

PUBLIC

AI Index: MDE 21/008/2002

UA 169/02

Death pen

PALESTINIAN Faisal Ahmed Suleiman Abu Teilakh (m) aged 26
AUTHORITY Sa'id al-Barrawi Mohammed al-Najjar (m) aged 29

On 5 June, Faisal Ahmed Suleiman Abu Teilakh and Sa'id al-Barrawi Mohammed al-Najjar were sentenced to death by firing squad, by the State Security Court in Gaza, after a trial which only lasted three hours. The two were convicted of the rape and murder of a seven year old girl, Islam Mahmoud al-Khatib.

The case was considered by the State Security Court, even though the crimes committed should fall under the authority of the civil judiciary. Under Palestinian law, the Attorney General is authorized to investigate cases and prosecute perpetrators. However, the Palestinian Authority bypassed the Attorney General and civil courts by presenting the case to the State Security Court three days after the two suspects were arrested. This action undermines both the independence of the civil judiciary and the rule of law. It also amounts to a failure to enforce the Judicial Authority Law, which was ratified by President Yasser 'Arafat less than a month ago.

The trial failed to meet minimum international standards for fair trial. The two suspects were convicted in three hours and the fact that one of the defendants is mentally handicapped was not raised during the hearing.

Amnesty International strongly condemns the rape and murder of a child, and recognizes the need to bring the perpetrators of crime to justice, but this must be done in proceedings which meet international standards for fair trial. The organization is opposed to the death penalty in all cases as the ultimate form of cruel, inhuman and degrading treatment and a violation of the right to life.

BACKGROUND INFORMATION

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

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

- expressing deep sympathy for the family and friends of Islam Mahmoud al-Khatib and explaining that you are not seeking to excuse the manner of her death;
- calling on President Arafat not to ratify the death sentences passed on the two men named above and expressing unconditional opposition to the death penalty;
- expressing concern that this and other trials before the State Security Court are grossly unfair, failing to meet even minimum international standards for fair trial;
- calling for a retrial to take place before an ordinary criminal court in accordance with international standards for fair trial and without recourse to the death penalty;
- urging that no more executions be carried out and that the death penalty be abolished.

APPEALS TO:

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President Yasser Arafat
The President's Office, Gaza
Palestinian Authority
Fax: + 972 8 2 822 159 (it may be difficult to get through, please keep trying)
Salutation: Dear President Arafat

Freih Abu Middein
Minister of Justice
P O Box 1021
Gaza
Palestinian Authority
Telegrams: Justice Minister, Gaza, Palestinian Authority
Fax: + 972 8 286 7109
Salutation: Dear Minister

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 18 July 2002.