



19/3/2017

## **“SHAMS” center condemns inflicting death sentences by Permanent Military Court in Gaza Strip, upon two citizens accused of trafficking in Tramal drugs**

“SHAMS” center condemns inflicting death sentences by Permanent Military Court in Gaza Strip, upon two citizens accused of trafficking in Tramal drugs, in the court’s session on 19/3/2017. The Court inflicted death penalty upon the citizens Ra’fat Hasan Madi 40 years old from Rafah, and Ziyad Ibrahim Altrabeen, 26 years old from Rafah. Accused of drugs trafficking (Tramal drugs) and this represents a precedent.

“SHAMS” center **calls for** respecting the Palestinian Basic Law and Criminal Procedures Law no. 3 of 2001. In this regard, the center reminds that death sentences should be only implemented, following the ratification of the Palestinian president, according to article (109) of the Palestinian Basic Law. Which provides the Palestinian president a constitutional power for endorsing or retention of signing death sentences. “A death sentence pronounced by any court may not be implemented unless endorsed by the President of the Palestinian National Authority”.

Article 408 of the Palestinian Code for Criminal Procedures 2001 stipulates after the court has passed a death sentence, the Minister of Justice should give the file to the president for his approval. While Article 409, stipulates that the head of state should ratify sentences of capital punishment.

“SHAMS” center **puts emphasis** on the importance to prevent prosecuting civilians before military judiciary based on articles (30) of the Palestinian Basic Law.



- Submitting a case to court is a protected and guaranteed right for all people. Each Palestinian shall have the right to seek redress in the judicial system. Litigation procedures shall be organized by law to guarantee prompt settlement of cases.
- Laws may not contain any provisions that provide immunity to any administrative decision or action or against judicial review.
- Judicial error shall result in a remedy by the National Authority. Conditions and methods of such remedy shall be regulated by law.

So, prosecuting civilians before military courts represents a constitutional violation.

“SHAMS” center **requests** respecting the approaches of the Palestinian leaders for the purpose of accession to additional human rights treaties which guarantee the right to life. The center also urges the Palestinian National Authority to sign the Second Protocol of 1989 Annexed to the International Covenant on Political and Civil Rights on the abolition of death penalty. It also urges the Palestinian president Mahmoud Abbas so as not to approve death sentences, and to use his constitutional powers aiming to abolish the capital punishment from Palestinian legislations.

“END”