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Palestinian Authority (PA): Amnesty International calls on the PA not to resume executions and to end impunity

Amnesty International is concerned about recent steps taken by the newly elected President of the Palestinian Authority (PA), Mahmoud 'Abbas, to resume executions.

According to available information up to 30 Palestinians are currently detained on death row. Most of them were sentenced to death between 1996 and 2004 for murder or rape and others were convicted of collaborating with Israeli forces to assassinate Palestinians.

Shortly after his election in January 2005, President 'Abbas submitted the files of some prisoners on death row to the Grand Mufti, seeking his advice with a view to ratifying some of the death sentences. The President's ratification is the last step before executions can be carried out. The Grand Mufti has reportedly advised President Abbas that in his view some five prisoners convicted of murder and rape should be executed.

Since the execution in June 2002 of two men convicted of rape and murder, there has been a *de facto* moratorium on executions by the PA. Amnesty International considered this a positive development, in line with a worldwide trend towards abolition of the death penalty, and is now concerned at the PA's intention to resume executions.

The moves to resume executions are seemingly intended by the PA to demonstrate its determination to restore law and order in the West Bank and the Gaza Strip, where in recent years PA security and law-enforcement institutions have been largely destroyed or prevented from operating by Israeli forces.

These moves are occurring as the PA is seeking to re-establish some degree of control in parts of the Occupied Territories in the context of the renewed dialogue/negotiations with Israel and the recent truce between Israeli forces and Palestinian armed groups.

Amnesty International has urged President 'Abbas not to ratify any of the death sentences and to maintain the *de facto* moratorium on executions. The organization opposes the death penalty in all cases and considers it as the ultimate form of cruel, inhuman and degrading punishment, and a violation of the right to life as enshrined in the Universal Declaration of Human Rights.

Moreover, the death penalty has never been shown to deter crime more effectively than other punishments.

Amnesty International is also concerned that some of those sentenced to death were convicted by the State Security Court or by the Military Court, where trials were grossly unfair and violated the accused's internationally guaranteed rights. Such trials were conducted by military judges, often in a summary manner, and were at times held *in camera*. Many of the accused were denied the right to choose their defence counsel and to appeal to a higher and independent court.

In view of the irreversible nature of the death penalty, trials in capital cases must scrupulously observe all the international standards protecting the right to a fair trial, including the right to be defended by legal counsel of one's choice and the right to review by a higher tribunal.

The PA has the right and indeed the duty to bring to justice those responsible for crimes, but it should do so in conformity with internationally recognized standards and ensure that all defendants have the right to a fair trial by an independent court.

As the PA seeks to reassert its authority in parts of the Occupied Territories, it should give priority to reforming the justice and legal systems and ensuring that they protect and respect the rights to fair trial for all. Resuming execution will not contribute to these goals.

Amnesty International also calls on the PA to put an end to the impunity so far afforded to those responsible for certain crimes, including killings of Palestinian "collaborators" and Israeli civilians as well as "honour" killings.

BACKGROUND

The PA has not investigated deliberate killings by Palestinian armed groups of both Palestinians and Israeli civilians, and family ("honour") killings.

Those responsible for such crimes have continued to enjoy impunity and have not been brought to justice despite the fact that their identity was often known, as they had carried out the killings in public or publicly claimed responsibility for their acts. In recent years *al-Aqsa* Martyrs Brigades groups have claimed responsibility for most of the killings of Palestinians whom they alleged had collaborated with Israeli forces. Killings of women by relatives on grounds of family "honour", and other abuses of women in the family have also frequently gone unpunished.