

FEDERATION OF JEWISH COMMUNITIES OF SPAIN

PROTOCOL OF ACTION FOR THE EXHUMATION OF HUMAN REMAINS FROM HISTORICAL JEWISH NECROPOLIS

Considering the importance for the Jewish world of the necropolis for the historical memory, as well as the possible exhumation of human remains that, according to the memory, as well as the possible exhumation of the human remains that, according to the *Halacha* (Jewish law), should receive, and did receive, eternal burial.

Considering that the Federation has signed a Cooperation Agreement with the State, Law 25/1992, of November 10 (BOE 272 of November 12, enacting the said agreement) of November 12 promulgating said agreement).

Considering that said Agreement recognizes that cemeteries are "places of worship", it is appropriate that this Federation establishes the present Protocol of action and subsequent treatment of the remains subsequent treatment of the remains that may be found in cases of fortuitous excavations of a excavations, of fortuitous or unavoidable character, on lands that were once Hebraic necropolis, both known and unknown, since as places of worship, the historical cemeteries have the same value as the cemeteries have the same religious value as the present ones, and it is forbidden to build on them, excavate or exhume it is forbidden to build on them, excavate or exhume bodies or any other action contrary to their current status.

The purpose of the present Protocol is to comply with the above-mentioned rules of law, and to serve as a guide for the exhumation of body remains, exhumation of the remains, which must be carried out with the utmost discretion and maximum discretion and neatness and in a subsidiary manner, depending on the circumstances:

I.- Historic Jewish necropolises and exhumation of human remains.

1. This Federation shall be informed as soon as possible of the discovery of remains of Jewish burial sites.
2. Bearing in mind that our religion prescribes that bodies receive eternal burial, the archaeologists commissioned by the respective Agency or Entity shall preserve the bodies individually.
3. The individualized remains will be reburied under the direction of a Rabbi authorized by this Federation.
4. If the competent municipality wants the remains to rest in the same plot of land, the authorized Rabbi shall proceed to the consecration of the place as a Jewish cemetery, if in his opinion the land meets the requirements of the *Halacha* and the millenary Jewish tradition, or if, with minor modifications, it meets those requirements. In that case the remains would be reburied under rabbinical supervision in that plot.

5. Otherwise, the remains will be transferred, under rabbinical supervision, to the nearest Jewish cemetery to be reburied.
6. The local authority will freely consider the possibility and advisability of adding, if necessary, to the space of the historic necropolis itself, an adjacent plot (without previous burials) but within the fenced enclosure, for further burial of Jews residing in nearby towns and/or re-burial of remains of Jewish necropolis that are found within cities of the Province or Autonomous Community where the cemetery is located.
7. The Federation will put at the disposal of the City Councils -that require- information on companies that have the technical means to study the necropolis without removing the remains.

II.- Historical Memory

The Federation of Jewish Communities of Spain, considering the high historical value of the medieval Jewish cemeteries, and the importance of maintaining and respecting the historical memory, requests to the City Councils that in all cases a marker be placed where the Jewish cemetery was located (stating the dates determined by archaeologists and/or professionals of the local museums), and that, likewise the designation of the site as a place of local historical interest be implemented.

III.- Costs

The owners of the excavated land, the town councils, organizations or corresponding entities to be determined, will pay for the travel expenses of the religious authorities and the costs derived from the preparation and transport of the human remains and their burial in a Jewish cemetery or reburial in a consecrated cemetery.

The present Protocol has been established by the Federation of Jewish Communities of Spain as a matter of urgency, taking into account previous regulations and agreements with City Councils.

The present Protocol is sent to the General Directorate of Religious Affairs of the Ministry of Justice, so that it may serve as a means of action in the future in any case that may arise.

The present Protocol is also sent to the City Councils of Barcelona, Tárrega and Lucena, where there is Lucena, where there is an urgent problem, as well as to the Federation of Municipalities and Provinces for its dissemination.

In Madrid, July 22nd, 2007

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https://www.observatorioreligion.es/upload/76/08/Protocolo_de_actuacion_para_la_exhumacion_de_restos_humanos_de_necropolis_judias_historicas_FCJE_.pdf