



Ramallah, 26 July 2016

Restrictions on the Return of Bodies of Palestinians Killed by Israeli Forces

On Monday, 25 July 2016 the Israeli High Court responded to a submission by the Israeli Police dated 24 July 2016, instructing the Legal Advisor of the Police to find a solution for the return of the bodies of Palestinians who have been killed since October 2015. The deadline for the Police to respond to the notice has been set for 15 August 2016. In its latest submission to the Israeli High Court the Legal Advisor of the Police reiterated that the bodies cannot be returned due to the current political and security situation. Following an approach supported by the Israeli Cabinet, the Legal Advisor stated that returning the bodies might lead to incitement which could encourage others to carry out similar attacks. The Legal Advisor added that the Police was planning to re-examine the situation from time to time. The Israeli High Court has rejected the submission stating it does not provide a permanent solution; it effectively delays any further decision-making.

Israel has continuously been refusing to return the bodies of deceased Palestinians to their families. Currently thirteen bodies are in Israeli custody, including six residents of Jerusalem. One body has been in Israeli custody for nearly 300 days. The killings have been deemed extrajudicial by various human rights organizations. The Palestinians have been killed by the police, army, and settlers.

Eight Palestinian families have taken their case to the Israeli High Court, collectively represented by a lawyer associated with Coalition member Addameer Prisoners Support and Human Rights. The Israeli High Court has ruled in favor of the families on numerous occasions, setting dates for the Police to return the bodies. Apart from one exception mentioned below, Israel has refused to do so.

The refusal to return the bodies is a political decision which has now been turned into a bureaucratic struggle among different Israeli authorities. The families who wish nothing more than to lay their loved ones to rest are being caught in the middle of it.

In May, responding to one of the High Court decisions, the Police released four bodies. Any further release was brought to a halt almost immediately. According to the Police the families did not abide by the rules and conditions set for the release, which include:

- A funeral is not allowed;
- Family members collecting the body have to be registered with the Israeli authorities to do so;
- Burial has to take place within one hour after release, in the middle of the night;
- No autopsy may be performed;
- Families must pay a 40,000 ILS guarantee in order to make sure they abide by the conditions;
- With regard to deceased from Jerusalem the Police will request the bodies to be buried outside the city.

Israel's refusal to return the bodies of the deceased Palestinians to their families is a violation of multiple provisions of international human rights and humanitarian law, including clear violations of the human right to dignity, freedom of religion, and the right to practice one's culture. It is with these concerns in mind that the Coalition respectfully urges foreign governments to address the issue.

The names of the deceased whose bodies are currently in Israeli custody:

Name	Age	Place	Date of killing
1) Tha'er Abu Ghazaleh	19	Jerusalem	8\10\2015
2) Baha Elian	22	Jerusalem	13\10\2015
3) Abed Al-Mohsen Hussonah	21	Jerusalem	14\12\2015
4) Mohammed Abu Khalaf	20	Jerusalem	19\2\2016
5) Abed Al-Malek Abu Kharoub	19	Jerusalem	9\3\2016
6) Mohammed Al-Kalote	21	Jerusalem	9\3\2016
7) Abed Al-Hamed Abu Srour	19	Aida Refugee Camp\Beith Lahem	18\4\2016
8) Ansar Harasheh	25	Tulkarem	3\6\2016
9) Majed Al-Khadoor	18	Bane AL-Neem Hebron	24\6\2016
10) Mohammed Tarayreh	17	Bane Al-Neem Hebron	30\6\2016
11) Wael Abu Saleh	45	Tulkarem	1\7\2016
12) Sarah Tarayneh	27	Bane Al-Neem Hebron	1\7\2016
13) Mostafa Barade'h	51	Al-Aroub Refugee Camp\Hebron	19\7\2016