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SHAMS Center

Discussing the Drafted Law to Execute Palestinian Prisoners by the Israeli Knesset is a War Crime with Legal Coverage

Human Rights and Democracy Media Center- SHAMS, emphasizes that the discussion in the Israeli Knesset on the bill to execute Palestinian prisoners marks the beginning of a new chapter in the deliberate killings carried out by the Israeli occupation against Palestinian people and an escalating of the organized war crime. In the ongoing aggression against the Palestinian people in Gaza and the West Bank, and with the world preoccupied with hostile acts and crimes committed against innocent civilians, including the targeting of civilian objects such as hospitals, schools, universities, churches, mosques, heritage buildings, and government institutions, the Israeli occupation intensifies its crimes against the Palestinian people through the consideration of the bill to execute Palestinian prisoners in Israeli prisons. If passed, this bill would be considered a war crime under legal cover.

"SHAMS" Center emphasizes that the statement of the so-called "Minister of National Security" in the extremist occupation government, Itamar Ben Gvir, regarding the discussion in the Israeli Knesset's Legislation Committee on the bill to "execute Palestinian prisoners" on Monday, November 20, 2023, for presentation to a vote in the first reading before the Knesset Plenum, is an extremely dangerous step. It adds to the arbitrary measures and policies exercised by the occupation's prison administration against Palestinian prisoners. This comes within the coalition agreements between the extremist Israeli parties, which stipulated the approval of this law when they joined the government at the end of 2022. It is worth noting that the bill stipulates the imposition of the death penalty on anyone who intentionally or negligently causes the death of an Israeli citizen out of racial motivation or hatred, inflicting harm on Israel.

"SHAMS" Center condemns the aggressive practices employed by the Israeli occupation against Palestinian prisoners, reflecting the extent of fascism, brutality, hatred, and criminal intent. This reveals the true aggressive intentions and objectives of the Israeli occupation in executing Palestinian prisoners and depriving them of their basic living conditions. Since October 7, 2023, doctors have been denied access to prisoners, despite critical and chronic medical conditions requiring continuous monitoring. Medications for 70% of patients have been suspended, replaced only with limited and insufficient painkillers. Additionally, prisoners are provided with extremely poor and undercooked food with a foul smell and taste, insufficient in quantity. They are not allowed to go to the exercise yard, and all electrical appliances, personal belongings, clothing, blankets, and pillows have been confiscated. Electricity is cut off daily in the sections, causing overcrowded rooms where some prisoners sleep on the floor. There are frequent groundless attacks on prisoners in their rooms, repeated brutal and barbaric raids by suppression and inspection units, denial of access to the (canteen), and restrictions on visits by lawyers and family members. This reflects a state of disregard and indifference towards international rules



protecting prisoners, defining guidelines and restrictions on their treatment. This includes the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the "Nelson Mandela Rules" of 2015, which focus on improving prison conditions and dealing with detainees, including those who are sick, injured, children, and women. It emphasizes providing suitable environments, food, drinks, medication, and appropriate housing for all detainees.

"SHAMS" Center condemns the arbitrary actions carried out by the Prison Authority and the Israeli occupation army, represented by the daily assaults against Palestinian prisoners and the deliberate policy of medical neglect. These measures have resulted in the martyrdom of the prisoner Tha'er Abu Asab on Saturday, November 18, 2023. Tha'er Abu Asab, aged 38, from Qalqilya, had been detained in Negev Prison since May 27, 2005, and was sentenced to 25 years in prison. He becomes the fifth prisoner to be martyred in Israeli prisons since October 7, 2023.

"SHAMS" Center affirms that the practices of the Israeli occupation authorities against Palestinian prisoners and the attempt to pass a law allowing the execution of prisoners constitute a serious violation of international humanitarian law, especially the Hague Convention of 1907 on Respecting the Laws and Customs of War on Land. Article 20 of the convention stipulates that prisoners of war should be released and returned to their homeland as soon as possible after the cessation of hostilities.

Also, the Third Geneva Convention, dated August 12, 1949, specifies in Article 4 that prisoners of war include individuals belonging to the armed forces of a party to the conflict, militias or volunteer units forming part of these armed forces, members of other militias and volunteer units, including those belonging to organized resistance movements or volunteer units affiliated with one of the parties to the conflict, working inside or outside their territory, even if that territory is occupied.

Additionally, it includes regular armed forces personnel who declare allegiance to a government or authority not recognized by the occupying state, individuals accompanying the armed forces, aircraft crews, war correspondents, and supply contractors. They must openly carry weapons and respect the laws and customs of war.

The provisions of Article 118 state that prisoners of war must be released and returned to their homelands without delay after the actual cessation of hostilities. Article 119 emphasizes that parties to the conflict should exchange the names of prisoners determined to be held until the end of the trial or the execution of the sentence. The parties to the conflict should form committees to search for missing prisoners and secure their return home as soon as possible.

It is worth noting that Palestinian prisoners are subject to the Hague Convention of 1907 and the Third and Fourth Geneva Conventions, although their legal status has not been definitively determined by any international judicial body to date.



"SHAMS" Center calls on the United Nations, its Secretary-General, the ambassadors of accredited countries to the occupation state, the International Coalition Against the Death Penalty, the International Parliamentary Union, the International Red Cross, and governmental and non-governmental human rights organizations to fulfill their legal and moral responsibilities. The center urges them to exert pressure on the occupying state to halt the approval of the law that legalizes the crime of executing Palestinian prisoners. This law is considered a specified crime under international law, constituting a war crime and a crime against humanity, and a violation of the lofty principles of the United Nations.

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