



8/6/2021

A statement for immediate release

Issued by the Human Rights and Democracy Media Center "SHAMS"

On the Issuance of a death sentence to a citizen by the Khan Younis Court of First Instance

"SHAMS" Center condemns with the strongest and harshest terms the issuance of a death sentence by the Khan Younis Court of First Instance against the citizen (A.M) for the charge of premeditated murder in contravention of the provisions of the law. The issuance of the sentence coincided with a brief statement issued by the Higher Judicial Council in the Gaza Strip, which stated that, "murder crimes are amongst the crimes which the judiciary seeks with seriousness and interest to completely end and remove from the active court records. This is done within the judiciary's policy which purports to shorten litigation periods, achieve civil and social peace, and accomplish public deterrence to reach a safe society that is free from crime."

This reflects a dangerous policy from which "SHAMS" Center has warned in the past. The policy prioritizes a quick closure of cases, which constitutes an infringement upon guarantees of a fair trial and identification with a culture of vendetta and vengeance.

Simultaneously, this statement reflects an erroneous understanding of the philosophy of deterrence that is rooted in physical punishment rather than one which sets rehabilitation and reform as its ultimate objective. It also reflects an approach that would rather dispense with citizens accused with crimes than courageously confront the reasons underlying their crimes to resolve them at their roots in order to prevent their occurrence in the future and achieve a genuine form of civil peace and social cohesion.

Therefore, "SHAMS" Center calls upon all effective actors in the justice system in the Gaza Strip to fully respect the right to life, to not violate Palestine's legal commitments as per the International Covenant on Civil and Political Rights and its second optional protocol that calls for an end to the death penalty, align the national legislations with the Covenant and its protocol, publish them in the official Gazette, immediately stop the systemic violations of constitutional guarantees of the right to life, and intensify civil work against the death penalty in order to eventually abolish it completely.

The End