



8/2/2016

A statement for immediate release issued by

"Human Rights and Democracy Media Center "SHAMS"

on execution of death penalty by HAMAS against the **condemns** center **SHAMS**
."ethical breaches" to the members within Izz-Iddin Alqassam Brigade due

"**SHAMS**" center **condemns** the execution of death penalty by HAMAS against Mahmoud Rushdi Ishtewy, who is one of its members in Gaza Strip. After bringing admissions to the Izz-Iddin Alqassam Brigade the military part of Hamas, in which he confessed committing "ethical and behavioral breaches" according to their description. Based on the sources of the center, Ishtewy is a member of the Izz-Iddin Alqassam Brigade which is responsible for tunnels in Gaza Strip, and his relatives were able to visit him 3 times when he was arrested at Alqassam prison. The center strongly condemns executing death penalty against the citizen according to weak and false evidences. Also, the calls HAMAS for stopping killing and unrespect the citizens in Gaza Strip, by being the judge and the hangman.

"**SHAMS**" center **reminds** that preventing the person under arrest from contacting a lawyer or informing the family about the place of arrest involves a constitutional violation against rights and guarantees mentioned in article (12) of the Palestinian Basic Law. Because the procedure of detention and arrest is linked with enabling the person under arrest to contact a lawyer, and this is improved by the article. "Every arrested or detained person shall be informed of the reason for their arrest or detention. They shall be promptly informed, in a language they understand, of the nature of the charges brought against them. They shall have the right to contact a lawyer and to be tried before a court without delay".



Moreover, due to the importance of these rights and guarantees at the stage before being tried before a court, it was addressed by Committee against Torture. In the general comment (2) on Convention against Torture, of 1984 that Palestine accessed to with clean acceptance. The committee stressed that person under arrest should have the right to inform relatives and contact a lawyer. This was given emphasis also by Human Rights Committee at the UN, and its closing comments on the reports of member countries within International Covenant on Civil and Political Rights, which Palestine accessed with clean acceptance. It was stressed also by article (13) of Body of Principles for the Protection of All Person under Any Form of Detention or Imprisonment.

"SHAMS" center significantly **requests** to respect the efforts of the Palestinians leaders aiming to access to additional human rights conventions, which secure the right to life. It also calls the Palestinian National Authority to sign the Second Optional Protocol of 1989 Annexed to International Covenant on Civil and Political Rights aiming at the abolition of death penalty. The center also calls the Palestinian president Mahmoud Abbass so as not to approve death sentences, and to employ his constitutional powers to abolish death penalty from the Palestinian legislations.

"END"