



3/12/2018

A statement for immediate release, issued by Human Rights & Democracy Media Center "SHAMS"

On inflicting death penalty upon (six) citizens including a woman by the Military Judiciary in Gaza City on Monday 3/12/2018.

"SHAMS" Center strongly **condemns** inflicting death penalty upon (six) citizens including a woman by the Military Judiciary in Gaza City on Monday 3/12/2018, who were accused of collaborating with the Israeli occupation. It is worth mentioning that Military Court in Gaza Strip issued different judicial judgments against (14) individuals who were accused of collaborating with the Israeli occupation included (6) death sentences. One of whom is the female citizen Amal M.M. (55) years old who was sentenced in absentia for encouraging her relative to collaborate with Israeli intelligence.

"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 **underlines** that in spite of having guarantees of a fair trial set out in the Palestinian Basic Law, as well as Code of Penal Procedure No. 3 of 2001. In which the legislators have attempted to cover the capital punishment with guarantees which ensure well application of this punishment through guarantees not only in Palestine, but also in the various Arab countries.

However, the talk about safeguards is guaranteed only in theoretical level, while it is quite different on the ground. One of the first guarantees is that the accused will appear in a fair trial before an independent judiciary. In our country, fair trial standards are not considered available either in terms of procedures or in the application of the legal norms of the crimes provided for in the Penal Code, especially in offenses related to internal or external security of the State. Apparently, the courts are exceptional or ordinary, neither independent nor



impartial. The executive power and its security apparatuses dominate and undermine the independence of the judiciary and the judge. The majority of judges are subject to the control of the executive power and its excesses and implement its wills and interests.

"END"