



2020/10/19

**Statement for immediate publication****Issued by Human Rights and Democracy Media Center "SHAMS"****The issuance of three death sentences in the Gaza Strip**

**"SHAMS" Center condemns**, in the strongest and harshest terms, the death sentences issued by the Gaza Court of First Instance on the evening of 10/18/2020, against three citizens by hanging them to death. Where the court ruled to execute citizens: (M / D) 42 years old, (R / D) 27 years old, and (B / D) 29 years old. Those accused of murdering citizens (A.A.) and (N, A), using firearms on 12/8/2016, following a family and financial dispute. These executions bring the number of death sentences issued since the beginning of this year to (11), (4) sentences, during the current month in which the International Day Against the Death Penalty is celebrated, which focused on the right to legal representation for individuals who may face the death penalty. This reflects the strange insistence of the Gaza Strip courts to go ahead alone in this wrong path.

**"SHAMS" Center views** with great concern the submission of the Gaza Strip courts to tribal claims and societal revenge desires. Especially after their official intention to speed up the completion of what it calls "red tape" killing cases in line with revenge tendencies, this raise concerns that this may violate the guarantees of a fair trial and diminish the litigation rights of the accused. The results of this policy emerged, with the Khan Yunis Court of First Instance issuing a death sentence by hanging the killer of citizen (A.B) just days after the crime.

**"SHAMS" Center believes** that this approach to the Gaza courts come under pressure from public figures, notables, mayors and tribal sheikhs towards speeding up the enforcement of the death penalty. And their increasing demands to establish field courts that issue judgments on the perpetrators without waiting for the approval of President Mahmoud Abbas, which they expressed in meetings with senior official figures who are affiliated with the "Hamas" movement. Most



notably, their meeting with the Attorney General in the Gaza Strip, Counselor Diaa Al-Din Al-Madhoun, and with the Acting Speaker of the Legislative Council Ahmed Bahr and others. They have received promises that respond to their demands to speed up execution of death sentences, as the Public Prosecutor briefed them on the statistics of final death sentences in preparation for the commencement of their implementation.

**"SHAMS" Center expresses** its astonishment at the timing of these rulings without detracting from its rejection of them in principle, which comes in light of the relentless Palestinian efforts exerted to achieve reconciliation. The continued issuance of these judgments by the courts of the Gaza Strip cannot be separated from the fact that they are an expression of the desire of the de-facto authority in the Gaza Strip represented by Hamas to challenge the procedures stipulated in the Palestinian Basic Law from requiring the president to ratify death sentences, who stopped doing so years ago. And the challenge of official Palestinian accession to the Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty, and the competition of Palestinian courts in the West Bank that have stopped issuing death sentences, and accordingly, these new provisions will establish legal centers that violate these unitary efforts and re-shuffles the cards and ignites the conflict of powers and competencies.

**"SHAMS" Center states** that the elimination of crime begins with draining its swamps by working against the circumstances, factors and the compelling criminal environment that allows new perpetrators to emerge in succession, which contributed to the failed administration of the de-facto government. In addition to the Israeli colonial blockade, high rates of poverty and unemployment, life pressures, and the deterioration of services to unprecedented levels, and other conditions, that contributed to the spread of crimes.

**"SHAMS" Center calls** on the courts of the Gaza Strip to stop throwing ash in the eyes by choosing unreal and easier solutions, by executing the accused in a culture that reflects a vengeful mentality rather than a vision that believes in the philosophy of criminal justice. Hamas, as the de facto authority in the Gaza Strip,



should communicate with the Palestinian public with real solutions that eliminate violence and crime factors and preserve civil peace and community cohesion. All

that could be accomplished through comprehensive and clear national plans and strategies that focus on treating the causes of crime, rather than focusing on revenge against criminals whose failed policies has allowed their emergence.