

PUBLIC

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Death Penalty / Unfair trial

15 January 2001

PALESTINIAN AUTHORITY Muhammad Dayf Allah al-Khatib
 Husam al-Din Musa Hamid

Two men have been sentenced to death after an unfair trial. They are not entitled to appeal against the sentence. If the sentence is ratified by President Yasser Arafat, they could be executed at any time.

The Higher State Security Court in Bethlehem sentenced Muhammad Dayf Allah al-Khatib and Husam al-Din Musa Hamid to death on 13 January for treason and collaborating with Israel in the killing of Hussein 'Abayat. Hussein 'Abayat, reportedly a member of President Yasser Arafat's Fatah faction, was killed in Beit Sahur in the West Bank on 8 November 2000 when three missiles were fired at his car from an Israeli helicopter. Two other defendants were sentenced to life imprisonment.

The two men were sentenced in a trial which lasted only five hours and in which only one witness was called. In violation of international standards for fair trial, they will not be allowed to appeal against the verdict to a higher court under Palestinian law.

BACKGROUND INFORMATION:

Amnesty International has previously condemned trials by the Higher State Security Court as being grossly unfair. Trials are summary, take place before military judges, are often held at night and there is no right of appeal. Sentences are subject only to ratification by President Yasser Arafat and may be carried out within hours or days of the trial.

Although Amnesty International recognizes the role of the governments in bringing the perpetrators of crime to justice, this must be done in proceedings which meet international standards for fair trial.

The organization is opposed to the death penalty as the ultimate form of cruel, inhuman and degrading treatment and a violation of the right to life.

These are the fifth and sixth death penalties imposed by the Higher State Security court this year.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Arabic, English or your own language

- expressing your sympathy for the victims of violent crimes and their families, and acknowledging the role of governments in bringing the perpetrators to justice in the course of trials which meet international standards for fairness and do not impose the death penalty;
- expressing unconditional opposition to the death penalty, urging President Yasser Arafat not to ratify the death sentence imposed on Muhammad Dayf Allah al-Khatib and Husam al-Din Musa Hamid;
- expressing concern that they were sentenced in unfair proceedings, and that they are being denied the right to appeal against the sentence to a higher court, in violation of international human rights standards;
- calling for a retrial to take place in accordance with the fair trial standards enshrined in international law and without the imposition of the death penalty;

- urging that no more executions be carried out in the Palestinian Authority and that the authorities work towards abolishing the death penalty;

APPEALS TO:

President Yasser Arafat
Palestinian Authority
Al-Muntada
Gaza

Palestinian Authority

Telegrams: President Arafat, Palestinian Authority, Gaza

Faxes: + 972 8 282 2366 (when voice answers, please ask for fax tone)

Salutation: Dear President Arafat

Mr Freih Abu Meddein
Minister of Justice
Ministry of Justice
Abu Khadra Building
Omar al-Mukhtar Street
Gaza

Palestinian Authority

Telegrams: Justice Minister, Palestinian Authority, Gaza

Faxes: + 972 8 286 7109

Salutation: Dear Minister

Mr Khaled al-Qidreh
Attorney General for the State Security Courts
Police Headquarters
Gaza

Palestinian Authority

Telegrams: Khaled al-Qidreh, Police Headquarters, Gaza, Palestinian Authority

Faxes: + 972 8 282 4253 (when voice answers, please ask for fax tone)

Salutation: Dear Mr al-Qidreh

and to diplomatic representatives of the Palestine Liberation Organization accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 February 2001.