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Public Statement

PALESTINIAN AUTHORITY

AMNESTY INTERNATIONAL CONDEMNS GAZA EXECUTION

Amnesty International condemns the execution of Colonel Ahmad 'Atiya Abu Mustafa by the Palestinian Authority on 26 February after he received a summary and unfair trial before a Palestinian court.

Amnesty International recognizes the role of governments in bringing perpetrators of crime to justice. However, the organization is absolutely opposed to the use of the death penalty, which it considers to be the ultimate form of cruel, inhuman and degrading treatment and a violation of the right to life.

A Palestinian military court sentenced Colonel Ahmad Abu Mustafa late at night on 25 February to 15 years' imprisonment on charges of raping a six year old boy on 19 February. He was also sentenced to be executed by firing squad "for causing public disorder". The trial was not publicly announced beforehand and reportedly lasted for only one hour. There was therefore no opportunity for the court to evaluate the evidence against him.

Colonel Ahmad Abu Mustafa was executed at about 2am on 26 February, after President Yasser Arafat ratified the death sentence.

As well as being denied the right to life, Colonel Ahmad Abu Mustafa was denied the right to due process. He was also not allowed to appeal the sentence to a higher court, in violation of Article 14 of the International Covenant on Civil and Political Rights.

Amnesty International is concerned that public pressure induced the Palestinian Authority to try Colonel Ahmad Abu Mustafa without due process and to execute him. On 24 February, the day before he was put on trial, it became public knowledge that Colonel Ahmad Abu Mustafa was accused of raping a child. In Khan Younes, the town in the Gaza strip where the victim came from, people demonstrated in the streets, calling for Colonel Ahmad Abu Mustafa to be executed.

Amnesty International urges the Palestinian Authority to resist calls for summary justice and the use of the death penalty from the general public and to adhere strictly to the Rule of Law in handling criminal cases which attract public concern. Summary justice weakens rather than strengthens the Rule of Law.

Background

To date the Palestinian Authority's State Security Court and military courts have issued more than 20 death sentences, often after the defendants received unfair trials. Most of these sentences have been commuted to life imprisonment.

The Palestinian Authority carried out executions for the first time on 30 August 1998. Ra'ed and Muhammad Abu Sultan were executed by firing squad, only three days after they were charged with murder. They had been convicted, in an unfair trial, of killing two brothers in Deir al-Balah in the Gaza Strip.

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