

EXTERNAL

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Death Penalty / Legal concern

4 July 1997

PALESTINIAN AUTHORITY

Major Fathi Freihat

Mahmoud Zayyid

Wael Ghanem

On 3 July 1997 the above-named Palestinians were sentenced to death by firing squad. They were tried by a Special Military Court in Gaza and found guilty of unintentionally killing Nasser Radwan, 28, after arresting him. They were also condemned for "inciting the masses" by their action to rebel against the Palestinian Authority.

Major Fathi Freihat, Mahmoud Zayyid and Wael Ghanem are members of Force 17, one of at least 11 security services operating under the Palestinian Authority. They arrested Nasser Radwan on 23 June 1997, apparently because of a personal dispute, and brought him, in a coma and brain dead, to the Shifa' Hospital in Gaza the same night. He died in 30 June 1997.

Three other security officers were also tried in connection to Nasser Radwan's death and received jail sentences. Two were sentenced to five years' imprisonment and another to six months. Two other people were acquitted.

The death sentences have to be approved by President Yasser Arafat before they can be carried out.

The Special Military Court tries members of the Palestinian security forces using the 1979 Palestine Liberation Organization (PLO) Code. Apparently the lawyers of the defendants in this case did not appear in court in order to plead, and the accused were defended by state-appointed lawyers.

BACKGROUND INFORMATION

There have been 18 death sentences (including the above) imposed since the establishment of the Palestinian Authority in May 1994. At least two death sentences have been commuted. None have been carried out.

Amnesty International 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 treatment or punishment.

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

- stating that Amnesty International does not condone crimes of violence, but opposes the death penalty in all cases as a violation of the right to life;
- urging that the death sentences passed on Major Fathi Freihat, Mahmoud Zayyid and Wael Ghanem be commuted;
- urging the Palestinian Authority, following world trends against the death penalty, to abolish the death penalty and ensure that any new penal code excludes the death penalty as a punishment for both civilians and military;
- expressing concern at the speed with which the trial was held and that the accused were not defended by their own lawyers, and urging that Major Fathi Freihat, Mahmoud Zayyid and Wael Ghanem be retried in accordance with internationally accepted standards for fair trial.

APPEALS TO:

President Yasser Arafat

Palestinian Authority

Al-Muntada

Gaza, Palestinian Authority

Faxes: +972 7 822 365 (ask to send a fax)

Telegrams: President Arafat, Palestinian Authority, Gaza

Salutation: Dear President Arafat

COPIES TO: diplomatic representatives of Palestinian Authority accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 August 1997.