

URGENT ACTION

PALESTINIAN AT RISK OF EXECUTION BY HAMAS

A 23-year-old man known only as "F.A." is at risk of execution by the Hamas authorities in the Gaza Strip if his appeal against his death sentence is rejected on 21 July. He is said to have signed a "confession" under torture. The Hamas Attorney General said this week that two other people would be executed in the coming days.

F.A., from Jabalya near Gaza City, was sentenced to death on 24 March 2013 for "collaboration with an enemy entity", by the Central Military Court in Gaza City. According to his lawyer he appeared in court with a bruised face and weeping. He told his lawyer that he had been hung by his wrists and ankles and beaten during interrogation. He has appealed to the Military High Court. The "confession" he signed contained implausible claims, such as jumping over a four metre-high fence. F.A. has been in custody since January 2011 and is now being held in al-Katiba prison in Gaza City.

The Hamas administration's Attorney General, Isma'il Jaber, was quoted by the Palestinian news agency Ma'an on 8 July saying two people convicted of murder would soon be executed and that the executions would be performed in front of the media for the first time, to "achieve deterrence and restrain those sick souls in the community [from thinking of committing crime]".

Three other men, named in the previous update, **Jamil Zakariya Juha, H.M.A.** and **Ehab Diab Mustafa Abu al Amreen**, are also facing execution having been convicted of murder. According to local human rights NGOs, at least 40 prisoners are facing execution in Gaza.

Please write immediately in Arabic or your own language:

- Expressing grave concern at claims that F.A. "confessed" under torture and other ill-treatment and urging the Hamas authorities to order a thorough, impartial and independent investigation into these allegations;
- Urging them to ensure that death sentences against the four men (naming them) and anyone else sentenced to death in Gaza, are not carried out, and that all death sentences are overturned or commuted;
- Expressing grave concern at the Attorney General's recent comments and urging the authorities to ensure that the attendance of media representatives does not turn the executions into a public or otherwise degrading spectacle, incompatible with human dignity.

PLEASE SEND APPEALS BEFORE 21 AUGUST 2013 TO:

Prime Minister

Isma'il Abd al Salam Ahmad Haniyeh
 Hamas de facto administration in Gaza
 Fax: +972 8 264 1150

Salutation: Your Excellency

Attorney General

Isma'il Jaber
 Fax: +972 8 2886885
 Email: neiaba.gaza@gmail.com
 media@gp.gov.ps

Salutation: Dear Attorney General

And copies to:

Minister of Justice
 Dr Attallah Abu al-Sabh
 Hamas de facto administration in Gaza
 Fax: +972 8 2641349
 +972 8 2641353
 Email: mibraheem@gov.ps

Salutation: Your Excellency

*** Fax before 2pm Palestine time (GMT+2) ***

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 fifth update of UA 103/12. Further information: <http://www.amnesty.org/en/library/info/MDE21/001/2013/en>

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ADDITIONAL INFORMATION

According to Amnesty International's research into detention in the Gaza Strip, which is under the control of the Hamas *de facto* administration, torture and other ill-treatment are routine. During 2011, the Independent Commission for Human Rights (ICHR) said it had received 100 allegations of torture in detention by the police alone and over 100 allegations of torture by other security agencies in Gaza. Palestinians accused of "collaboration" with Israel are especially likely to be subjected to torture or other ill-treatment during interrogation by the Internal Security forces.

On 22 June 2013, two men known only as "A.M.Gh." and "H.J.Kh." were executed at the Jawazat police compound in Gaza, convicted of "collaborating with the enemy". Amnesty International received information that at least one of them - H.J.Kh - was forced to "confess" under torture and to sign a statement of guilt which – since he was illiterate - he could not read. He suffered from spinal problems which worsened during his seven months in custody so that he could no longer sit up and was incontinent. A member of his family who visited him in detention said he told him he had been hung by his wrists and subjected to electric shocks and beaten.

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, since June 2007, Gaza being governed by the Hamas *de facto* administration led by Isma'il Haniyeh.

After Hamas took over control 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 PA 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 by 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 had been convicted of charges relating to "collaboration" with the Israeli authorities and eight of murder. In 2012, six men were hanged by the Hamas authorities.

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 that the death penalty is a more effective deterrent than any other form 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 other cruel, inhuman or degrading punishment.

Name: F.A., Jamil Zakariya Juha, Ehab Diab Mustafa Abu al Amreen, H.M.A.

Gender m/f: M

Further information on UA: 103/12 Index: MDE 21/002/2013 Issue Date: 11 July 2013