

Not only family matters necessitate the travel abroad of residents of the Occupied Territories. From December 1997 until November 1998 HaMoked advocated for the right to leave for abroad of H., a lecturer of law at the Alnajah University in Nablus. H. was registered for doctoral studies at a university in Sudan, and to complete his studies had to travel there and present his thesis. HaMoked contacted the Legal Advisor of the West Bank, which refused to allow N. to travel. In the wake of an appeal with the State Attorney's Office, a one-time exit permit was given to N. He travelled to Sudan, but was forced to return to the West Bank prior to completing all the requirements for his academic degree. HaMoked once again intervened, and N. was permitted to leave the territories. N. completed his doctoral degree with honours.

In October 1998 HaMoked challenged the accepted assumption that the Oslo Accords award Israel the authority to prevent the travel abroad of residents of the Occupied Territories for reasons of security. In the High Court petition submitted by HaMoked, the specific directives of the Oslo Accords concerning border crossings were analysed. These directives include a closed list of specific cases in which the exit of persons may be denied, and clear instructions of the procedure involved in refusing these travels. When Israel accepted these rules, and even anchored them in military law, it could no longer argue that the territories are "closed military zone," the entry to and exit from dependent upon the Israeli military commander. The petition was submitted on behalf of Harav and Rasmia Afani, a couple from Jericho. Harav Afani, blind in both eyes, acts as the Imam of the Jericho mosque. He requested to travel to Jordan in order to, among other things, arrange his pension after 26 years of serving in the Hashemite public service. Prior to this High Court petition, HaMoked's advocacy with both the Legal Advisor of the West Bank and the State Attorney's Office was met with the unclear assertion that Afani and his wife "are involved in enemy activities." The High Court preferred not to hear arguments concerning the authority of the IDF military commander to prevent the exit of residents of the Occupied Territories. Instead, the court heard in camera the security considerations of the State. The High Court judges requested additional information concerning the necessity of Mr. Afani's trip to arrange his pension. A decision has yet to be taken.

Respect for the Dead

Israel has a long and honoured tradition of expending enormous effort to return soldiers' bodies to Israel for burial. Israeli public opinion is extremely sensitive to the question of the certain identity of its fallen soldiers. At the same time, Israel acts disdainfully and negligently in identifying and burying Palestinian bodies and intransigently toward the families of those killed.

This attitude toward Palestinians killed in bomb attacks they initiated or in clashes with the IDF is evident from a number of cases handled by HaMoked. One case is that of Issa Zawahara, who was apparently killed in 1990 in Lebanon. A High Court petition in this matter is still pending from 1992. At first the State argued that it does not know a thing about Zawahara's fate. Only later did the State present a photograph of Issa, taken after he was

killed. The State also noted his place of burial: The cemetery for enemy dead located near the Daughters of Jacob Bridge. However, the body provided by the State was not that of Issa - this was proven by a DNA test conducted in the United States. At the end of 1995 Israel suddenly provided an identifying document, which it claimed to have found on the body in 1990. Attempts to locate the body of Issa in the cemetery for enemy dead continue: In the summer of 1998 three additional bodies were removed from the cemetery for DNA tests. Unequivocal information as to the fate of Issa has yet to reach his family. On the one hand the State contends that there is no doubt that Issa was killed, but on the other cannot produce his body. This entire incident raises serious fears concerning the IDF regulations for dealing with Palestinian bodies.

In the matter of Sufian Tsabiah the State took great care to learn of the certain identity of the body, and even performed DNA tests at its own initiative. Sufian Tsabiah was enlisted by the Hamas for a suicide mission in August 1995, and a certain identification of the body was required in order to justify the destruction of his family's home in March 1996. Tsabiah's family, more than three years after the incident, has yet to receive his body and have a funeral. The remains of Tsabiah's body are being held by Israel in an unknown place. When HaMoked first turned to the Minister of Defence and requested that the body be given to the family, the request was denied with reference to another case handled by HaMoked. In this case the High Court permitted the holding of a body as a bargaining chip in order to locate the body of the Israeli soldier Ilan Saadon. The body of Saadon was located, the other Palestinian body was returned to his family while that of Sufian is still being held by Israel. In August 1998 HaMoked once again turned to the Minister of Defence in this matter, and in November an additional refusal was received. This time the minister, despite a specific request of HaMoked, did not detail his refusal.

In early 1999 HaMoked, in cooperation with HaMoked, published a report concerning the Israeli attitude toward Palestinian bodies.