

URGENT ACTION

TWO MEN HANGED; MORE FACING EXECUTION

Two men known only as “A.M.Gh.” and “H.J.Kh.” were executed at the Jawazat police compound in Gaza on 22 June. They were convicted of “collaborating with the enemy”. At least 22 more people are at risk of execution.

A.M.Gh., aged 49 and from the Sheikh Radwan neighbourhood in Gaza City, and **H.J.Kh.**, aged 41 and from Khan Youis, were sentenced to death by the Military Court on 13 and 10 January 2013 respectively for “collaboration with an enemy entity” and espionage, under the Palestinian Revolutionary Penal Law of 1979. The Military Court of Appeals upheld their death sentences on 16 and 23 May.

Jamil Zakariya Juha (previously referred to only as “J.Z.J.”), aged 39, faces imminent execution after the Military High Court rejected his appeal on 14 February 2012. **Ehab Diab Mustafa Abu al Amreen**, aged around 29, faces execution for murder after the Court of Cassation upheld his death sentence on 29 October 2008. Another man known only as “**H.M.A.**”, around 27 years old, was sentenced to death for murder by the Court of Appeal; it is not yet known whether his case has been brought before the Court of Cassation. According to sources in Gaza there are at least 22 people in prison facing the death penalty in Gaza, including at least six for “collaboration” with Israel. Worryingly, on 26 June 2013 the Attorney General in Gaza declared his intention to proceed with all executions of those accused of murder.

Please write immediately in Arabic or your own language:

- Condemning the executions of “A.M.Gh.” and “H.J.Kh.” as applications of the ultimate form of cruel, inhuman and degrading punishment and urging them to ensure that death sentences against the men named above and any others sentenced to death are commuted or overturned;
- Urging them to open thorough, impartial and independent investigations into reports that many accused of “collaboration” are said to have “confessed” under torture, and ensure that anyone found responsible for abuses be brought to justice in accordance with international fair trial standards.

PLEASE SEND APPEALS BEFORE 08 AUGUST 2013 TO:

Minister of Interior and National Security

Fathi Hamad

Hamas de facto administration in Gaza

Fax: + 972-8-288 1994 / 970 8 288 1994

Fax before 2pm Palestine time (GMT+2)

Email: info@moi.gov.ps

Salutation: Dear Mr Hamad

Head of the High Council of Justices

Abdel Raouf al-Halabi

Email: hjc27117@moj.ps

Salutation: Dear Judge al-Halabi

And copies to:

Minister of Justice

Atta Abu al-Sabh

Hamas de facto administration in Gaza

Fax: +972 8 288 4815

Salutation: Dear Mr al-Sabh

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 103/12. Further information: <http://amnesty.org/en/library/info/MDE21/004/2012/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. Hamas responded by creating parallel law-enforcement and judicial apparatuses. These do not have appropriately trained staff or 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 obtaining the president's approval. The Hamas Ministry of Interior justifies the use of the death penalty saying that it has a duty to protect society and enforce law and order. Many of the death sentences are imposed by military courts, under the Palestine Liberation Organization (PLO) Revolutionary Code 1979, the procedures of which do not meet international standards for fair trial.

No executions were carried out in Gaza between 2006 and 2009, but, since then, according to local NGOs, the Hamas de facto administration in Gaza has executed at least 16 people. Eight were convicted of charges relating to alleged "collaboration" with the Israeli authorities and eight of murder. There are at least 22 Palestinians facing the death sentence and at least another 14 who were sentenced to death in absentia, at least some of whom were convicted after unfair trials, particularly before military courts. Torture and other ill-treatment of detainees are routine in Gaza. During 2011, the local human rights organization the Independent Commission for Human Rights (ICHR) said it had received over 100 allegations of torture in detention by various security agencies in Gaza and 100 allegations of torture by the police in Gaza.

Amnesty International acknowledges that it is the right and responsibility of the Hamas administration to bring to justice those suspected of criminal offences. However, there has never been any convincing evidence produced to prove that the death penalty is a more effective deterrent than any other forms of punishment.

Amnesty International opposes the death penalty – the ultimate cruel, inhuman and degrading punishment – in all cases as a violation of the right to life and the right not to be tortured or subjected to any cruel, inhuman or degrading punishment.

Individuals accused of "collaboration" with the Israeli authorities have also been subjected to summary killings in Gaza in recent months. The Izzedin al-Qassam Brigades, an armed group linked to Hamas, claimed responsibility for the summary killings of seven men accused of "collaboration" with the Israeli authorities. The killings took place during the Israeli military operation "Pillar of Defense" between 14 and 21 November 2013. The seven men were Ashraf Abdel Hamid Aweidah, killed on 16 November 2012, and 'Amer al-Ghaf, Zuheir Hamouda, Ribhi Badawi, Bilal al-Abadseh, Ghassan Asfour, and Fadel Abu Shaluf, all killed on 20 November 2012. At least four of them were allegedly tortured during their interrogations. Ghassan Asfour, referred to in the UA Update of 19 July 2012 as "A.M.A.", had been awaiting the final appeal against his conviction for "collaboration" with the Israeli army and murder.

Despite Prime Minister Isma'il Haniyeh's announcement at the end of 2012 that an independent committee would investigate the events and that the government would follow its recommendations, no findings have ever been published.

Names: A.M.Gh., H.J.Kh., J.Z.J., Ehab Diab Mustafa Abu al Amreen, H.M.A., Ashraf Abdel Hamid Aweidah, 'Amer al-Ghaf, Zuheir Hamouda, Ribhi Badawi, Bilal al-Abadseh, Ghassan Asfour, Fadel Abu Shaluf

Gender m/f: m

Further information on UA: 103/12 Index: MDE 21/001/2013 Issue date: 27 June 2013