



29/5/2022

A Statement released by "SHAMS" regarding upholding a death penalty against a citizen by the military court of appeal

Human Rights and Democracy Media Center "SHAMS" in Palestine condemns upheld of a death penalty by the court of appeal of the military judicial authority. The court of appeal upheld the judgment on Saturday 28/5/2022 against a citizen named Shadi AL- Soufi (38 years old) from Gaza Strip. The mentioned citizen was sentenced to death by hanging based on article of 415 of the Criminal Procedure Law 3/ 2001. The accused was indicted of shooting dead another citizen named Jaber el- Qeeq, from Rafah City, on 12/7/2020 .

"SHAMS" Center calls upon abstain from presenting civilians to military courts, which violates the law. Up to date, Palestinian civilians are still presented to military courts but not civil courts in violation of the law and the international Human Rights Law Instruments that emphasize the right of accused to be presented to the appropriate courts. Presenting civilians to military courts violates article 30 of the Palestinian Basic Law, which states: "Each Palestinian shall have the right to seek redress in the judicial system". Therefore, presenting civilians to military courts is constitutionality violation.

"SHAMS" Center remind that the military court referred to Revolutionary Penal Code (5/ 1979) especially article 378/ a, in issuing the judgment against the given citizen, though this law is applicable to militants only but not civilians. The Revolutionary Penal Code is applicable to civilians in violation of the law and the principles of fair trial. Likewise, the given law is not a constitutional law as it was not issued by an authority specialized in issuing legislation and it was not approved by any authorized party of the PNA institutions. The Revolutionary Penal Code was issued by the Palestinian Liberation Organization before the emergence of the Palestinian National Authority and was applicable to the militants only. However, the PNA continued applying the given law against civilians and militants without being discussed or approved by the Palestinian Legislative Council.

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