



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

## COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

For immediate release

Geneva, 25 July 2008

### **PALESTINE: THE ICJ CALLS ON THE PALESTINIAN AUTHORITY TO ABOLISH THE DEATH PENALTY AND TO COMMUTE THE EXECUTIONS OF THE DEATH SENTENCES IMPOSED BY MILITARY COURTS**

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In a letter sent today to the President of the Palestinian Authority, the International Commission of Jurists (ICJ) called on the Palestinian Government to abolish the death penalty, to commute the executions of the death sentences imposed by the military courts in Gaza and the West Bank, and to reform the Palestinian legislative framework in order to bring it in line with international human rights standards.

On 20 July 2008, a military court in Gaza sentenced to death Mr. Eyad Ahmed Diab Sukkar for carrying out "*hostile activities against Palestinian revolutionists and military operations of the Palestinian revolution,*" in violation of article 131 of the Palestinian Revolutionary Penal Code of 1979. During the last year, five other Palestinians have been sentenced to death by military courts in Gaza and the West Banks for similar charges.

" *Palestinian Military courts did not meet the international standards of the right to a fair trial by a competent, independent and impartial tribunal established by law, ensured by the Universal Declaration of Human Rights and recognized as a fundamental principle of international law*" said the ICJ. In addition to that, the ICJ recall that the jurisdiction of military courts shall be limited to military offences committed by military personnel.

The decisions of Palestinian military courts are not subjected to any kind of appeal. Only the President of the Palestinian Authority has the power to prevent the execution of the death sentences. "In cases involving the death penalty, it is axiomatic that the accused must have a right of appeal. The imposition of capital punishment as a result of a trial, which does not meet these standards, constitutes a summary execution," added the ICJ.

The 1979 Palestinian Revolutionary Penal Code, used by these military courts, provides for a wide spectrum of offences (42 offences) imposing the death penalty "*this legislation violates a well-recognized universal principle, according to which capital punishment can only be imposed for the most serious crimes*", concluded the ICJ.

The ICJ therefore calls on the Palestinian President, to commute the executions of the death penalty against Mr. Eyad Sukkar and the other death sentences imposed by military courts. "The ICJ calls on the Palestinian Government to seriously consider abolishing capital punishment, which constitutes a cruel and inhuman punishment and which has been abolished, in law or practice, by 137 countries" said he ICJ. The ICJ also urges the Palestinian Government to revoke the Palestinian Revolutionary Penal Code and to ensure that civilians are only tried by civilian courts, using procedures consistent with the standards of fair trial.

*For further information please contact Said Benarbia, by email [benarbia@icj.org](mailto:benarbia@icj.org), or at +41229793817.*

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

33, rue des Bains, P.O. Box 91, 1211 Geneva 8, Switzerland  
Tel: +41(0) 22 979 3800 - Fax: +41(0) 22 979 3801 - Website: <http://www.icj.org> - E-mail: [info@icj.org](mailto:info@icj.org)