

in excess of an acceptable time frame, while the grounds stated for permitting a prisoner being held in isolation were insufficiently specific.

Based on the promise that steps to adopt the proposals into law would be accelerated and that the objections of HaMoked and PHR be brought before the Ministerial Committee for Legislative Affairs, the two organizations agreed to cancel the petition in 1998. However, there remains no doubt that the proposed legislative amendment was the result of the petition, a fact acknowledged by government officials during parliamentary hearings.

Attorney Eliahu Abram (Director of HaMoked's legal department) represented the two organizations before the Interior Committee of the Knesset in its hearings on the proposed law. The Chairman of the Committee, MK David Azovlay (Shas party) accepted part of our objections, including a reduction in the time period required for automatic judicial reviews in cases where the prisoner is held alone to half a year. In addition the committee decided that before a prisoner is kept in isolation for a period of more than two weeks, consultation with "professional bodies" is required. It was concluded in the committee's discussions that the exact definition of the medical and psychological examinations, in terms of the required consultation with "professional bodies", be spelled out in administrative regulations, subject to approval by the Interior Committee.

The Interior Committee approved the amendments to the law in June 2000. In August the amendments were adopted by the Knesset in what was the last legislation to be passed before the summer recess. The law ensures the right to a hearing, requires reasoning for decisions taken and judicial reviews and limits both the period of time and authority to hold prisoners in isolation.

Currently, HaMoked will still be required to oversee the final revisions to the Administrative Regulations and the Prison Service's guidelines – revisions relating to the preference for holding two or more prisoners together in isolation as opposed to single prisoners alone, and defining the minimum physical conditions for holding prisoners in isolation cells. The revisions also require an arrangement for medical and psychological supervision – a problematic issue owing to the opposition by psychologists to any role that may be described as granting medical approval to holding individuals in isolation.

Respect for the Dead

During the year 2000 two cases involving the return of the bodies of Palestinians killed in attacks or clashes with Israeli forces to their respective families came to a conclusion. During the month of May the remains of Basem Soubach were returned to his family, residents of a village in the District of Ramallah and a month later the remains of Sofiyen Tsabih were returned to his family, residents of Dahariyeh in the Hebron District.

HaMoked has handled the case of Basem Soubach since 1993. We know today that Soubach was killed in 1984 when he tried to infiltrate into the West Bank from Jordan. During the years numerous rumors reached his family, including those that stated he was still alive and being held in Israeli prisons. Following appeals by HaMoked, the IDF agreed to return the body to the family, but refused to present proof verifying that the

corpse was indeed the correct one. Only following a petition to the Supreme Court did the IDF agree to a DNA test. The results showed that the proposed corpse was not that of the missing Soubach.

In light of the army's failure to correctly identify corpses of enemy dead following requests issued by HaMoked, a special Military Committee was convened in order to investigate, amongst others, the case of Basem Soubach. During the month of March another two corpses were exhumed from the cemetery for enemy dead next to Adams Bridge. Following examinations one of them was found to be the body of Basem Soubach. 16 years after he was killed, the family finally received the remains of their loved one.

The case of Sofiyan Tsabih is somewhat different. In this instance a DNA test was performed immediately after Tsabih was killed in a suicide attack in Jerusalem in 1995. The purpose of the test was to prove his relationship with various family members as a basis for demolishing their house. Israel however did not suffice with this collective punishment of the family, but also, in line with accepted policy, refused to return the corpse to the family. As a result, the family and elderly parents were unable to arrange a proper funeral ceremony and were left without a grave where they could mourn their loved one. It is difficult to know if the decision is another part of Israel's collective punishment policy, an act based on unproven security concerns of avoiding high-profile funerals that may encourage future suicide bombers, or just a primitive attempt to take revenge against the family and the corpse itself. Regardless of the reason, in any developed society the treatment of the bodies of the dead is considered to be outside the issues of conflict or war. From the moment a person is killed, the body cannot be used as an object of revenge or punishment. Rather there prevails a humanitarian obligation on the part of the authorities to provide for a respectful burial, with proper identification so as to allow for its future transfer to the family of the deceased.

In 1999, HaMoked petitioned the Supreme Court on behalf of the Tsabih family with a request that the body be identified and returned to the family. In June this year, the State decided to return the corpse to the family before litigation began in court. The body was transferred to the Palestinian Authority on 28.6.2000, during the night so as to "reduce the risk of disturbances". The next day, following afternoon prayers, a mass funeral for Sofiyan Tsabih was held. Despite concerns, the funeral proceeded without any disturbances.

The Military Committee that investigated the IDF's handling of enemy dead also examined the case of Eisah Zawahrie, who was apparently killed in Lebanon in February 1990. Within the framework of this investigation a number of corpses have been exhumed from the Sisters of Jacob cemetery for enemy dead and examined. Genetic tests performed at a medical center for legal examinations in Abu Kabir showed that one of the corpses matched the genetic profile of Zawahrie's mother. This brought to an end a search of more than eight years for his remains, a period during which the question of the burial place had stood before the Supreme Court (a more detailed description of the search appears in HaMoked's report "Captive Corpses" published in 1999). The State however refused to present a copy of the Military Committee's report to HaMoked, which included a section pertaining to the handling of Zawahrie's body. The Supreme Court abstained from getting involved in the State's refusal to present the report to

HaMoked. Currently, HaMoked is handling the family's request to have the body buried in the village of Ta'amrah, in the district of Bethlehem, where the family originated.

HaMoked transferred to the Military Investigating Committee materials relating to the mishandling of enemy corpses, such as burial without adequate identification or records and insufficient safekeeping of personal items that could assist in their identification. As a result of the refusal to disclose the report's findings, HaMoked is unable to learn of any assessments made in terms both of changes in procedural functioning or in the identification of individuals responsible for negligent handling of cases.

The conclusions of the Committee thus remain a mystery. In the meantime HaMoked has received additional cases of missing Palestinians (assumed dead) whose bodies are most likely buried in IDF cemeteries for enemy dead. In addition, Israel continues to hold the bodies of Palestinians who were involved in attacks over the past few years, and refuses to transfer them to the families for burial in their hometowns or villages.