

EXTERNAL

AI Index: MDE 21/13/97

17 November 1997

Further information on UA 271/97 (MDE 21/06/97, 13 August 1997) - Death Penalty / Torture / Legal Concern

PALESTINIAN AUTHORITYFawzi Muhammad Mahmud Sawalha

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The death sentence imposed on Fawzi Sawalha was commuted to life imprisonment by President Yasser Arafat on 4 October 1997. The commutation came after an appeal for cassation was turned down by the military court of cassation.

Fawzi Sawalha was arrested on 29 June, accused of being the leader of a masked gang that "terrorized, abducted and ill-treated local civilians", reportedly under orders from the Israeli *Shin Bet* (intelligence service). He was subsequently convicted on charges which included "treason and collaboration" and on 12 August was sentenced to death by the military court in Nablus (West Bank). The three other men tried with him, Khaldun Sami 'Abd al-Salam 'Uthamneh, Taher Ahmad Sharif Jamlan and Naser Rashid Hamadneh received prison terms of varying lengths.

No inquiry has been held into allegations, however, that all four defendants were forced to confess to the crimes under torture (they were allegedly subject to hammer blows to the head, stomach and knees). Their convictions rested solely on these confessions, which they later denied. Additionally, none of the 14 witnesses was able to identify the defendants as their attackers had been masked.

The lawyer of Fawzi Sawalha, Attorney 'Abd al-Karim Hammad, has submitted a petition for a retrial on account of the unfairness of the previous trial and because further evidence has come to light.

**FURTHER RECOMMENDED ACTION: Please send faxes/express/airmail letters in English or in your own language:**

- welcoming the commutation of the death sentence on Fawzi Sawalha;
- expressing concern that the defendants appear to have been sentenced solely on the basis of confessions extracted after torture and asking for a retrial, in accordance with international human rights standards, for all four defendants;
- demanding an enquiry into the allegations of torture made by the defendants.

**APPEALS TO:**

President Yasser Arafat  
Palestinian Authority  
Al-Muntada  
Gaza, Palestinian Authority  
**Faxes: + 972 7 822365 (ask to send a fax)**  
**Salutation: Dear President Arafat**

Mr Freih Abu Meddein  
Minister of Justice  
Ministry of Justice  
Abu Khadra Building  
Omar al-Mukhtar Street  
Gaza, Palestinian Authority  
**Faxes: + 972 7 822236**

2

**Salutation: Dear Minister**

President of the Military Court

Gaza

Palestinian Authority

**Faxes: + 972 7 865 700 [ask for fax or press start after message]**

**Salutation: Dear President of the Military Court**

**COPIES TO:**

Palestinian Independent Commission for Citizens' Rights (PICCR)

Radio Street

Mukhmas Building

6th Floor

Ramallah, Palestinian Authority

**Faxes: + 972 2 998 6958 / 998 7536**

and to diplomatic representatives of the Palestinian Authority accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 30 December 1997.