

URGENT ACTION

FOUR MEN NEAR EXECUTION

At least four men from Gaza City are facing execution in the Gaza Strip. One of them, Na'el Jamal Qandil Doghmosh, was sentenced to death after, according to his family, he was tortured to make him "confess" to a murder.

Na'el Jamal Qandil Doghmosh could be executed at any time, by hanging. Sentenced to death for murder in April 2011, his final appeal was rejected by the Court of Cassation on 13 May 2012. According to his family, he "confessed" under torture by police investigators after he was arrested on 9 May 2010, aged 18. When his family was first able to visit him two months later, his nails had been torn out and he had burns and bruises on his body.

According to the local human rights NGO Palestinian Centre for Human Rights (PCHR), another man, known only as **F.T.W.**, also faces execution by hanging for murder. His sentence was confirmed on 21 May by the Court of Cassation. Thirty-eight-year-old **J.Z.J.** may also be executed at any time, by firing squad: his appeal to the Military High Court was rejected on 14 February 2012.

Another man, known only as **A.M.A.**, was convicted on 11 January 2012 by the Permanent Military Court of "collaboration" with the Israeli army and murder. Though he has an appeal pending in the military court against his sentence to death by hanging, Amnesty International is gravely concerned that he will face execution in the near future if his appeal is unsuccessful.

The Hamas de facto administration in the Gaza Strip executed three men by hanging on 7 April: Mohammed Baraka, from Deir al-Balah, who was convicted of murder, W.K.J., from al-Bureij refugee camp, convicted of treason and being an accessory to murder, and M.J.A., convicted of abduction and murder. Soon after the executions, Hamas officials stated that anyone found to have collaborated with Israel would be executed as a deterrent against such "treasonous" activities.

Please write immediately in Arabic or your own language:

- Urging the authorities to ensure that the death sentences of the four men (naming them) are not carried out, and that all death sentences are commuted;
- Expressing concern at the allegations that Na'el Jamal Qandil Doghmosh "confessed" under torture and urging the authorities to investigate thoroughly these claims and bring anyone responsible to justice;
- Urging them to take steps to abolish the death penalty, for which no convincing evidence has ever been produced to show that it is a more effective deterrent than other forms of punishment.

PLEASE SEND APPEALS BEFORE 9 JULY 2012 TO:

Minister of Justice

Muhammad Faraj al-Ghoul

Hamas de facto Administration in Gaza

Fax: +970 8 288 0103, +970 8 282 2008,
+970 8 288 1818

Please fax before 2pm Palestine time
(GMT+2) and please keep trying. +970
and +972 may both work as country
codes

Salutation: Dear Mr al-Ghoul

Also send copies to diplomatic representatives accredited to your country.

Head of the High Council of Justices

Abdel Raouf al-Halabi

Email: hjc27117@moj.ps

Salutation: Dear Judge al-Halabi

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

Please check with your section office if sending appeals after the above date. This is the second update of UA 103/12. Further information:

<http://amnesty.org/en/library/info/MDE21/002/2012/en>

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ADDITIONAL INFORMATION

The Palestinian Authority (PA) has jurisdiction over the Gaza Strip and parts of the West Bank, which make up the Occupied Palestinian Territories (OPT), all of which are under Israeli military occupation. However, intra-Palestinian factional violence and tensions between Fatah and Hamas, the Palestinian party which won the last parliamentary elections in 2006, resulted in the West Bank being governed by a caretaker government appointed by PA President Mahmoud Abbas and, as of June 2007, Gaza being governed by the Hamas de facto administration led by Isma'il Haniyeh.

Following Hamas' takeover of Gaza, PA President Mahmoud Abbas suspended the 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 lack appropriately trained personnel, accountability mechanisms or safeguards.

Under Palestinian law, all death sentences must be ratified by 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. Many of the death sentences are imposed by military courts, under the Palestine Liberation Organization (PLO) Revolutionary Code 1979, whose procedures do not meet international standards for fair trials.

Though no executions were carried out in Gaza between 2006 and 2009, the Hamas administration is known to have executed 11 people since 2010. There are around 30 Palestinians on death row, at least some of whom have been convicted after unfair trials, particularly before the military courts. Torture and other ill-treatment of detainees is routine in Gaza. During 2011, the local human rights organization the Independent Commission for Human Rights (ICHR) reported receiving over 100 allegations of torture in detention by various security agencies in Gaza and 100 allegations of torture by the police in Gaza.

Names: Na'el Jamal Qandil Doghmosh, F.T.W., J.Z.J., A.M.A.

Gender m/f: all male

Further information on UA: 103/12 Index: MDE 21/003/2012 Issue Date: 28 May 2012