

**A statement for immediate release
issued by Human Rights and Democracy Media Center “SHAMS”
On implementing death penalty against three citizens
“SHAMS” center: security stability isn’t achieved by executing
citizens**

6/4/2017

“SHAMS” center strongly **condemns** implementing death sentences upon three citizens on Thursday early morning 6/4/2017 who are (A.M) 55 years old, (W.A) 42 years old and (A.Sh) 32 years old. The center mentioned that such sentences come in light of the so-called political, public opinion’s and raising supporters’ prosecutions. Additionally, sentences were implemented for the purpose of gathering peoples’ emotional support and controlling affairs in Gaza Strip by horrifying people. It is worth noting that security stability won’t be achieved by implementing collective executions but, assuring equal opportunities, opposing poverty and unemployment, social justice, providing job opportunities, empowering people and giving a space to practicing rights and freedoms. Executing these citizens represent illegal crime that implies that civil society organizations as well as regional and international foundations stand firmly against such gross violations committed by the de facto government in Gaza Strip.

“SHAMS” center **emphasizes** the importance to apply the rule of law and fair prosecution for people who were death sentenced. In this regard, the center puts emphasis that prosecuting such people lacks the minimum of Fair Trial conditions, based on article (6) of International Covenant for Civil and Political Rights, stipulating this penalty can only be carried out pursuant to a final judgment rendered by a competent court. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

Moreover, independence of jurisdiction will be the essential guarantee for achieving fair trial. So, a trial will not be considered as fair unless the judges are unbiased regardless of the conditions. For this purpose, the right to fair trial before an independent court is an absolute right.

“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. This 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 **stresses** that respect for international Covenant by internal laws & regulations especially regarding to the legal power. This represents a guarantee for human rights and as a recommendation so as not break the internal judicial power applied in any state, declared by human rights conventions and treaties. It is worth noting that stipulating rights and freedoms within laws and the constitution will not guarantee enjoying such rights and freedoms by citizens on the ground. Furthermore, enjoying basic rights and freedoms isn't only an internal affair, but also an international matter to make sure that human rights and basic freedoms are guaranteed by international treaties.

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