executed at any time.

BACKGROUND INFORMATION

The last known executions in Gaza were carried out in June and July 2005, prior to the establishment of the Hamas de-facto administration in Gaza. Four men were hanged in Gaza central prison and one was killed by firing squad in the Police headquarters in Gaza City. All five had been convicted of murder in earlier years, some by the State Security Court which has since been abolished.

The PA has jurisdiction over Gaza and parts of the West Bank, which make up the Occupied Palestinian Territories (OPT) and are under Israeli military occupation. However, inter-Palestinian factional violence and tensions between the two main Palestinian political parties Fatah and Hamas which won the last parliamentary elections in 2006, has resulted in a situation where since June 2007, the West Bank has been governed by a PA caretaker government appointed by PA President Mahmoud Abbas and Gaza has been governed by a Hamas de-facto administration led by Isma'il Haniyeh.

Since then, PA President Abbas suspended operations of PA security forces and judicial institutions in Gaza, creating a legal and institutional vacuum there. Hamas responded by creating a parallel law enforcement and judicial apparatus. These however lack appropriately trained personnel, accountability mechanisms or safeguards.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic or English or your own language:

- urging the Hamas de-facto administration to ensure that these death sentences are not carried out, nor any other death sentences imposed in earlier years;
- expressing concern at the establishment of a legal committee vested with the authority to ratify death sentences;
- acknowledging that it is the right and responsibility of the Hamas administration to bring to justice those suspected of criminal offences, but pointing out that no convincing evidence has ever been produced that the death penalty is a more effective deterrent than any other punishment.

APPEALS TO:

Isma'il Abd al Salam Ahmad Haniyeh
Prime Minister
 Hamas de-Facto Administration in Gaza
Fax: +972 8 288 4815
+972 8 288 4493

Online contact link: http://www.pmo.gov.ps/index.php?option=com_contact&view=contact&id=1&Itemid=79

Salutation: Dear Mr Haniyeh

Muhammad Faraj al-Ghoul
Acting Minister of Justice
 Hamas de-Facto Administration in Gaza
Fax: +970 8 2880103

Online contact link: http://www.moj.ps/index.php?option=com_contact&Itemid=3

Salutation: Dear Mr al-Ghoul

Dr Mahmoud Khaled Zahar
Foreign Minister
 Hamas de-Facto Administration in Gaza
Fax: +972 8 286 8971 or +970 8 286 8971
Salutation: Dear Dr Zahar

Mr Fathi Ahmad Muhammad Hammad
Minister of the Interior
 Hamas de-Facto Administration in Gaza
Fax: +972 8 288 1994
Email: info@moi.gov.ps
Salutation: Dear Mr Fathi Ahmad Muhammad Hammad

COPIES TO:

Tahar al-Nunu,
Spokesperson, Hamas de-Facto Administration in Gaza,
Email: gazanews@hotmail.com

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 July 2009.