

the Palestinian Authority and Israel. Categories such as the registering of a person who was born in the area but who was not registered for various reasons; the return of people to the area after losing their residency when their travel documents were not extended; or the establishing of quotas for approving family unifications (the current annual quota stands at 4000 requests) – are issues handled in line with the ‘diplomatic’ timetable without any consideration of the needs and individual rights of the residents.

Even under these conditions HaMoked continues successfully to assist the residents of the Occupied Territories with regards to their status. Agreements in the Supreme Court, that were achieved in previous years after intense efforts on the part of HaMoked including the submission of dozens of petitions are still valid today. The spouses of residents who resided in the Occupied Territories or received a permit to enter them during the period from 1989 until the end of August 1992, have the right to receive Palestinian identity documents based on family unification, without delay and without being subject to annual quotas, except for cases rejected because of individual security considerations. HaMoked, under these agreements, assists families in proving their rights and in realizing them – for example, transferring to the Israeli authorities documents testifying to their entry into the West Bank during the defined period (more than once the authorities have initially ignored evidence proving a persons eligibility).

A further widespread phenomenon that HaMoked has encountered is the significant increase in the number of family unification requests that have been refused based on laconic reasoning such as “security considerations”. Such was the case, for example, with a couple from Beit Rimah in the district of Ramallah. The couple was married in 1988; he is a resident of the West Bank and she was born in Jordan. The entry date of the wife into the West Bank entitles her to belong to what has been nicknamed “The first Supreme Court Population”, who have the right to residency. The Israeli authorities are however stalling their response due to “security reasons”. It remains unclear however what exactly are the reasons that are preventing the Palestinian woman from receiving residency, as she has already resided in the area for years based on her visitors permit.

A further problem is the refusal to grant visitor permits to the Occupied Territories to individuals who were born in certain “enemy” countries (such as Libya, Sudan, Syria and Yemen). Israel denies the existence of this policy, yet it clearly prevails. HaMoked succeeded in solving this problem for spouses and children belonging to the “Supreme Court Population” where entry was allowed, even if they were born in one of the above-mentioned countries.

5. Respect for the Dead

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 to provide for a respectful burial, with proper identification so as to allow for its future transfer to the family of the deceased. The right to respect the dignity of the dead is not only the right of the deceased but also that of the family and friends. The receiving of the body, the burial, arranging the funeral ceremony and visiting the grave are all essential in

comprehending the reality of the death of a relative or friend and accepting and dealing with it.

Israeli society attaches immense importance to the issue of respect for the dead and the proper burial of the deceased. The locating of the remains of fallen IDF soldiers, and the identification of bodies and body parts receive priority of the highest nature. Errors in identification (such as the recent incident of the fallen “Shayetet” soldiers in Lebanon) result in public scandals and condemnation. Also in the civilian domain, Israel is prepared to occupy its court system with contentions over the nature of a tombstone and its inscription. When, however, the issue turns to that of Palestinian corpses, the approach alters radically.

In May 1999 HaMoked petitioned the Supreme Court on behalf of the brother and elderly parents of Sofiyan Tsabih. Sofiyan was killed in August 1995, when he carried out a suicide bombing on the Jerusalem bus line number 26. After more than four years, the remains of the body are still being held by Israel and have not been returned to the family. HaMoked turned to the IDF on a number of occasions in order to allow the family to receive the body and to enable them to have a grave and tombstone where they can visit and bereave. All the requests were refused. In its petition HaMoked mentioned, amongst other things the law according to which the IDF destroyed part of the gravesite of Baruch Goldstein, the murderer of 29 Muslim worshippers in the Cave of the Patriarchs, in Hebron. The law demanded the destruction of the memorial monument erected at the gravesite, but specifically exempted the tombstone. The right to a grave and a tombstone is a basic right of the deceased and their family, and is one that cannot be withheld.

The IDF’s refusal to return the body of Sofiyan Tsabih is part of the IDF’s policy over the last few years not to return to the family the body of an individual who carried out a suicide attack. This policy is a form of collective punishment against family members and uses the body of the deceased as an object of revenge. Even when the IDF has been prepared to return the bodies to the families, it appears that the task is often beyond the IDF’s ability. The system of burial at the cemeteries for fallen enemies does not allow for adequate identification of the buried bodies.

Two cases in which HaMoked is working for the return of the bodies to the families of the deceased have reached dead-ends as a result of the inability of the IDF to identify the correct remains. In one case the IDF has already exhumed four corpses; DNA tests, that were performed in the USA and Israel, showed none of the corpses to be the body belonging to the family that requested its return, despite the army’s vehement claim that the body was buried in one of the graves exhumed. In the second case, the corpse exhumed again proved not to be that of the body that had been requested. These failures are not surprising. The burial of bodies at the cemeteries for the fallen enemy dead is carried out in a degrading manner in shallow pits, without any permanent markings or durable wrappings around the body. Before the burial no medical examinations are performed on the body and no documentation is made sufficient to assist with identification in the future. At the cemetery for the fallen enemy dead at the Daughters of Jacob Bridge, identification markings were only recently placed on the graves, years after the burials. Even these markings are dubious however: numbered metal plates, connected to wooden poles pegged into the ground.

The facts unearthed during the handling of these two cases by HaMoked resulted in the establishment of a Military Investigating Committee. This Committee is investigating the two disputed cases and the IDF's general treatment of fallen enemies. The Committee is also meant to give recommendations with regards to the future treatment of the bodies of the enemy dead. The Committee was established in October 1999; representatives from HaMoked already have testified before it.

In 1999 HaMoked published and distributed a report entitled "Captive Corpses".