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**A statement for immediate release  
Issued By Human Rights and Democracy Media Center**

**Faced with International Disregard and Civil Negligence, and Based on unconstitutional legislations and procedures: Military judiciary sentences (4) civilians to death.**

**"SHAMS" Human Rights and Democracy Media Center Condemns** the Issuance of (18) death sentences since the beginning of year 2021 in the military courts of Gaza, in 12/10/2021, the permanent military court in the Judiciary Military authority (First instance court), has issued a death sentence to civilian (A.Q) from Khan-Younis, to be followed with another death sentence in 13/10/2021 by execution to the civilian (M.M) 30 years old from Shaboura neighborhood in Rafah, as well as civilian (M.A), charged with espionage to a foreign enemy, breaking article (131) of the Palestinian penal code 1979. The Military judiciary authority has never announced that it has issued a death sentence to civilian (M.A), it shriveled through a visit to the accused in his prison, he stated that he had been charged with death sentence by the military court, mentioning that there had been (4) death sentences during this October only.

**"SHAMS" Center stresses** on describing the death sentence as an inhumane punishment, that should be abolished according to the Palestinian international legal commitments, since it has also been proven ineffective, which requires the Government in Gaza to change its strategies and judiciary system to adapt to other ways of dealing with such crimes, and not establish easy penal practices in the judiciary systems that are based on vengeance mindset.

**"SHAMS" center emphasizes** on dangerous effects of such adjudications being ruled by military courts against civilians, which violates the rights to civilians to get fair access to a civilian courts Article (30/1) of the amended Basic Law, as the prosecution and military courts do not have any legal powers to authorize them to take judicial measures against civilians. Military courts or the extension of their jurisdiction outside the scope of military affairs article (2/101) .

Which constitutes a violation for the standards, practices and guarantees for accused civilians in the conventions and international accords, on the rules and standards of fair trials, The supreme court of justice has already confirmed in many decrees on these principles, especially the decree regarding case (158/2008), moreover, the president had issued a decree that stops holding military trials for civilians, Assigning the competent authorities, including the Supreme Judicial Council, the Public Prosecution, the Military Judiciary, the Ministry of Interior and the security services, to follow up on the implementation of the content of the decision, and to follow up on the mechanisms for separating civil and military cases on January 17, 2011.



**"SHAMS" center recommends** that the Palestinian law system should have constitutional amendments, specifically regarding to the death penalty, which courts in Gaza do not follow, e.g., the president should approve such sentences according to article (109) of the Basic amend law, and to articles (409,408), and for Criminal Procedure Law (3/2001), which makes these sentences illegal and closer to being crimes than punishments.

Moreover, the Revolutionary Penal Code, the Revolutionary Code of Criminal Procedure and the Law of the Revolutionary Reform Centers of the Palestine Liberation Organization, all of 1979, which are used as the legislative basis for these death sentences issued by the military judiciary, may not be enforced and applied in principle because these legislations do not comply with the requirements of publication in the Official Gazette which The amended Basic Law stipulated it as a necessity, a duty and an essential condition for the enforcement and application of any primary or secondary legislation.

**"SHAMS" Center regrets** what it perceives as the case of the international community's management of the death sentences taking place in the Gaza Strip, while focusing on other battles such as pushing to change the Palestinian school curricula for political goals, which indicates double standards. This comes at a time that Civil organization internationally and nationally are not putting the needed efforts to lobby against a real stand against these violations of death sentences in the Gaza Strip, seeming like death penalties in Palestine are no more of a priority, which reflects the loose stands on the right to live.

**"SHAMS" Holds** all parties responsible in the lack of coordination and initiative and the limited efforts and attentions towards combating such violent practices, hence, parties should be encouraged to do more towards combating the death sentence and not surrender to the on-going situation being forced on civilians.

**Hence, "SHAMS" center recommends the following:**

1. It is crucial to stop issuing death sentences in Gaza, whether by civilian, and military courts alike, promoting guarantees of fair trials according to international laws and national legislations.
2. The political system and its official institutions to take a serious stance to implement Palestine's relevant international obligations, foremost of which is the International Covenant on Political and Civil Rights and the Second Optional Protocol to it, which aims to abolish the death penalty through publication in the official media and newspapers and the harmonization of national legislation.
3. Intensifying local and international civil institutions, foremost of which is the International Alliance against the Death Penalty, working to combat this punishment in Palestine, by strengthening coordination, partnership and support for specialized local institutions, intensifying oversight of justice sector institutions, which is the work and hearings of the courts, and making more efforts in the monitoring framework. Increasing the effectiveness of lobbying and advocacy.



4. Shedding the light on the death penalty through traditional and modern media means, social media platforms, and starting campaigns on many levels and aspects to effect and reach public opinion to combat the death penalty, being aware of its violations and risks, and lobbying towards full abolishing this punishment on both the legislative and practical levels.

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