December 5th, 2020

Government of Israel's Response to Joint Appeal

Ref: AL ISR 6/2020

Following your communication of October 5, 2020 (Reference AL ISR 6/2020) regarding "*violations of human rights, including the right to life, the right to health, the right to be free from torture or inhuman and degrading treatment or punishment, and racial equality and non-discrimination with regard to the alleged killing of a Palestinian resident, Ahmad Mustafa Erekat, by Israeli forces on 23 June, 2020,*" we would offer the following comments:

On the complex security challenges that Israel faces:

1. For many years, Israel has faced brutal terror attacks. The perpetrators of these attacks have and continue to use every means possible to bring about death and destruction. Terror groups and terrorists have lost every shred of humanity and carry out their murderous acts indiscriminately and without any regard for human life or human dignity. Their single goal is to amass as many victims as possible, and Israel will take every step necessary to protect its civilians and soldiers from ruthless terrorism in accordance with the international law.

2. In 2019 alone, Israel experienced 34 terror attacks in which four Israeli civilians and one soldier were killed. ████████ was just 17 when she was murdered by two terrorists. ████████ was 19 when she was murdered in a particularly heinous terror attack.

Israel's policy on the retention of bodies of terrorists:

3. The Israeli policy on retaining the bodies of terrorists is regulated by a series of cabinet decisions on the matter.

4. It must be stressed that Israel currently faces the painful situation in which the bodies of two IDF soldiers, █████████ and █████████, as well as two Israeli civilians, █████████ and █████████ (the latter two believed to be alive), have been held in unknown locations in the Gaza Strip by the Hamas terror group, since 2014 – or 2015 in the case of ████. Hamas has not allowed any contact whatsoever between the prisoners and their families or the Israeli authorities, nor has it made possible any visits by the International Committee of the Red Cross. Furthermore, the two citizens are persons with mental disabilities, and in all likelihood have been deprived of the medical treatment they need. The custody of civilians in these conditions, as well as the bodies of the two soldiers, for six years and counting, are an unacceptable situation, and Israel must to everything within its reach, and in accordance with international law, to compel their release.

5. This is to say that Israel's current policy and regulations allowing the government to decide on preventing the return of the bodies of terrorists in specific circumstances, according to which the retention of Mr. Erekat's body is governed, do not come in a vacuum. Rather, these are some of the few legal and effective tools at Israel's disposal, with the objective of achieving an agreement that will see the return of the civilians and soldiers held by the terror organization.

On the event referred to in the Communication:

6. On 23 June 2020, Ahmed Erekat rammed his car at speed into a checkpoint in an attempt to murder a Border Police officer. The officer was left injured, and Erekat was neutralised by police officers on the scene.

7. The Israeli cabinet, on the basis of the policy and the circumstances described above, decided to delay the return of Mr. Erekat's body, after it was determined that he was killed while attempting to commit murder in an act of nationalistic terror.

8. Ahmed Erekat's family petitioned the High Court of Justice, requesting the return of Mr. Erekat's body, and the court case is currently pending. Therefore, we cannot provide further information until a final judicial ruling on the matter.

9. Israel's policy on this matter is subject to judicial review and to all the checks and balances characteristic of a robust democracy with an independent legal system.