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## Respect for the Dead

**“Protected persons are entitled, in all circumstances, to respect for their persons... their family rights, their religious convictions and practices, and their manners and customs.”** (Article 27, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949))

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The treatment of the deceased is a clear test case for the upholding humanitarian norms that apply even in times of confrontation. Once a person has died, s/he no longer constitutes a security threat in any way. The deceased person exits the battle. Bringing him or her to a dignified burial is a human necessity, an act of true kindness. A respectable burial is not only for the human dignity of the deceased; it is also the family's right to conduct a ceremony for the physical body in order to internalize the fact of death, and to have a gravesite at which pain and loss can be expressed. The treatment by the Israeli authorities regarding this right reflects a vengeful perspective, including the dehumanization of the deceased and his family. In the past, Israel's policy of not returning corpses to the family was very consistent. Palestinians killed were buried in “cemeteries for the fallen enemy,” and the procedures for identifying and marking the graves and bodies were not adhered to.<sup>26</sup> This policy has changed, partially due to the petition to the High Court of Justice submitted by HaMoked, but the disregard for this right continues.

Returning the bodies of Palestinians killed while carrying out an attack against Israelis is a complex and long procedure, which involves the Israel Police, the Abu Kabir Forensic Institute, and the IDF. The police investigate the attack and make the decision to disinter the corpse from its place of temporary burial at the alternative cemetery in Beersheva or the Abu Kabir Institute. The Forensic Institute is responsible for identifying the body. With identification and “release” of the corpse, the IDF by agreement is required to transport it to the Occupied Territories for burial. When this final approval also arrives, a transfer of the corpse from the forensic institute or the temporary burial to the family's area of residence is required. One vehicle, accompanied by a military police car, brings to the corpse to the border of the West Bank, where it is transferred to a Palestinian vehicle. During the first six months of the year, HaMoked dealt with 30 requests (old and new) regarding identification of bodies and their return to their families for burial. Of these, the body was returned to the families in eight cases.

F.A., age 23 from Qalqilya left his home on 28 March 2001. When after a week he had not returned, and after searches turned up nothing, the family approached HaMoked, who tried to locate him through the IDF and the State Attorney's Office. The State Attorney replied that F.A. had apparently carried out a suicide attack on the day he died. His parents identified the body based on pictures presented to them at the Coordination Office in Qalqilya. HaMoked asked the IDF to transfer the corpse to the family, and at the same time asked the Israel Police to assure that the corpse in their possession had been unequivocally identified, since no blood samples were taken from family members for DNA matching, and they received no document attesting to the identification. The Israel Police responded that the matter at hand was a serious crime still under investigation and so no information regarding it could be provided.

Three months after HaMoked's request to the army, in August 2001, an answer was received that the body of the suicide bomber from that day had been buried but still not identified, and that a date and way of identifying the body should be set with the Forensic Institute. HaMoked arranged issuance of entry permits to Israel for family members. When they arrived, they gave blood samples and were promised an answer within two weeks. When HaMoked asked to clarify whether the DNA matched, the answer offered was that the Institute had been forbidden to convey any information. In response to the request from the Israel Police, it was related that the body of the attacker had been identified as F.A., and that in order to return the corpse to the family, a request should be made with the IDF, and it was. On 11 February of this year, the IDF stated that return of the body had been approved. HaMoked rented a car for transporting the body and arranged the required military escort from the alternative cemetery in Beersheva where F.A. was buried, to the Qalqilya roadblock. A representative of HaMoked went to the cemetery, was present when the body was exhumed from the temporary grave and escorted it to the roadblock. From that point, HaMoked maintained contact with the driver of the vehicle that transported the body from the roadblock to the family's home, and assured that it was not detained at additional roadblocks along the way. Three months after F.A.'s body was transferred to the family, and a week after the headstone was set, F.A.'s father died of a heart attack. **(File 15806)**

The Security Cabinet's decision to demolish the homes of those who carry out attacks against Israel and to deport their family members to Gaza, makes it very difficult to facilitate the return of bodies. If until now HaMoked demanded to receive the results of the identification procedure for the bodies of suicide bombers in order to prevent the error of transporting the wrong body to the family, a grave danger is now posed to

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<sup>26</sup> See, Captive Corpses, HaMoked: Center for the Defense of the Individual and B'Tselem, 1999.

the family as a result of that identification – whether demolition of its home, or deportation. In addition, the organizations also no longer publicize the name of the perpetrator due to a fear that harm will come to his family. HaMoked is now evaluating the possible courses of action in light of this development.