



Summary on Israeli Policies of Retaining the Bodies of Martyrs:

Data and Developments in the Legal Track

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About the Campaign

The *National Campaign for the Retrieval of Palestinian and Arab Victim's Bodies Held by Israel* is a grassroots national initiative launched by the *Jerusalem Legal Aid and Human Rights Center* (JLAC) in 2008. Its objective is to pressure the Israeli occupation authorities to release the bodies of Palestinian and Arab martyrs held in "cemeteries of numbers" and refrigerated morgues so that their families can conduct proper burials in accordance with Palestinian national traditions and religious rites, honoring their human and national dignity. It also seeks to compel the Israeli authorities to reveal the fate of the missing persons about whom no information has been provided.

Since its establishment, the campaign has worked to mobilize national, regional, and international public opinion to pressure Israel to adhere to international humanitarian law and the Geneva Conventions—especially Article 17 of the First Geneva Convention, which requires parties to respect the remains of war victims in occupied territories and allow their families to bury them in accordance with their religious and national customs.

The campaign is largely driven by the families of the martyrs, who form the core of its local coordination committees across all Palestinian governorates. Legal support is provided by JLAC to represent these families in court and demand the return of the bodies of their loved ones.

The campaign published the first Palestinian report on this issue in a book titled “*We Have Names... We Have a Homeland*”, first printed in 2010 and reprinted in 2013. The book documented the campaign's progress and newly emerging cases. In 2021, a comparative legal study titled “*The Warmth of Our Children*” was published in Arabic, English, and Spanish.

Documentation

Israel has established secret cemeteries—known as “cemeteries of numbers”—which are basic graves marked only by numbered metal plates. These areas are military zones, and the burial sites remain undisclosed and inconsistently documented. So far, four such cemeteries have been identified, mainly in the Jordan Valley and near the Lebanese and Syrian borders. Some bodies are also held in refrigerated morgues.

The campaign documented the detention of martyrs' bodies, confirming—based on reports from victims' families and Palestinian organizations—that a total of **256 martyrs' bodies** has been held in cemeteries of numbers. Of these, **121 bodies** were released. Although Israel halted this policy in



2008, it resumed on **13 October 2015**, following a cabinet decision. Since then, **452 bodies** remain withheld, including **10** females, **79** from the prisoners' movement and **65** children.

Additionally, there are **75 people missing** since the start of the occupation. The campaign continues to receive reports about detained bodies and missing people to this day. It is believed the real number is even higher.

Israeli authorities refuse to issue death certificates or provide lists of names and burial conditions. They have acknowledged disorganization and neglect, including the loss of some bodies.

It is important to highlight that these figures pertain only to individuals withheld from the West Bank, including East Jerusalem—except for some of the figures related to the prisoners' movement, which may include individuals from Gaza. Due to the current situation, there has been no comprehensive documentation of bodies withheld from Gaza, though the number is believed to be significantly higher.

Legal Efforts and Achievements

- **2010:** Body of martyr *Mashhoor Al-Arouri* was returned after 34 years in a cemetery of numbers and two years of legal struggle.
- **2011:** Body of *Hafez Abu Zant*, detained for 35 years, was returned.
- **2012:** Israel returned **91 bodies** as a goodwill gesture during peace talks. **18 were unidentified**, highlighting Israel's violation of the dignity of the deceased and their families. The campaign later identified and returned 8 of them; 9 remain unburied, stored in Ramallah, pending identification.
- One body, initially believed to be that of the missing person *Nasser Al-Boz*, was proven otherwise through DNA testing and is currently stored with the Ministry of Justice pending further identification.
- **2013:** The Israeli High Court ordered the return of **36 bodies**. Only **27** were returned in early 2014. The remainder remain withheld without explanation.

Legal Track: Past Few Years

- **July 2015:** Israel's Ministry of Defense pledged to stop withholding bodies and to establish a DNA database for identification. This has not been fulfilled.
- **Post-October 2015:** Israel resumed withholding bodies as a punitive and deterrent measure. Jerusalem residents faced stricter conditions, including:
 - Burial at night



- Immediate burial
- Minimal attendance
- Financial guarantees up to \$6,000
- Detained bodies are held in *Abu Kabir Forensic Institute* under severe conditions (minus 40°C).
- **2016:** Three petitions covering 116 martyrs' cases—mainly from the First and Second Intifadas—were submitted. Only two families received DNA testing (Henadi Jaradat and Anwar Abu Sukkar), and results were not shared.
- **April 2018:** The Israeli army claimed it needed to establish a special unit to locate burial sites—delaying proceedings.
- **February 2020:** The Israeli prosecution provided a list of burial locations for **107 martyrs** but admitted lacking information for some.

2017 High Court Decision for Three Cases

1. **Israeli court ruled** the administrative orders to retain bodies were **invalid**, as no legal authority allows such action.
2. **Retention of bodies lacks legal basis** under Israeli, international, or humanitarian law.
3. **Rejected** the Israeli state's “reciprocity” argument (i.e., withholding Palestinian bodies because Hamas holds Israeli captives).
4. **Ordered release** of the bodies.
5. **Suspended the ruling for 6 months** to give Israel time to legislate a law permitting such detentions.

This decision was inherently contradictory—it deemed the practice illegal but allowed time to legalize it. The ruling caused public outrage in Israel, particularly among families of captured soldiers. Israel's government announced its intent to reject the ruling and instead sought:

- A **wider judicial panel** (7 justices instead of 3)
- A **legal amendment** to formalize body retention
- **March 7, 2018:** Amendment No. 3 to the **Anti-Terror Law** was passed, granting police authority to withhold bodies citing “security concerns” and regulate funeral conditions.
- **February 19, 2018:** Supreme Court agreed to a new hearing before 7 judges. Until then, the previous rule was frozen.



- **September 2019:** The court ruled that **military commanders may temporarily detain martyrs' bodies** as bargaining chips, **if the deceased was affiliated with Hamas** or committed a “significant operation” (a vague, broadly interpreted term).

These conditions **do not apply to many of the martyrs** whose bodies remain withheld.

Conclusion

The continued detention of bodies—whether in cemeteries of numbers or morgues—constitutes a **degradation of human dignity**, both in life and in death. It demands a **national and international response** to compel Israel to return the bodies so families may bury them with dignity. We call on all human rights defenders to pressure Israel to end this inhumane practice. The world must not remain silent in the face of a policy that punishes even the dead.