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SHAMS Center**In Recognition of World Day Against the Death Penalty
Right to Life is Sacred and Should be Safeguarded**

Human Rights and Democracy Media Center- SHAMS, emphasizes that the right to life is sacred and should be protected and safeguarded. The death penalty through all its manifestations, represents a profound violation of the sacred right to life, which was affirmed by all the international human rights instruments as well as in the divine legislative. Both the divine legislation and human rights conventions/ treaties urged to protect the right to life and save it against any arrogant procedures from any power. Without the right to life, human beings do not exist and their other fundamental rights do not also exist. It is a fundamental core right that a human being acquires at the moment he or she is born with divine and human instincts. Denying this right or confiscating it, either through the power of law or extra- judiciary, is a crime committed against something granted to all human beings by God and was affirmed by the various human rights conventions and treaties.

SHAMS Center asserts that within the ongoing genocide war committed by the Israeli occupation in the Gaza Strip, these crimes stand as extra-judicial murder against thousands of Palestinians, in front of the international community. Since October 7, 2023, the Israeli occupation murdered 41909 Palestinians (martyrs) with women and children compromising the majority. In the West Bank, 743 Palestinians (women, men, children, and youth) were killed by the Israeli army and settlers. As a result of torture and cruel treatment, 40 Palestinian prisoners (from the West Bank, Gaza Strip, and 1948 Territory) were killed inside the Israeli prisons and interrogation centers during the given period, some of them died due to the medical negligence policy. The murder crimes committed by the Israeli occupation have been unprecedented on the world level since the end of World War II in the year 1945.

SHAMS Center affirms that the extra-judicial murder crimes committed by the Israeli occupation against Palestinians, represent a profound violation of the international law and international human rights law. The Israeli occupation violates particularly Geneva Fourth Convention, dated 12/8/1949. Article 15 of the Convention protects: "civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character". Additionally, it violates the 1974 Declaration to protect women and children in Emergency and Armed Conflicts which states: "Attacks and bombings on the civilian population, inflicting incalculable suffering, especially on women and children, who are the most vulnerable members of the population, shall be prohibited, and such acts shall be condemned". The Occupation violates the Universal Declaration of Human Rights, mainly Article 3 which states: "Everyone has the right to life, liberty and the security of person". The Occupation crimes violate the International Covenant on Civic and Political Rights as Article 6 stipulates: "Every human being has the inherent right to life. This



right shall be protected by law. No one shall be arbitrarily deprived of his life". On a related level, the Occupation violates the second Optional Protocol annexed to the International Covenant on Civic and Political Rights and the United Nations Convention against Torture- 1984.

SHAMS Center reminds that the World Day against Death Penalty (October 10th) coincides this year with the fact that the State of Palestine has not yet fulfilled its commitments resulting from acceding to the second optional protocol annexed to the International Covenant on Civic and Political Rights, to cancel death penalty. (the State of Palestine acceded to the Covenant on 18/3/2019). The death penalty is still existing in the Palestinian legislative set and the Palestinian laws were not amended to accord with the International Covenant on Civic and Political Rights, as it is a must for all the state members to take the needed measures to eliminate the death penalty. On a related level, Article 10 of the Palestinian Basic Law states: "Basic human rights and liberties shall be protected and respected". Article 109 of the Basic Law states: "A sentence of capital punishment pronounced by any court may not be enforced unless approved by the President of the National Authority". Despite all that, death penalty sentences are still being issued by the Palestinian courts and many of these sentences were already executed during the previous years in the Gaza Strip without the approval of the president, which stands as a clear break of the Palestinian Basic Law itself.

SHAMS Center stresses that maintaining the death penalty in the Palestinian legislation will not achieve the desired goal, as this punishment constitutes a violation of the right to life. This has a negative impact on the culture and cohesion of the community, fosters cruelty and incitement within the community, and fuels hatred among its members. It may also lead to retaliatory actions and the spread of conflicts rather than their containment. Furthermore, it may cause an imbalance in justice, the spread of injustice and discrimination, and increase violence within the community.

The Center, as the head of the **Palestinian Coalition Against the Death Penalty** and as a member of the **International Coalition Against the Death Penalty**, calls for the adoption of a modern penal code free from the death penalty that protects the right to life for every Palestinian citizen. This would be in line with the **Second Optional Protocol to the International Covenant on Civil and Political Rights**, which aims at abolishing the death penalty. It would replace Penal Code No. 74 of 1936, currently applied in the Gaza Strip, as well as the Revolutionary Penal Code of the Palestinian Liberation Organization of 1979, and Penal Code No. 16 of 1960, applicable in the West Bank. This step would lead to the unification of the legal system regulating penal laws in Palestine