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In Recognition of the National Day to Retrieve Martyrs' Bodies**SHAMS Center:****Holding the Palestinian Martyrs' Bodies is a manifestation of the Occupation Racism**

Ramallah: Human Rights and Democracy Media Center- SHAMS, salutes the souls of Palestinian martyrs who sacrificed their lives for the sake of freedom and independence of their nation. Special salutes go to the souls of the martyrs whose bodies are still held by the Israeli occupation; those martyrs who are considered saints and sacrificed their life for the sake of freedom. The martyrs are candles that lighten the road for their nation at the time the darkness of defeat and broken had increased. The martyrs who wrote history with their blood and recorded the greatest forms of the championship. Salutes to their souls that increase brightness year after another. The light emerging from the souls of those martyrs is extended to all Palestinian generations to draw their future. The statement of SHAMS Center was released in recognition of the National Day to Retrieve Palestinian Martyrs' Bodies (27/8) held by the Israeli Occupation.

SHAMS Center emphasized that holding the Palestinian martyrs' bodies by the Israeli Occupation is a crime of Enforcement Disappearance and so, it violates the "International Convention for the Protection of All Persons from Enforced Disappearance of 2010". The mentioned Convention defined Enforcement Disappearance 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 5 of the Convention considered Enforcement Disappearance as a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law". Holding the Martyrs' bodies is a violation of Article 17 of the given Convention, which states: "Without prejudice to other international obligations of the State Party about the deprivation of liberty,



each State Party shall, in its legislation, provide all the details in case of death of a person while deprived of liberty and uncover the reasons of death and the authority to which the body was referred”.

SHAMS Center stressed that continuing to hold the bodies of the Palestinian martyrs is a profound violation of human rights, especially the Hague Convention 1907 regarding the regulations of Land War, and violates Geneva Convention III (1949) regarding War Prisoners. Holding the Bodies of the martyrs is a kind of psychological torture of the families where torture is prohibited by International Humanitarian Law and International Human Rights Law. Continuing to hold the Matryrs' Bodies is an ongoing crime of torture against the martyrs themselves, who are entitled to the right to be buried accordingly, and against their families as well. SHAMS Center affirmed that holding the martyrs' bodies is a violation of human rights and dignity where the right to obtain precise personal and medical information is included within the human rights set. Additionally, people are entitled to the right to bury the body of the dead person in the place that the family decides as well as the right to perform the appropriate religious rituals. People have the right to dignity while alive or dead as well as the right to autopsy to figure out the reasons for the death. Moreover, the family has the right to appeal to investigate the causes of death and submit a complaint against the perpetrators. Violating such right is systemized by the Israeli official institution which is either through a law from the Israeli Knesset or a ruling from the so-called Supreme Court of the Occupation's State in a manner that unfolds the disgusted face of the Occupation. The Occupation is not only holding the martyrs' bodies but also torturing the families psychologically. Additionally, the Occupation Government is applying the crime of Organ Theft of Palestinian martyrs as well as violating their human dignity.

SHAMS Center called upon unifying the efforts of all related parties (martyrs' families, local/ international legal and human rights institutions, and official Palestinian institutions) to submit the file of the held Palestinian Martyrs' Bodies, to the International Criminal Court. The ICC should be lobbied to fulfill its responsibility to account the occupation for violating International Law and International Humanitarian Law, making use of the fact that the State of Palestine joined the Rome Statute of the ICC.



The Center concluded the statement by demanding the state parties of the Geneva Fourth Convention 1949, dedicated to protecting civilians under armed conflicts, to reorganize the Convention's Conference once again to explore the possibilities of applying the Convention to the 1967 Occupied Palestinian Territory. There is a need to lobby the International Committee of the Red Croc (ICRC) and the various UN agencies to work seriously on obligating the occupation's state to release the Palestinian Martyrs' Bodies that are held in the Israeli refrigerators or in the cemeteries of numbers. The bodies should be handed to the families to be buried in a manner that preserves their dignity and respects their right to religious rituals that are protected through the various divine and human values and laws.