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A new Massacre : The Status Quo Government Executes Five Citizens In Violation of the Constitutional and Legal Procedures

Human Rights and Democracy Media Center- SHAMS / Palestine, condemns strongly executing five citizens by the status quo government in Gaza Strip. Two were accused for communication with hostile party and three accused for murdering crimes. The Ministry of Interior within the Status Quo Government in Gaza Strip, declared in an official statement (on Sunday 4/9/2022) executing the five citizens at dawn. The executed citizens are:

1. (N. A.) 44 years old: A resident of Gaza City and was executed by firing squad. The judgment was issued on 30/10/2009 where he was accused for communication with hostile party and was sentenced based on article 131 of the Palestinian Revolutionary Act/ 1979
2. (KH. S), 54 years old: A resident of Khanyounis and was executed by hanging to death. He has been interrogated since 15/2/2015 and accused for communication with hostile party where he was sentenced based on article 131 of the Palestinian Revolutionary Act/ 1979
3. (A. I) , 43 years old: A resident of Gaza City and was executed by hanging to death. He is accused for kidnapping and murdering a woman and then he escaped from prison and committed a another murdering crime against another citizen where the second crime was added to the first crime of killing and robbing committed in 2009
4. (M. Z)., 30 years old: A resident of north Gaza. He was executed by hanging to death where he has been interrogated since 30/9/2013 and accused for predetermined killing for the sake of robbing another citizen.
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6. (J. Q), 26 years old: A resident of North Gaza who was executed by firing squad where he has been interrogated since 14/7/2022 and accused for predetermined killing of a citizen and a child in addition to injuring another 11 citizens.

SHAMS Center emphasizes that implementing these sentences is a profound violation of the Palestinian Basic Law that conditions execution by the approval of the Palestinian president. Article 109 of the Amended Basic Law states that: "Death Penalty issued by any court should not be



implemented but after being confirmed by the president of the Palestinian National Authority". Additionally, execution stands as violation of the criminal procedures law (3/ 2001), especially article 408, which states: "Once the death penalty sentence is final, then the ministry of Justice should submit the file to the president immediately" and article 409 that conditions execution by the approval of the president .

SHAMS Center stresses that implementing the death penalty represents a violation of the Basic Law and the legal procedures. Additionally, it violates the principles of criminal justice and the fair trial principles. In this regard, it is unreasonable to execute the citizen (J. Q, 26 years old from North Gaza) within a duration of 50 days since he was first interrogated (14/7/2022). Such act violates the accused right to self-defense and listening to the witnesses by the court as well as giving the lawyers the adequate time to advocate their client.

Additionally, **SHAMS Center considers** the death penalty sentences in Gaza Strip illegal and contradict with Palestine's commitments resulting from acceding to the International Covenant on Civic and Political Rights as well as joining the optional protocol of the Convention against Torture that is related to abolishing death penalty. Likewise, the fair trial principles are not guaranteed to issue such sentences.

SHAMS Center calls upon immediate stop of using death penalty or threatening to implement it without the approval of the president. The sentences were implemented today without the approval of the President where this is a crime that requires accountability and is imprescriptible where implementing death penalty in such circumstances is outlaw murdering. Palestine should respect its commitments on the international level and abolish death penalty from the national legal set immediately and replace it with another penalty to rehabilitate criminals and achieve deter of crimes while protecting human dignity. SHAMS Center calls upon the president to continue abstaining from approving the death penalty sentences as a step towards abolishing it from the Palestinian legal set. The International Community should initiate to press on the Palestinian Authority to accelerate the process to issue a law to abolish death penalty from the Palestinian legal set. The Palestinian human rights and legal organizations should intensify their efforts to increase the activities against death penalty and intensify the community monitoring of justice pillar,



including observing the courts' sessions to ensure protecting right to life. There is a need to strengthen the networking and coordination activities among the related national, regional, and international organizations to abolish the death penalty.

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