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**Human Rights and Democracy Media Center- SHAMS:
Issuing three death sentences by the Military Judicial Authority is a Clear Violation of
the Palestinian Basic Law**

Human Rights and Democracy Media Center- **SHAMS**, strongly condemns the issuance of three death sentences, by the Military Judicial Authority, on Thursday 9/3/2023 according to a statement issued by the Authority. Three citizens were sentenced by hanging till death where two of them are accused for communication with a hostile party (Israel) and the third is accused of possessing and promoting narcotics.

"SHAMS" Center emphasizes that promoting narcotics is a crime that has clear negative impacts on the entire community. Yet, the international standards and principles ban imposing the death penalty in all circumstances. Likewise, the decree- law number (26/ 2018) that amended the Decree Law (18/ 2015) regarding combating narcotics and psychotropic substances applied in OPT, did not authorize death penalty for the crimes of possessing and promoting narcotics. Thus, there is a structured crime committed by the Palestinian Judicial System where a citizen is executed with no legal basis.

"SHAMS" Center stresses that the above-mentioned sentences issued by the military judicial authority are illegal and unconstitutionally. According to article 30 of the Basic Law (paragraph 1): "Filing an action before a court shall be a protected and guaranteed right for all persons. Every Palestinian shall have the right to seek redress in the judicial system. Litigation procedures shall be regulated by the law to guarantee the prompt resolution of cases". Furthermore, the Revolutionary Penalty Code (5/ 1979) that is applicable to the militants in the security bodies, is an unconstitutional law as it had never been approved by the Palestinian Legislative Council.

The issued sentences of the military judicial authority included 3 death sentences against two accused for communication with hostile party (one of them was sentenced after exhausting the appealing). Accused citizens were judged according to the bill of charge on the base of the Revolutionary Penalty Act 1979 and the criminal procedures law (3/ 2001). The third citizen was sentenced based on combating narcotics and psychotropic substances law (7/2013). In the same session, the military court sentenced other citizens



accused for communication with hostile party and citizens accused for drugs dealing where those citizens were sentenced for life imprisonment.

In the Appeal case number (146/ 2021), number (33/ 2019) courts, and (1002/ 2018) military prosecution: the military appeal court sentenced (A. Q- 44 years old) from Khanyounis, for hanging till death according to the bill of charge. The citizen was sentenced based on article 415 of the criminal procedures law (3/ 2001). Additionally, the court ruled to confiscate the materials that were made in the case according to article 26 of the Revolutionary Penalty Act/ 1979. The court reported that the accused was charged for communication with hostile party in violation of article 131 of the Revolutionary Penalty Act/ 1979 where the sentence was issued in presence with consensus of the judges. The sentence is subject to appeal, according to the court's statement

In the case (41/ 2020) courts, and the case (143/ 2020) military prosecution: the permanent military court sentenced (E. D- 65 years old), a resident of northern Gaza governorate (a fugitive from justice), to hanging till death. The given citizen was accused for the bill of charge (possessing and promoting narcotics) based on article 1/28 of the combating narcotics and psychotropic substances law (7/2013). The court reported that the sentence was default and subject to appeal

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