

EXTERNAL (for general distribution)

**AI Index: MDE 15/14/95
Distr: UA/SC**

EXTRA 50/95

Death Penalty

5 May 1995

**PALESTINIAN AUTHORITY
AREAS**

Tha'er FARES

Tha'er Muhammad Fares, a Palestinian policeman, was sentenced to death on 2 May by a Palestinian Military Court in Gaza after being convicted of murder, without the right to appeal. This is the first death sentence imposed since the Palestinian Authority was set up in May 1994 with jurisdiction over areas in the Gaza Strip and Jericho.

BACKGROUND INFORMATION

Tha'er Fares was said to have killed a fellow policeman and stolen his gun on 23 April 1995.

Military Courts in Gaza (which should not be confused with the State Security Court) have jurisdiction over members of Palestinian security forces who commit offenses. The court, which used the 1979 Palestine Liberation Organization (PLO) penal code, was presided over by three military judges. The Court was open to journalists and the general public and witnesses were brought forward by the prosecution as well as the court-appointed lawyer who defended Tha'er Fares. The judge stated that Tha'er Fares would have 14 days to "appeal"; however, there is no court of appeal and the only source of further review of the sentence is the Head of the Palestinian Authority, Yasser Arafat. Death sentences passed on members of the security forces are carried out by firing squad.

Amnesty International fully recognizes the right and responsibility of authorities to bring to justice those who have committed crimes. However, the organization opposes the death penalty without reservation as a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment, as recognized in the Universal Declaration of Human Rights. There is no reliable evidence that the death penalty helps to prevent other serious harm, for example by deterring crimes. The risk of error is inescapable, yet the penalty is irrevocable. No measure that may be devised can ever make it less inhuman.

Chairman Yasser Arafat told Amnesty International delegates in 1995 that the PLO was committed to respecting all internationally-recognized human rights standards and to incorporating them fully into Palestinian legislation. The right to life is enshrined in United Nations human rights standards such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English, Arabic, or in your own language:

- urging that the death sentence passed on Tha'er Fares be commuted;
- stating that, while Amnesty International does not condone crimes of violence, it opposes the death penalty in all cases as a violation of the right to life;
- urging the Palestinian Authority, following world trends against the death penalty, to abolish the death penalty and ensure that any new legislation excludes the death penalty as a punishment.

APPEALS TO:

Head of the Palestinian Authority

Chairman Yasser Arafat

Palestinian Authority

Abu Khadra Building

Omar al-Mukhtar Street

Gaza

Via Israel

Faxs: 972 7 82 22 36 (when voice answers, say "fax, please")

Telegrams: Chairman Arafat, Palestinian Authority, Gaza, via Israel

Salutation: Dear Mr Arafat

COPIES OF YOUR APPEALS TO:

Palestinian Independent Commission for Citizens' Rights

Ms Hanan Ashrawi

Ritz Hotel

Ibn Khaldun Street

PO Box 54627

Jerusalem

Via Israel

Faxs: 972 2 28 28 69

Telegrams: Ashrawi, PICCR, Ritz Hotel, Jerusalem

and to representatives of the PLO or the Palestinian Authority accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.