



2021/1/27

Statement for immediate release

Issued by Human Rights and Democracy Media Center "SHAMS"

"SHAMS" Center denounces The Issuance of a new death sentence against a citizen by Deir al-Balah Court of First Instance

"SHAMS" Center received with much anxiety and anger, the issuance of a new death sentence against the citizen (A.A) by Deir al-Balah Court of First Instance on Wednesday, 1/27/2021. This ruling came in conjunction with the charges against him in the case of complicity in premeditated murder, in violation of the provisions of the law. It was remarkable what was accompanied with the ruling by a statement from the justice authorities in the Gaza Strip that: "The case is a public opinion case, which the judiciary seeks to end and not keep in the court records, and it comes within the judiciary's policy to oblige the parties to the dispute represented in the (Public Prosecution and Defense) in general to summarize their evidences and not to prolong the period of litigation in pursuit of a safe society away from crime".

"SHAMS" Center stresses that this dangerous trend that it has previously warned against may violate the guarantees of a fair trial, and drift towards desires for revenge, at the expenses of proper and careful application of the procedures in order to accelerate the settlement of criminal cases. The statement also reflects a serious understanding of the philosophy of justice, represented by following "retribution" as a means to achieve security in society, preserve civil peace and fight crime, instead of heading for strategic plans and radical solutions that prevent the causes and motives of committing the crime. It is unwise to keep the environment for the growth



of crime in place, to wait for the birth of new criminals, and then to get rid of them easily instead of closing the motives to the occurrence of crime in the first place.

"SHAMS" Center confirms that these provisions come in light of the Palestinians' readiness to hold elections at their various levels, and the proximity of the Cairo meetings for talks between the Palestinian parties. It was one of the most prominent consequences of the political division, the existence of a division at the legislative and judicial levels. The ruling is seen at this time as an act that would contribute to poisoning the unitary atmosphere that would succeed in reunifying the judiciary and the justice system, and that it comes in the context of early electoral propaganda by the de facto authority in the Gaza Strip, " Hamas Movement " directed at the grassroots firmly support the death penalty.

"SHAMS" center calls on the various parties in the justice system in the Gaza Strip to respect the right to life, as it is the pillar of the human rights system first, to respect the legal obligations of the State of Palestine, to respect the official desire to abolish this penalty, and to take into account the unitary atmosphere that is expected to unify the justice system in the West Bank and Gaza Strip.

"SHAMS" Center looks with hope that the upcoming elections for the Legislative Council and the parliamentary session will be an entry point for humanizing Palestinian legislation, by harmonizing national legislation with the International Covenant on Civil and Political Rights and the second Optional Protocol attached to it, and reforming the penal legislation system by adopting a modern Palestinian penal law committed to standards and best practices and with the newer philosophy of



criminal justice, reviewing the Revolutionary Penal Code 5/1979 and the rest of the legislation that allows the death penalty in order to abolish it.