



المركز الفلسطيني لحقوق الإنسان

PALESTINIAN CENTRE FOR HUMAN RIGHTS

**To His Excellency President Mahmoud Abbas
President of the Palestinian National Authority
President of Palestine Liberation Organization**

10 May 2010

The Palestinian Center for Human Rights sends you its regards, beseeching the Almighty that this letter finds you well, and that He will help you to achieve our people's aspirations for freedom and independence.

Aware of the sensitivity of the Palestinian situation given the ongoing division and its ramifications, and in light of the latest developments in the Gaza Strip with regard to the implementation of two death sentences on 15 April 2010 against Nasser Salama Abu Fraih, 35, and Mohammed Ibrahim Ismail al-Sabe, 36, without the ratification of the President of the Palestinian National Authority (PNA), in violation of the law and the constitution, and with increasing concerns that more death sentences may be implemented, we appeal to you to intervene and issue a decree that enjoys the power of a law to stop the application of the death penalty under the PNA.

As we highly appreciate Your Excellency's abstention from ratifying any death sentences under the PNA since 2005, meeting the demands of Palestinian and international human rights organizations to stop the application of the death penalty, we hope that your position will constitute a prelude to abolishing the death penalty at both the legislative and executive levels, in consistency with growing international efforts to abolish the death penalty. We recall that such efforts have achieved an unprecedented success with the overwhelming majority that voted in favor of a resolution issued by the United Nations General Assembly on 18 December 2007, which called for an end to the application of the death penalty as a first step towards the complete abolishment of this penalty.

Your Excellency, cognizant of the fact that we have criticized, and demanded the cancellation of, all legislations promulgated under the current state of political division, both legislations enacted and published in the official gazette in Gaza by the Change and Reform Bloc in the Palestinian Legislative Council (PLC), and decrees that have the power of laws issued in the absence of the PLC and its inability to carry out its duties under the ongoing state of division, we remind that our reservation has been motivated by deep concerns that the passing of such legislation may contribute to the perpetuation of the ongoing division by maintaining two separate legal systems and creating an irreversible reality.



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However, in light of the consequences of the implementation of death sentences in the Gaza Strip and increasing concerns that more of these sentences may be implemented in violation of the Penal Measures Act #3 of 2001, which requires the ratification by the PNA President for the implementation of death sentences, we believe that it is an urgent issue that needs immediate intervention - by way of issuing a presidential decree ending the application of the death penalty. We here refer to Article 43 of the PNA Basic Law, which grants the PNA President the right, when absolutely necessary, to take decisions that have the power of laws, provided that they are presented to the PLC in the first session it convenes following the issuance of any of such decisions.

We also refer to the PNA's declared commitment to international human rights standards as prescribed in Article 10 of the Basic Law: "1. Basic human rights and liberties shall be protected and respected; 2. The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights."

Accordingly, we reiterate our call to Your Excellency asking you to immediately intervene by issuing a presidential decree that bears the power of a law in order to stop the application of the death penalty under the PNA, as a first step towards the abolishment of this cruel, inhuman and degrading punishment.

Respectfully,

Lawyer Raji Sourani
Director of the Palestinian Centre for Human Rights