

28/5/2017

**A statement for immediate release issued by Human Rights and
Democracy Media Center "SHAMS"**

On implementing death sentence upon three citizens

"SHAMS" center: executing citizens is a crime in the name of law

"SHAMS" center strongly **condemns** implementing death sentence upon three citizens on Thursday May 25th 2017 who are Ashraf Abu Laila 38 years old, Hisham Mohammed Aloul 43 years old and Abdulla Ahmad Annashar 38 years old. Due to being charged with murdering the leader in Izz-Edden Alqassam Brigades, affiliated with Hamas in the previous March. During only one week from the beginning of the trial, in which four sessions were held. The court issued the sentence on 21st of May 2017 and the sentence was implemented on Thursday 25th of May 2017. It is worth noting that the three citizens were prosecuted before the field military court which lacks the minimum conditions for fair trial. The court accused them of espionage with the Israeli authorities, killing and getting involved in killing.

"SHAMS" center **considers** such sentences as similar to political prosecutions, public opinion prosecutions and prosecutions for the purpose of increasing supporters. Such courts come in light of reactions' trials for getting audience sympathy. The center added that internal security of Gaza Strip and eradication of crimes will never be achieved by implementing collective executions. However, it will be achieved by providing equal opportunities and social justice. In addition to combating poverty, unemployment, empowering people to select their representatives and giving them space for enjoying their rights and freedoms. Implementing death penalty against those citizens is illegal, while human rights organizations as well as regional and international foundations should put an end to such gross violations, implemented 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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