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**SHAMS Center: Enforced Disappearance
Is a Crime against Humanity that is not a Statute of Limitations.**

Ramallah: Human Rights and Democracy Media Center- SHAMS, emphasized that the crimes that Palestinians are subject to currently in Palestine, are within the series of crimes committed by the Israeli occupation against Palestinians during the ongoing aggression on the Gaza Strip. In this regard, the enforced disappearance is a war crime that is not a statute of limitations. International Convention for the Protection of All Persons from Enforced Disappearance, dated 20/12/2006, identified Enforced Disappearance, in Article 2, as: "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law". Article 1 of the Convention emphasized that "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance". The Israeli policies and practices violate Article 5 of the same Convention, which considered enforced disappearance to be a war crime and, at the same time, violate the Declaration on the Protection of all Persons from Enforced Disappearance adopted by the General Assembly on 18/12/1992.

SHAMS Center emphasized the necessity of establishing a joint committee from the related and specialized Palestinian actors to follow up on the crime of enforced disappearing committed by the Israeli army against Palestinians. Such a committee might include representatives of the Prisoners and X-Prisoners Commission, public prosecution, the Ministry of Justice, legal organizations (especially those involved in working with prisoners), the Palestinian Journalists Syndicate, the Palestinian Bar Association, and the Ministry of Foreign Affairs and Expatriate) to follow up on this file and develop lists of persons enforced disappearance. Additionally, the committee might work on validating the names of the enforced disappeared persons and follow up on this issue with the International Commission of the Red Cross and the Special UN Rapporteur on the enforced disappearance. Additionally, to follow up on this issue with the UN specialized agencies as well as the International Criminal Court and the national courts that have the power to prosecute cases outside the national geographic of the mandate of these courts.

SHAMS Center urged the Palestinian National Authority to form an official commission to follow up on the enforced disappearance persons. Such a commission could be an independent permanent national commission or a special department annexed to the Ministry of Prisoners and X- X-Prisoners to follow up on the file of enforced disappearing persons. Associating following up on this file with a department in the ministry, will contribute to ensuring that the issue remains under discussion and it could be included in any future deal of prisoner exchange.

SHAMS Center affirmed that arresting hundreds of Palestinians by the Israeli forces and hiding the place of their detention, during the aggression on the Gaza Strip, represents a clear violation of International Law and International Humanitarian Law. The Israeli crime in this regard violates the Geneva Third



Convention regarding dealing with war prisoners, (mainly Article 70, 71, 122, and 123). Likewise, the Israeli practices represent a crime against humanity according to the Rome Statute (1998) as Article 7 of the Statute considered enforced disappearance as a crime against humanity. At the same time, violates rule number (98) of the International Humanitarian Customary Law published by the International Commission of the Red Cross in the year 2005 where it states that enforced disappearance is prohibited in both international and national conflicts. The Israeli practices violate Rule 117, which urges all parties to take all possible measures to report and inform about the persons who disappear during an armed conflict. The rule affirms that families should be informed about the disappearing persons in both international and non-international armed conflicts.

SHAMS Center called on the UN Rapporteur on Enforced Disappearance, and the International Committee on Enforced Disappearance, which emerged from the International Convention for the Protection of All Persons from Enforced Disappearance, to fulfill their legal and moral responsibilities and investigate the cases of enforced disappearance in the Gaza Strip. The investigation should follow up on the cases of hundreds of Palestinians who are forced to disappear by the Israeli army in the Gaza Strip. The investigation should be designed to identify the places where those persons are held.