

URGENT ACTION

THREE EXECUTED IN GAZA

Three men were executed by hanging in the Gaza Strip on 7 April 2012 by the Hamas de facto administration. A fourth man, J.Z.J, remains on death row and could be executed by firing squad at any time.

On 7 April 2012, **Mohammed Baraka**, from Deir al-Balah in the Gaza Strip, was executed. His appeal against his death sentence for murder, handed down by a criminal court, was rejected by the Court of Cassation in February 2012. **W.K.J**, aged 27, from al-Bureij refugee camp, was executed following a February 2012 High Military Court ruling upholding his death sentence, issued by the Permanent Military Court in March 2011, for treason and accessory to murder. **M.J.A.** was executed for abduction and murder after the Court of Cassation rejected his appeal in February 2012 and confirmed the death sentence issued by a criminal court in 2010.

Amnesty International remains gravely concerned that 38-year-old **J.Z.J.** may also be executed at any time. Sentenced to death on 6 December 2010 for abduction and murder by the Permanent Military Court, his appeal against the sentence was rejected by the Military High Court on 14 February 2012. According to the Palestinian Center for Human Rights (PCHR), he is to be executed by firing squad.

These are the first three executions carried out by the Hamas de facto administration in the Gaza Strip this year. In 2011, military and criminal courts in the Gaza Strip sentenced at least eight people to death, and three men were executed following unfair trials. Proceedings before both military and criminal courts in Gaza are known to fall far short of international standards of fair trial.

Please write immediately in Arabic or your own language:

- Condemning the execution of Mohammed Baraka, W.K.J. and M.J.A as the ultimate form of cruel, inhuman and degrading treatment;
- Urging the Hamas de facto administration to ensure that the death sentence for the J.Z.J. is not implemented, and that his and all other death sentences are commuted;
- Urging the Hamas de facto administration in Gaza to abolish the death penalty, and highlighting that while the authorities have the right and responsibility to bring to justice those suspected of criminal offences, no convincing evidence has ever been produced proving that the death penalty is an effective deterrent punishment.

PLEASE SEND APPEALS BEFORE 22 MAY 2012 TO:

Minister of Justice

Muhammad Faraj al-Ghoul
 Hamas de-Facto Administration in Gaza
 Fax: +970 8 288 0103

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

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

<http://amnesty.org/en/library/info/MDE21/001/2012/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, inter-Palestinian factional violence and tensions between Fatah and Hamas, the Palestinian party which won the last parliamentary elections in 2006, resulted in a situation where since June 2007, the West Bank has been governed by a caretaker government appointed by PA President Mahmoud Abbas while Gaza has been governed by the 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 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.

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

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; M.J.A

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

Further information on UA: 103/12 Index: MDE 21/002/2012 Issue Date: 10 April 2012