

# URGENT ACTION

## FOUR MEN FACE EXECUTION IN GAZA

**Mohammed Baraka is currently on death row in the Occupied Palestinian Territory of Gaza. Following a recent appeal rejection, his execution could take place at any time. Three other men have also had their appeals rejected recently, and remain on death row.**

Father of six, **Mohammed Baraka** was convicted on 30 May 2010 of murdering one of his relatives. He was sentenced to death by the Court of First Instance in Deir al-Balah in the Gaza Strip. An appeal against the ruling was rejected by the Court of Cassation on 16 February 2012.

At least three other men are currently on death row in Gaza. They have been convicted by civil and military courts of various crimes including kidnapping, murder, political killings and of "collaboration" with the Israeli army resulting in killings of fellow Palestinians. While Amnesty International has not obtained permission to use the full names of the four men, we are able to publish some of the details of the cases.

**Z.J.**, 38, was sentenced to death by the Permanent Military Court on 6 December 2010 for abduction and murder. A Military High Court upheld the sentence on 14 February 2012. **W.K.J.**, 27, was sentenced to death on 29 March 2011 by Permanent Military Court for treason and being an accessory to murder. On 2 February 2012 the High Military court upheld the sentence. **M.J.A.**, was sentenced to death by the Khan Younis Court of First Instance on 24 October 2010 for abduction and murder. A Court of Appeal upheld the sentence on 2 November 2011 and again on 1 March 2012. Following the latter, the Chief Justice of Supreme Court issued a statement that the death sentence was final.

### Please write immediately in Arabic or your own language:

- Urging the Hamas de-facto administration to ensure that the death sentences for the four men mentioned above are not ratified, and that all death sentences are commuted;
- Urging the Hamas de-facto administration in Gaza to abolish the death penalty;
- Acknowledging that it is the right and responsibility of the Hamas administration to bring to justice those suspected of criminal offences, but highlight that no convincing evidence has ever been produced proving that the death penalty is a more effective deterrent than any other punishment

### PLEASE SEND APPEALS BEFORE 17 MAY 2012 TO:

#### Minister of Justice

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

Salutation: Dear Mr al-Ghoul

#### Minister of the Interior

Mr Fathi Ahmad Muhammad Hammad  
 Hamas de-Facto Administration in Gaza  
 Fax: +972 8 288 1994

Email: info@moi.gov.ps;

[ihab@moi.gov.ps](mailto:ihab@moi.gov.ps)

Salutation: Dear Mr Fathi Hammad

#### And copies to:

#### Prime Minister

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

Salutation: Dear Mr Haniyeh

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
 INTERNATIONAL**



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### ADDITIONAL INFORMATION

The Palestinian Authority has jurisdiction over Gaza and parts of the West Bank, which make up the Occupied Palestinian Territories (OPT) which are under Israeli military occupation. However, inter-Palestinian factional violence and tensions between the two main Palestinian political parties Fatah and Hamas who won the last parliamentary elections in 2006, has resulted in a situation where since June 2007, the West Bank has been governed by a Palestinian Authority (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.

Following this, PA President Mahmoud 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.

Under Palestinian law, all death sentences must be ratified by the PA President Mahmoud Abbas before they can be carried out. However, the Hamas de-facto administration has been carrying out executions without the requisite approval of the president. Moreover, many of the death sentences are imposed by military courts, pursuant to the Palestine Liberation Organisation (PLO) Revolutionary Code 1979, the procedures of which do not meet international standards for fair trials.

No executions were carried out in Gaza between 2006 and 2009. The implementation of the death penalty resumed in 2010 when the Hamas de-facto administration executed five men, two of whom had been convicted of collaboration with Israel and three who had been convicted of murder. Executions continued in 2011 when at least three men were executed, one by firing squad on 4 May 2011 and a father and son, who were hanged on 26 July. All had been sentenced after unfair trials. No executions have been carried out in the West Bank since 2005 when PA President Mahmoud Abbas took office.

Amnesty International is opposed to the death penalty in all cases because it is a violation of two fundamental human rights, as laid down in Articles 3 and 5 of the Universal Declaration of Human Rights: the right to life and the right not to be tortured or subjected to any cruel, inhuman or degrading punishment. The organization considers the death penalty to be the ultimate cruel, inhuman and degrading punishment.

Name: Mohammed Baraka; Z.J; W.K.J; MJA

Gender m/f: Mohammed Baraka, and others, all males

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