

EXTERNAL

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UA 271/97

Death Penalty / Torture / Legal Concern

13 August 1997

PALESTINIAN AUTHORITY Fawzi Muhammad Mahmud Sawalha (24)

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On 12 August 1997, Fawzi Sawalha was sentenced to death by the military court in Nablus (West Bank).

Fawzi, an officer of the Palestinian Force-17 (the presidential guard), was convicted of collaborating with Israel. He was accused of being the leader of a masked gang that terrorized, abducted and ill-treated local civilians, reportedly under orders from the Israeli *Shin Bet* (intelligence service).

Fawzi Sawalha was arrested on 29 June by the *Mukhabarat* (one of the Palestinian security forces) and tried together with three others, Khaldun Sami 'Abd al-Salam 'Uthamneh (24), Taher Ahmad Sharif Jamlan (24) and Naser Rashid Hamadneh (23). The three others all received prison terms of varying lengths.

During the trial all the defendants claimed that they were forced to confess to the crimes under torture. Fawzi Sawalha said he was hit on the head and knees with a hammer and put in *shabeh* (standing or sitting for a long time in painful positions). Prior to his trial the Palestinian Authority also reportedly screened, on a private Nablus TV station, an interview with Fawzi in which he confessed to collaborating with Israeli intelligence. The three others said they had been subjected to hammer blows to the head and stomach and told that their sisters would be raped. These claims were ignored by the judges who failed to instigate an investigation. Additionally, none of the 14 witnesses was able to identify the defendants as their attackers had been masked.

Under the 1979 Palestine Liberation Organization (PLO) code, which governs trials in military courts, appeals for cassation against the sentences passed by the military courts may be made within 15 days. The death sentence will not be carried out unless it has been approved by the supreme commander.

Since the establishment of the Palestinian Authority, in May 1994, the number of death sentences imposed totals 19. At least two of these have been commuted and none of them carried out to date.

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

- acknowledging the right and responsibility of authorities to bring to justice those who have committed crimes, but opposing the death penalty in all cases as a violation of the right to life;
- urging that the death sentence passed on Fawzi Sawalha be commuted;
- urging the Palestinian Authority to abolish the death penalty and to ensure that any new penal code excludes the death penalty as a punishment for both civilians and military;
- demanding an enquiry into the allegations of torture made by the defendants.

**APPEALS TO:**

President Yasser Arafat  
Palestinian Authority  
Al-Muntada  
Gaza, Palestinian Authority

**Telegrams: President Arafat, Gaza, Palestinian Authority**

**Faxes: +972-7-822365 (ask to send a fax)**  
**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, Gaza, Palestinian Authority**  
**Faxes: +972-7-822236**  
**Salutation: Dear Minister**

**COPIES TO:**

Palestinian Independent Commission for Citizens' Rights (PICCR)  
Omar al-Mukhtar Street  
O-shawwa Building  
Gaza, Palestinian Authority  
**Faxes: +972 7 824 438**

Palestinian Independent Commission for Citizens' Rights (PICCR)  
Radio Street  
Mukhmas Building  
6th Floor  
Ramallah, Palestinian Authority  
**Faxes: +972 2 998 6958/998 7536**

The Palestinian Human Rights Monitoring Group (PHRMG)  
P.O. Box 19918  
Jerusalem 91198  
via Israel  
**Faxes: +972-2-6262378**

and to diplomatic representatives of the Palestinian Authority accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 24 September 1997.