

**Welcome to Hebron.
Where the conflict
never ends**

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On the Palestinian side, the dominant view has been that Israel is an illegitimate outcome of the Western colonial era and that Palestinians should not have to bear the burden of compensating Jews for Hitler's crimes. (Quandt, 2005, 22-36)

1. INTRODUCTION

The aim of this conference is to provide a clear and accurate description of the tension that rules a community where an armed conflict or a terrorist attack with large casualties; has not been solved with a stable peace agreement, but with biased partition of the land. This is the case of the Palestinian city of Hebron.

Based on a professional stay, personal experiences and the dialogue with both parties to the dispute (from Israeli soldiers and Jewish settlers, to Palestinian politicians), this extract aims to provide the audience with a fresh and trustworthy account of post conflict environments. Avoiding any populist position, being politically incorrect if necessary and prioritizing both truth and suffering of the victims. The purpose of the author is not that of making an attack on the Israeli state whilst defending unconditionally the Palestinian, not at all. Among the large expat community living in the Occupied Territories, it is often said that "the worst enemy of the Palestinians are the Palestinians". This, referring to the way in which women are treated within the conservative communities, the massive purchase of Israeli products that discourages any international boycott campaign, or the contradiction between the fierce Palestinian nationalism and the lack of economic help towards their own impoverished refugees, etc. But this would be a subject for a very different conference...

To begin with, we will make a brief tour through the streets and the history of this conflictive city located on the South of the West Bank, in order to understand the inflammatory atmosphere that prevails in the Old Town. From the terrorist attack perpetrated by Goldstein at Ibrahim's Mosque, to the Intifadas that condemned the city to live with uncountable curfews and checkpoints; or the Oslo accords that entailed the partition of the city.

Moreover, we will acknowledge the daily taunting and confrontation, which can lead to a new violent era; and we will focus our attention on the most polemical issue: the division and administration of the *Patriarch's Cave* into mosque and synagogue.

In addition, we will take a special interest on the new social and geographical structure of the city with the establishment of sectors H1 and H2, which not only did it not bring peace to Hebron, but also encourages the use of violence as the only way to recover dignity. And to this respect we will propose a new alternative order supported by the presence of neutral armed forces capable of arbitrate the disputes with absolute impartiality. So as to justify this need, the Israeli military actions (since Palestinian “armed” forces are completely neglected) and their infringement of basic human right will be studied, based on the testimonies of their own soldiers and officers. Further research will also be carried about the complicated relations between Jewish settlers and the IDF forces, and we will analyze from a psychological point of view the ethical judgments whose members have to face.

Once the audience is embedded in this unbearable atmosphere, we will evaluate the reasons that prevent the society from overcoming the conflict; focusing in particular on the veneration and impunity of the terrorists from both sides and the hatred-based education that the childhood receives. The threats of an extremist Islamic education, and the unfounded Hebrew fear and racism; that together with the assumption of violence as an ordinary mean result in new generations full of grief. Likewise, we will evoke the need of an international criminal court to deal with this content, far from the biased United Nations, and we will sketch the motivations that have stopped this from happening. As, for example, the interference that such a process could have in political decisions as the Israeli and Palestinian prisoner exchanges.

From a legal point of view, we will study the possibility of installing amnesty measures for certain terrorist attacks which may help to forget the past, and we will debate about the moral dilemma that they suppose when fighting for the truth and against licentiousness. In this particular case, we will review the damage that punishment exemption has caused along its history, bringing Hamas' terrorists to the power in Gaza, or Menachem Begin to the prime minister's chair in Israel.

2. HISTORY OF THE CONFLICT OF HEBRON: TERRORISM, INTIFADA AND OCCUPATION

This is the story of a small city in southern West-Bank, Palestine, claimed by to 2 nations, by two religions. Because when we go through its Old Town, we are not asked for your nationality; we are asked for your religion. This is the story of Hebron.

This is the story of oblivion, of harassment and illegality, where the world turns a blind eye. This is the city of الخليل (Al-Khalil, in Arabic) or הַבְּרִיךְ (Hebron, in Hebrew). The city where Jews claim their right to regain their lost territories, and the locals have nothing to claim for.

Hebron, as the rest of the West Bank, is divided into three parts: A, with total Palestinian control (also named as H1, hosting some 120,000 Palestinians); B under Israeli military control and Palestinian civilian supervision and C, under complete Israeli control (both constituting H2 all together, hosting around 30,000 Palestinians and 700 Israelis) (Medina, 2007). This strange partition brings constant conflicts, as well weird and absurd situations.

Israeli's Prime Minister, Benjamin Netanyahu, claimed in his response speech to the Palestinian application as a member state in the United Nations, that Muslims and Jews were brothers, sons of Abraham, so this was a nonsense fight. In this text, we will briefly describe how this "brothers" live worlds apart in Hebron.

Arriving from the Arab side, once we arrive to the Old town, we may notice a metal net covering the market where Palestinians yell offering us their best prices. You may wonder why do they cover themselves like that...but the answer is just a couple of steps further: rocks, garbage, urine or even human excrements are thrown by the settlers occupying the upper floors of the buildings.

Continuing our trip to this world's icon of conflict, we arrive to the main checkpoint, just before Abraham's mosque (3rd holiest place on Earth for the Islam, or so they say). But this Arabic temple is rather different to the ones we are used to. The mosque has been divided in 2 by Israel, mutating into a half synagogue half mosque hybrid, where Muslims and Jews can just access one of the two different sides, and Christians are welcome in both. The idea could be a magnificent example of coexistence, except that it is the IDF (Israeli Defense Force) who controls every entrance.

The main attraction of this building is doubtlessly the tomb of Abraham and her wife Sara. Both religions shared the honor to visit this room, until the 25th of February of 1994. Early that day, Baruch Goldstein, an Israeli settler member of the far right Kach Israeli movement; arrived to the mosque around 5 am. At that time, around 800 Muslim prayers were about to participate in Fajr, the first pray of the day.

Dressed with an army uniform and carrying an IMI Galil assault rifle with four magazines of ammunition, Dr Baruch entered the main hall. The Palestinian authorities wondered why he was not stopped by the IDF, but they believed he was just a soldier aiming to pray at the room beyond reserved for the Jews. At the moment of *sojud* (Peri, 2000, 101), when the Muslims lay towards the Mecca, he opened fire killing 19 Palestinians, wounding 125.

He was beaten to death by the survivors, and his tomb was a pilgrimage site for Zionists during many years, until in 1999 the Israeli Parliament outlawed monuments for terrorists. The Shrine was torn to pieces (Greenberg, 1999) and now the tomb of Abraham is only visible from the windows.

It was a deep convulsion for the society and for any trace of peace just one year after the Oslo Agreements had been signed. In fact, after seven years,

The Palestinian people recognized that the Oslo Peace Accord had not brought freedom or economic development. It led to greater burdens on their daily lives, burdens which included economic hardships and daily military harassment.(Gordon et al., 2008, 127)

Therefore, Ariel Sharon's visit to the Temple Mount in Jerusalem was just the perfect provocation to ignite Intifadet Al-Aqsa, on September 28 2000.

Since then, the situation in Hebron became much more complicated. At first, it was hard to notice that the struggle for peace and justice had been undermined, but Israeli's ruthless response to the Intifada was beginning to have its consequences. This response included many war crimes under the command of Major General Shaul Mufaz, supported first by the Labor government of Ehud Barak, and then by the Conservative government of Sharon.(Gordon et al., 2008, 127-128). Within these war crimes, the murder of Palestinian children in land not even confiscated by Israel. But in that respect, so could the Arabs be accused, however fair their demands might be.

Following a Hamas bus attack on August 19th killing 23 civilians (including 7 children), the IDF began a wild “kill or capture” of Hamas leaders through the streets of Hebron; thus leading to an important weakening of Hamas’ leadership in the city and clearly paving the way for a new leadership of Fatah. On the whole, within the first three years of Intifada, a total curfew of 377 days was imposed in the city, including a 182 days consecutive one with short breaks. The circulation of Palestinian vehicles in this area was forbidden, blocking the major north-south traffic artery in the city.(Gordon et al., 2008, 125-132)

But not only did Palestinian civilians clash against the IDF. Violence in the streets between locals and settlers was also then (and it is still today) a major complication. Throughout the 2nd Intifada, all sorts of extreme physical violence were reported: clubs, stones, chlorine, hot liquids, gunfire*... Shops were destroyed, fruit trees chopped down, windows bricked up, etc. (Gordon et al., 2008, 125-132)

Soldiers were and will be for the moment positioned in every single corner, but rarely do they prevent or punish the settler’s attacks, giving them whole rights to pursue their goal of expelling all Arabs. But despite how condemnable the behavior of the Hebrew soldiers may seem at first glance, we will discover further on that the education and environment they have grown up in, is sometimes an obstacle too hard to overcome.

“After the second intifada, most people in the Old Town left their houses. They were afraid to go back because of the Israeli settlers and the Israeli military.” (D’Amours, 2012), in words of Anas Maraka, member of the Hebron Rehabilitation Committee. A non-profit organization which has devoted the last 15 years to rebuild some 900 houses in Hebron’s centre and helped around 10,000 Palestinian citizens to live there again with a very clear purpose: “They can’t live easily in the old city, but we’re trying to bring them back. We can’t leave this area because the settlers would come to take the houses,” (D’Amours, 2012) Maraka said.

Once we leave the temple and the Arab old city behind and go down the street where insisting youngsters will try to sell us their handmade or *China made* stuff, we meet the IDF soldiers defending the most conflictive point of the city: Suhada Street.

During the past twelve years, Israel established a segregation process in order to protect with around 4,000 soldiers the 500 Jewish settlers living in the Old Town (Medina,

2007). And the price to pay for the locals was the evacuation of most of Hebron's commercial centre and therefore an "economic collapse" (B'Tselem, The Association for Civil Rights in Israel, 2007). To explain this situation in numbers, we hereby refer to the report of B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories

The findings of a survey conducted in preparation of this report show that at least 1,014 Palestinian housing units in the center of Hebron have been vacated by their occupants. This number represents 41.9 percent of the housing units in the relevant area. Sixty-five percent (659) of the empty apartments became vacant during the course of the second intifada. Regarding Palestinian commercial establishments, 1,829 are no longer open for business. This number represents 76.6 percent of all the commercial establishments in the surveyed area. Of the closed businesses, 62.4 percent (1,141) were closed during the second intifada. At least 440 of them closed pursuant to military orders. (B'Tselem, ACRI, 2007).

Only 3 Palestinian families are allowed nowadays to keep their shops at the other side of the road, the rest of the Arab merchants were expelled. These 3 shops survive with the money they gain from foreigners, being together with settlers the only ones allowed here. No other local dares to challenge the soldiers, except for some small kids running with some pieces of food.

And finally, right in front of us stands one of the most disputed spots of our days. Arabs walk in a narrow path by the right side to cross the street and face the next checkpoint, while Jews walk freely down the wide road along with internationals. As everything else in this never-ending conflict, there is a big load of propaganda and symbolism in this partition.

Walking all the way up Suhada Street, we find ourselves in a completely different world within a few seconds. We are now on the main Jewish settlement. A ghost city with just a few Israeli teenagers sitting on the benches, some armed civilians¹ and countless soldiers. Dozens of Arab stores shut down, in a style that resembles some dramatic period of the past. A metal bar sealing the lockers, and the Star of David painted on the door.

If we turn our eyes to the left, a huge Arab cemetery stands alone without any visitors - side effects of the occupation-. And so the street goes on, dead and lonely. Where civilians and soldiers only differ on their clothes, and where we would never notice that a whole chaotic Arab city is there at the other side of the wall.

We arrive to the last check point. Some Israelis soldiers will check out our documents and demand any sort of information from us, because in the Holy Land, if you have the arms you have the rights.

It remains to ask ourselves who is responsible for all this. All the blood that has been shed, is it worth for the sake of keeping 86 Jewish families on the spot? Is it for the religious value of the Cave of Patriarchs? Or does it also have a great political significance to stay in control of the biggest city in the West Bank? In his speech during the 16th anniversary of Yitzhak Rabin's death, the Knesset speaker Reuven Rivlin addressed anti-Arab and anti-settler incitement: "Price-tag attacks are terror-just don't blame settlers", warning about the risks of criminalizing pacific settlers.(Harkov, 2011)

In this style, the conflict is therefore far from being resolved.

¹ Possession of fire weapons by civilians is allowed in Israel. Applicants for a gun owner's license in Israel are required to prove genuine reason to possess a firearm, for example, self-defense, hunting or sport⁷. The author, however, recalls an anecdote using a public toilet near the Jewish settlement of Kiryat Arba, where he was the only one among some other 20 users not carrying a gun. Therefore, he suspects that the requirements for weapons possession in the settlements are not that tough.

3. IDF: ORIGIN, HAZING, HUMAN RIGHTS AND MORAL CONFLICTS

But how did we arrive to this unequal situation? In a land where justice is a chimera, military force is the reality. And this reality is ground represented by the Israeli Defense Force (IDF).

3.1.Origin

As in the Oslo agreements, the aforementioned A, B, C partition was established (yet, quite differently). By 2011, 18% of the West Bank was under complete Palestinian control, 61% under Israel's and the remaining controlled on a shared basis (OCHA, 2011). But in fact, the IDF controls every inch of the territory.

Despite the fact that entering any major Palestinian city (except Hebron's Old town) or village is forbidden to Hebrews by Israeli law, and that the IDF conducts only occasional raids inside them to arrest militants; the truth is that the control the latter exerts is undisputed. They administer and decide over every single exit or entrance, and have therefore no need of knowing what is going on inside. If a zoo-keeper stocks animals in interconnected cages, there is no need for him to check what is going on inside, as long as he has full control over migrations.

The Israel Defense Forces (IDF) were officially established on May 31, 1948, shortly after the founding of the State of Israel. The IDF incorporated pre-state Jewish paramilitary organizations, including the Haganah, Palmach, Irgun and Lehi.¹⁰ Irgun being the infamous terrorist organization ran by the former Prime Minister Menachem Begin, which obtained worldwide reputation on the 22nd of July of 1946 killing 91 people at King David Hotel.

During its brief but intense history, the IDF has had to launch unaccountably many raids and attacks on its Arabs neighbors: the invasion of Gaza and the Sinai in the 8-day war (October 1956), the attacks on Syria Egypt and Jordan on the 6 day war (June 1967), the Suez Canal clashes between 1967-1970, the reconquest of Egyptian and Syrian gains in the Yom Kippur war (October 1973), the Operation Peace for Galilee in Lebanon (1982), the repression of the West Bank territories after the 1st and 2nd Intifadas (1987-2004), the 2nd war in Lebanon against Hezbollah (July 2006) or the massive civilian murders in Gaza under press friendly euphemistic mission names (2008, 2012).

Within the many values and moral that the IDF leaflets extol, there is one which forcedly strikes our attention: "Human Dignity - The IDF and its soldiers are obligated to protect human dignity. Every human being is of value regardless of his or her origin, religion, nationality, gender, status or position" (Israel Defense Forces, 2013)

3.2. Hazing and Human Rights

In order to judge the crimes of the IDF against human rights and the Geneva Convention, first we need to have an accurate understanding of who constitutes the IDF. Most Israeli citizens are bound to enroll in the obligatory military service during 3 years (18-21) for men, and 2 years (18-20) for women. However, an exception is made for some social minorities as the ultraorthodox *Haredim* community or Israeli Arabs, thus providing some of the fiercest debates in the Hebrew society.

A vast majority of the IDF recruits are mentally ill-prepared and too young or immature to remain calm in potentially violent situations. In addition, the explosive combination between immaturity and an anti Arab identity leads quite too often to humiliations, vexations and unjustified violence; hence confronting the most sensible units of the army to internal fights between the call of duty and their dignity as human beings. In the same way that some Iraqi prisoners were treated by US soldiers, and their colleagues felt ashamed and embarrassed. However, the revelations of such events could be reported as *slightly exaggerated* or even *anti-Semitic* when coming from international or pro-Palestinian sources. But this issue has experienced a major revolution when the Jewish association named "Breaking the Silence" burst onto the political scene in March 2004.

"Breaking the Silence" is a non-profit organization of veterans who served in the Israeli army during the Second Intifada and have committed themselves to expose the Israeli public to everyday life in the Occupied Territories, a routine situation that is never reflected in the media. Bringing forth the voices of soldiers who had previously remained silent, its ultimate goal is to stimulate public debate about the moral price that Israeli society has been paying for a reality in which young soldiers face civilian population on an everyday basis and control its life. All the published testimonies are cross-checked with eye-witnesses, archives or other human rights organizations; and the identity of the sources remains confidential. Among others, they receive foundations from The British Embassy in Tel-Aviv, the European Union and the AECID. (Breaking the Silence, 2013)

We will expose several of the most impressive testimonies from women soldiers serving in Hebron or its surroundings, who, in the opinion of the author, tend to be the most sensitive to human suffering. We will recall straightaway the specific article they violate from the Convention of Geneva. We will also assume that Palestinian terrorists do not respect the Convention either when an Israeli prisoner is held under their control.

On the 1st agreement of Geneva of 1977 it was decided a war for independence or against oppression should also respect the Geneva (**International Committee of the Red Cross, 2013**), therefore Palestinian militias should also respect the convention.

Unfortunately, we have not found a similar Arab source narrating these events; hence, we will assume similar violations.

The guys on guard duty at the brigade HQ base were on routine security shifts (...) So, standing there I see these two guys pacing around a detainee-blindfolded, his hands shackled behind his back. Suddenly I see that one of the guys simply approaches him and, without any warning, knee-kicks him in the head. (BS, 2009, 6)

General protection of prisoners of war, Article 13: Humane treatment of prisoners

Measures of reprisal against prisoners of war are prohibited.

They (Palestinian detainees) were taken for medical examination before being arrested.(...) Some detainees were there in a Safari, blindfolded and shackled, that's how they were watched over, and some medics were there too. I don't remember this specifically, I mean I can't recall the details, but someone looks like he'd really been beaten up badly, and the doctor said: Now, what's this? He seemed to be irritated with the soldiers, and they told him: Well, that's how things go. (BS, 2009, 14-15)

General protection of prisoners of war, Article 14: Respect for the person of prisoners

Prisoners of war are entitled in all circumstances to respect for their persons and their honor.

We were on alert, with a bullet in the chamber. And then there was this boom, we heard a shot and of course I was on patrol so we ran over to see what happened, and there's a girl-soldier standing like this, facing an Arab bleeding on the ground, and she says something like: "He tried to attack me. He tried to attack me." And she told some story about her asking him for his ID and he wouldn't show it, and then he attacked her. You look and see an Arab who's been shot at point-blank range and he's holding his ID. (...) That was the greatest fear, to end up in jail because of them, because of the Arabs. (BS, 2009, 35)

The last part is outstanding. The fear was not to wound civilians accidentally, but to go to prison for it. Well, even if we believed the Palestinian tried to attack her, we could apply:

General protection of civilian persons in times of war, Occupied territories, Article 68: Penalty, death penalties

Persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on their life(...)shall be liable to internment or simple imprisonment.

If we do not believe the soldier's version, a great number of articles may apply, starting on Article 47 of the Occupied Territories: Inviolability of rights.

-A fellow seriously wounded, hemorrhaging all over, no chance. Or I don't even know if it was an already dead body... If the doctor decides to confirm death, he does it on the spot and there's no more treatment. If he says there's a chance, they do continue. But sometimes it was sort of uncertain. They didn't confirm death although officially it was, in order to carry out some treatment- practice intubation, emergency surgery. These kinds of field procedure. Sometimes the doctors would come back from their event and say, "yes, he was already finished, but we did practice some intubation, "or this or that. Practice. It's not that we tried to save the guy, he died on us. Practice.

-We're talking just about Palestinians, no settlers were in this kind of situation?

-No. Just Palestinians. (BS, 2009, 43-44)

This is a higher level in the scale of human dignity.

Wounded and sick, Article 12: Protection and care

They shall be treated humanely and cared for by the Party to the conflict in whose power they may be(...)Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments

-This Palestinian was a drunk whom they knew.(...) he was ordered to stop in Hebrew, and in Arabic, and he wouldn't listen to them, he was flying high, and they shot him. According to our directives, you're to immediately rush over and take care of the guy, and if his leg spurts blood, you're to bind a tourniquet etc. They were standing around (the Israeli soldiers) with the camera and joking: look at that blood spurting and this and that...

-Who was filming?

-I understood this from one of the medics there who filmed instead of treating the guy.¹³
(BS, 2009, 48-50)

Same article, in case an article criminalizing the humiliation of the wounded does not exist.

We will stop here. It is enough.

3.3. Moral conflicts

Despite the huge efforts made by the authorities to suppress any kind of moral judgments in their soldiers' minds, still a great number of them undergo severe psychological dilemmas confronting their strong nationalistic feelings with their undermined common sense. Nevertheless, we must not obliterate the fact that most soldiers are just teenagers struggling to find their identity and whose values are not yet quite established.

This youth is easily reflected in their behaviors, being common to see Israeli soldiers posing with their machine guns to post them later in some social network or humiliating Arab kids.

There is this toy pistol that shoots these tiny pellets that really hurt you. Soldiers would call a kid over, cock a weapon in his face and say: get me that kind of pistol. Not even ask, order them. And it was really idiotic of the kids to buy them for us, because many of the soldiers would use them on the kids. You'd sit on guard duty and-pop- shoot a kid, pop, shoot a kid. (BS, 2009, 71)

But it is often also their first contact with reality. First time they cross to the other side, first time they deal with Arabs face to face. Maybe even the first time they realize that, as them, they are just human beings. And it is in that right moment that their world, the ideas they have been risen with and the values they have been taught can be shaken profoundly. Here we will read some of the extracts that give us a clue of these ethic puzzles.

-You can't figure out whose side you're on. I'm a Jewish Israeli soldier, and I'm supposed to be against the Arabs who are my enemies, but I'm here next to the house at the outpost, and I think that they're wrong. That the Jews are wrong.

-I'd also hear soldiers saying: these shits (the settlers) are the reason we're here in the first place, wish they'd get out of here already. On the one hand you are angry at your own people for being here, at the Jews who live here. On the other hand you also hate the Arabs because they kill your buddies and give you a hard time. (BS, 2009, 36-38)

This extract could be named as: "waking up from alienation". The moment when an Israeli citizen realizes the real meaning of the "over-used" and "deprived of all significance" word *occupation*. The real consequences of what we usually consider as *just politics* and sometimes even dispossess from any relation to daily lives, in an

attempt to evade our social responsibilities. The first contact with the most wicked and dangerous settlers, quite different from the unarmed pacific civilians of other settlements as Ariel or Maale Adumin, and which jeopardize their Jewish unconditional solidarity. These soldiers feel for the very first time confronted to people from their own country, if not for the misfortune they bring to Arabs, then for the one they bring to Israeli soldiers.

And here comes the irony: it happens very often that the citizens having served in the IDF on the occupied territories are the ones who show greatest empathy with Palestinians and all the hardships they have to suffer. Nevertheless, Israelis are banned from entering zone A and generally also B, therefore having almost no contact with locals from the Occupied Territories. This is considered, in view of the author, as a political strategy to prevent any kind of humanity towards the population; and to foster the stigma that regards Arabs as brutalized criminals aiming to kill Jews. And so it is achieved. Most Israelis would never dare to enter these zones. However, soldiers are forced to, and very often they find themselves in the most undignified situations.

-So you are inside that house and searching that woman...

-I can't even begin to describe to you the shame I felt, ashamed of the way we were behaving, entering their home like that...(...)I had ever been inside a Palestinian home. Everything there, I mean there were pictures of Jerusalem on the wall and it was so odd for me to see they had them too. So really, if until now they hated us, now that I enter their home and behave this way (...). And these kids looked at me and I just wanted to die right then and there.

-Was there any slapping, kicking?

-Kicking yes, just when the guys entered. They kicked the father. In front of the kids, yes. In front of the kids." (BS, 2009, 40-41)

This extract absolutely represents the clash of a naïve 19 year old girl with reality. Apart from her astonishment by the wild and humiliating manners of the army, it is even greater her reaction about the pictures of Jerusalem. For the very first time, she realizes that Palestinians are banned from the place they call home². From the same place that she calls home. And that nothing can prevent those kids to look for revenge when they grow up. Education, as we will point later, is the source of the problem and the only solution to it.

²After Israel's occupation in 1967, all Palestinians in the Occupied Palestinian Territories (OPTs) except East Jerusalem, were issued orange ID cards. Any Palestinian from the OPTs barred from entry into Israel-including Jerusalem-(usually, but not always, a person with a previous arrest record) was issued a green card. After the 2nd Intifada, the vast majority of West Bank citizens hold a green card (Souri, 2011, 71-73)

4. INTERNATIONAL COMMUNITY: PEACE AGREEMENTS, CRIMINAL COURTS, AND SECURITY ORGANIZATIONS

It obviously concludes from all the above information that the situation in Hebron can only be solved under the intervention of a supranational organization which guarantees both legal and military rule. Legal rule to prevent impunity, and military rule to prevent violence. We have seen and proved that unilateral military presence in the field will never-no matter how hard they try- mediate in a truly equal manner; specially, not when the acting forces are the occupying ones.

But it is time to call a spade a spade: no Western state would ever allow foreign military forces to rule in their own land. That can practically only happen in Middle-East.

In the following, we will review the historical peace agreement attempts and evaluate the existing security organizations; and judge whether they are capable and efficient enough to take part in this case.

4.1. Peace agreement attempts and their impact on Hebron

Prior to briefly describe the different efforts that have been made along the short history of Israel to establish a long-lasting peace agreement and their impact on the city of Hebron; a fundamental question has to be resolved: who should arbitrate in the conflict? Should it be an international organization or a single country? Could any of them guarantee an absolute impartiality?

Let us recall an extract from an article dealing with this issue:

Azzam Ahmed, high rank collaborator of the Palestinian Authority announced their desire to hold an international peace conference conducted by the Arab League. However, Israel

has always preferred face to face discussions under American control.(Toameh, Keinon, 2012)

Well, it seems reasonable to understand Israel's point of view. Why would they accept the mediation of an Arab institution, regarding the fact that they have engaged in armed conflicts against several of their members, and some others even still believe that the establishment of the state of Israel was illegal? The international community would never demand such a concession from the Jewish state.

On the contrary, has the PA not negotiated in some of the most remarkable occasions under the supervision of the United States of America, their ultimate obstacle in UN on their long run to become a state? Despite this, nobody in the international circus would dare to raise their voice against it. Truth is that other countries as Egypt or Jordan, with whom Israel has had prominent armed disputes, have intervened in the negotiations, but as long as the author can recall, no such country has ever jeopardized the existence of the Jewish state at the time of the intervention.

That is where it all comes down to: a biased international community.

There is no need to talk about the inefficacy of the United Nations in this conflict, since it tries to fix from one side what it breaks from the other. But let us evoke a prominent event that occurred during the authors' days in Middle-East. On the 18th of October 2011, Guilad Shalit, an Israeli soldier also holding French nationality, was released by militants of Hamas after more than five years in captivity, as part of a prisoner exchange which liberated 1,027 Palestinian prisoners.(Galphin, 2011) Social pressure and his double nationality forced the IDF to pay such a high toll. On the following months he received several tributes including that by the French government:

On the 9th of February, the French-Israeli soldier Guilad Schalit was received at the Elysée Palace 4 months after being exchanged for 1,027 Palestinian prisoners. Nicolas Sarkozy declared: "Shame for the ones that have done this. No idea, ideology or situation can justify what has been done to Guilad Schalit. France will never negotiate over the security of Israel, because Israel is a miracle. (Schoumann, 2012, 29)

Maybe nothing can justify the kidnapping of a mere soldier, but then it would be hard to justify that of some 1,000 ones. As long as the governor of a veto granted state can make such a statement, war will go on.

4.1.1. Background of the negotiations

From 1993 to January 2001, several peace processes were started with the hope, sometimes even reasonable, of ending the conflict. We will briefly sum up these attempts, and the impact they had on the city of Hebron.

Israelis are inevitably sensitive to anything that questions the right of Israel to exist as a predominantly Jewish state. Thus, the issue of a return of Palestinian refugees triggers an almost irrational fear. And in light of the history of Zionist colonization of the land, the matter of settlements is also of great sensitivity. Furthermore, the suicide Palestinian bombings of 2001 converted a big number of Israelis outspoken opponents of negotiations.

From Palestinian side, the idea of tempering their own claims of justice with recognition of Jewish claims, amounted to ceding nearly 80% of British –mandated Palestine.

As the stronger party, Israel also had a tendency to act as if a display of military power might bring the Palestinians to their senses, even the moderate Shimon Peres needed to show toughness in 1996, facing an upsurge in Palestinian terror attacks. But Arabs would always show that they could not be easily intimidated by these displays of power. (Quandt, 2005, 22-36)

4.1.2. Alienation between peace agreements and population

For Israelis, especially in the period of Menachem Begin, there was often a remarkably tenacious preoccupation with words and texts. Negotiations often involved mind-bending discussions of the meanings of words and what might happen in various hypothetical contingences. Meanwhile, blood was massively shed along the streets.

The inability to publicly question certain established positions- Jerusalem for the Israelis and refugee rights for the Palestinians, for example- meant that neither public was well prepared when the moment for compromise came in late 2000. (Quandt, 2005, 22-36)

Israeli's complain about the PLO's unwillingness to rein in Hamas and Islamic Jihad extremists, Palestinian point to the unwillingness of Israeli governments to curb settlement activities in the occupied territories. Meanwhile, Hamas is elected in Gaza and almost half a million Jews have settled in the West Bank.

We will review some of the most important accords, and how they were constantly neglected.

4.1.3. Madrid- October 1991

Israeli's Prime Minister Shamir, was still unwilling to deal directly with the PLO, so a joint Jordanian Palestinian delegation was formed with no Palestinians from the top rank of the leadership or residents of Jerusalem. From this moment, Israelis became use to the idea of talking to Palestinians. It was not much, but a little step.

Shamir could not achieve to get the USA economical support, and he paid for it being replaced by Yitzhak Rabin. (Quindt, 2005, 21-22)

4.1.4. The Oslo Accords-September 13, 1993

After 5 years of harsh intifada, Prime Minister Rabin aided by his colleague Shimon Peres, started talking directly with the PLO through a secret channel provided by Norway, ending with the glorious handshake between Rabin and Arafat and the mutual recognition of Israel and Palestine. (Quindt, 2005, 21-22)

We knew that Arafat was not Sadat, but after the agreement with Jordan was torpedoed, the only partner we had left was the Palestinian partner. Yitzhak, I knew that this was probably one of the most difficult decisions of your life, because even with the PLO there were no guarantees. (Cashman, 2011,10)

President Shimon Peres said on the death's anniversary of the Israeli Prime Minister who signed the Oslo Accords, adding that "not everything that had been desired had been achieved". (Cashman, 2011,10)

But, were the accords truly respected?

“Palestinians, relying on informal discussions, understood that Israelis would no longer approve new settlements and would remove financial incentives for Israelis to move there” (Quindt, 2005, 23)

By the end of 1993, excluding East Jerusalem, 116,000 settlers were living in the West Bank. On July 2009, the figure had risen to 304,569.(Kraft, 2009). On the 31st of January 2012, in response to Palestine’s UN demands, 70 settlements appeared on the list of 557 Israeli communities qualifying for housing subsidies.(Gharabli, 2012)

4.1.5. Oslo II-September 28, 1995

For Arafat, the agreement held out the prospect that Israeli troops would leave all but one of the major towns of the West Bank: Hebron. But even Hebron would come under PA soon thereafter, with special arrangements in place to guard the small community who had settled in the old city near Ibrahim Mosque/Tomb of the Patriarchs. After the transition period; the Palestinians would be in charge of about 75% of the West Bank and Gaza.(Quindt, 2005, 24-25)

To the day of the article, Israel has military control over 82% of the West Bank, and full control over 61% (Jurist-Palestinian Authority, 2008). The murder of Yitzhak Rabin, and the following extreme violence ended even with the good intentions.

4.1.6. The Hebron agreement-January 15, 1997

It was agreed that the pullout of Israeli troops from 80% of Hebron, originally scheduled for March 1996, could be delayed until after Israeli elections. But when Benjamin Netanyahu was elected, he insisted on renegotiating the agreement already entered into by the Labor Party. To protect some four to five hundred Israelis, Israel would keep of about 20% of the city of Hebron including some thirty thousand Palestinians, and also demanded exclusive guardship over the Tomb of Patriarchs.(Quindt, 2005, 28)

4.1.7. Present situation reflected on the Jewish's media

The Jerusalem Post, Israel's best-selling English daily sums up with the following extracts some of the major issues on the conflict: resume of negotiations, Palestinian refugees and settlements.

“To this day, Abbas has to make a choice. Is he willing for peace with Hamas or with Israel? Palestinians embrace a terrorist organization that calls for destruction of Israel.”(Toameh, Keinon, 2012, 4)

However uncomfortable it might be to have a terrorist organization on power, Hamas was democratically elected, as well as other terrorists as Menahem Begin or Yitzhak Shamir

On the one hand, the “right of return” for Palestinian refugees would mean the destruction of Israel by demographic means and the creation of two Palestinian states. On the other hand, Jewish refugees were successfully re-installed in Israel and Western countries. The problem of Palestinian refugees, encouraged by the UNWRA could be resolved following the Jewish reinsertion model. Indeed, if one group cannot go backwards, the other one neither. (Julius, 2012,10)

Comparing both cases, regarding how Palestinian refugees are treated, for example, in Lebanon, seems simply ridiculous.

“Illegal constructions-Despite municipal orders, the construction of an illegal Mosque on the Olive Mount continues.” (Cidor, 2012, 17) Rarely would we read a critic article against Jewish settlements, whereas any Muslim construction in disputed territories would undergo fierce attacks.

4.2. Criminal courts

Once the possibility of a CCI trial is discarded since:

- neither Israel nor the Occupied Territories hold membership
- UNSC would never demand an extraordinary intervention, or else would resolve under US' pressure to pursue impunity for allied forces (as in Resolution 1422 July 2002, Res 1487 in 2003, Res. 1593 in 2005).

- an ad-hoc tribunal depends as well on the UN (International Criminal Court, 2013)

The only chance to bring justice to this land would be the use by a powerful state of Universal Law. But who would dare to challenge the SC so clearly? If nobody does, we will face the continuity of unfair tribunals where the victorious authorities judge the defeated, in the style of Nuremberg, as it has been happening with all political prisoners.

One of the most prominent jurists of the 20th century, Hans Kessel, who was born to Jewish parents; wrote an article after the process of Nuremberg entitled: “Will the Judgment in the Nuremberg Trial constitute a precedent in International Law?” In it he declared that this process could not set a precedent, since the only legal base it respected was the London accord of 1945. Punishment of war crimes should not search for revenge under a legal disguise, and should respect the *nulla culpa sine iudicio* principle, and the victorious states should as well accept the trial for their military units accused of war crimes.(Zolo, 2006, 181-182)

4.2.1. What status do Israeli and Palestinian crimes hold?

As mentioned in the previous section regarding human rights, military forces from both sides violate the *Geneva Convention*. In addition, both can also be accused of *war crimes*, since quite often victims are unarmed civilians, and the Israeli government encourages settlement in the West Bank in order to achieve an ethnic majority. And finally, the Hebrew state could be accused by *article 8 bis*, emerged from the convention of Kampala 2010, of *crimes of aggression*, since they jeopardize the territorial integrity of Palestine as it was defined by UN with the green line. (Gil, 2013, 18)

Furthermore, in these two small nations (especially in Palestine) state and terrorism are mingled together dispensing a blurred indivisible image. Paraphrasing Charles Tilly’s famous phrase:”War made the state and the state made the war” (Tilly, 1975, 42). We recognize this when we think of an illegitimate government (as we may instantly think of Hamas), but it is also the case that some internationally recognized governments may abuse their legal monopoly of force and violence. Nevertheless, norms supporting the

use of violence are shaped by elites' experience with violent means of power, as many historical governors in Israel coming from Irgoun or Lehi. Almost all cases of state terror are preceded by campaigns which seek to marginalize and dehumanize the potential victims and are further justified In the name of national security. When the dehumanization is 'complete', the state has used violence to expel the 'other' from contested land (Grabobsky, Stohl, 2010, 51-61), exactly the policies used by Hamas and Likud.

4.3. Security organizations

Had we not given enough reasons to justify the action of an international neutral military force, we would still have the figures of military equipment to prove it. In spite of the fact that most armed conflicts have a weaker faction; the inequality in this one is extraordinary. We will present several data which from past years.

Palestine

Personnel (1998): 34,000

Ground forces: Tanks: 0, Reconnaissance BRDM-2: 45, Artillery MRL's: Unknown quantity of rocket launchers

Air forces: Combat: 0, Transport: 3, helicopters: 4

Israel:

Personnel (1998): 186,500

Ground forces: Tanks: 3,895, APCs/AFVs: 8,040, Self-propelled guns 900, Towed guns: 250 Artillery MRL's: 1,348, etc.

Air forces: Combat:801, Transport:87, helicopters: 299 (Brohm, Shapir, 2005)

When we think about international military peace-making forces, we immediately think of the UN. Well, unbelievable as it may seem, they are already deployed there. Indeed, they have for more than 60 years. The UNSTO (United Nations Truce Supervision Organization) was set up in 1948 to “monitor ceasefires, supervise armistice agreements and prevent isolated incidents from escalating.” (UNSTO, 2008)

It is our duty then, to examine the reasons why this organization has vaguely fulfilled its duty. Analyzing thus, the speech of several of its political leaders, a slight idea is revealed.

After the outbreak of new hostilities between Israelis and Palestinians, Robert Serry (UN Coordinator for Middle East Peace Processes) appealed for calm: “UN condemns indiscriminate attacks against civil zones, and will demand Israel to retrain them”

“We are very glad to certify that, just 4 months after the destruction and damage of those houses, we are able to distribute financial aid for 7,000 affected families” Robert Turner, director of the UNRWA in Gaza. 3rd April 2013

The Humanitarian coordinator of UN for the Palestinian Occupied Territories has admitted to be “seriously worried” by the increasing number of civilians killed by real bullets shot by the Israeli forces. “The use of real bullets against civilians could represent an excessive use of the force.” 30th January 2013

“If Israel is serious about a two-state solution, it must recognize the negative impact of continuing building settlements.” Robert Serry declared. 23rd January 2013 (UNSTO, 2013)

Mild leaders entail mild reactions, so that is what we can expect from the UNSTO.

The author believes that the international community should dispense a military response, similar to the one approved on Thursday 4 September 1975 in Geneva, to establish a peace front between Israel and Egypt on the Sinai Peninsula. Where a superpower as the US participated impartially enough, providing also civilian presence (close to 200 technicians) to prevent any armistice violation and Sweden was asked to put special survey teams at UN’s disposal. Lines E, J and M were marked to secure borders and strategic crossings. (Stjernfelt, 1987, 102-109)

Yet, even if there was an international positive attitude towards a similar solution, it would remain impossible to draw those lines with close to 500,000 Hebrews living beyond the Green Line.

5. OVERCOMING THE CONFLICT: AMNESTY, HISTORICAL MEMORY AND EDUCATION

To conclude, we will discuss probably the most important aspect of the conflict, in order to restore a long-lasting peace: how to find a balance between justice, peace and historical memory. And how should the population not be educated so as to secure a fragile ceasefire.

5.1. Amnesty

The first question that arises when it comes to secure a stable peace is: Will justice bring it? Pursue of justice, especially when it comes from a supranational organization unaware of certain sensitivities, might disrupt local negotiation processes. Lawless as they may be, local negotiations can provide, if not peace, at least release to inhabitants. But where should we draw the red line within international law to prevent impunity? In international humanitarian law, there are certain legal tools that help defining this line.

- “Articles 53.1.c and 53.2.c grant the public prosecutor with a certain freedom if the pursue of truth would not contribute on an interest for justice.” (Gil, 2013, 29)

This could be, for example, *laissez-faire* in the habitual exchange of prisoners between Hebrews and Arabs. It enables, nevertheless, uncountable many terrorists to be free, as in the 1,027 to 1 Hamas-IDF release. (Pollard, 2011) But this kind of stunning concessions can only be understood within the context of the Hebrew society, where almost every citizen has served in the army and therefore profess such comrade solidarity inexistent in other “Western” country.

- Article 16 of the International Criminal Court, allows to cancel a process if, by resolution of the Security Council, peace and security reasons are alleged. However, these measures are only temporary and can never be understood as an amnesty. (Gil, 2013, 29)

The Israeli-Palestinian issue is not subjected to the ICC, since they do not hold membership. However, since the Geneva Conventions apply even when a community not recognized as a state is engaged in armed conflicts to pursue

independence, the SC could make use of these measures. Even so, USA would oppose to such a resolution in order to pursue impunity of the Israeli military, as it has done with their own.

- “Transition justice and alternatives to criminal prosecution: truth commissions, recognition to victims, etc.” (Gil, 2013, 33)

Avoiding criminal prosecution has had very harmful consequences in both nations because of not limiting the political implication of former terrorists. Absorption of the Irgun by the IDF; government under Yitzhak Shamir, former member of the armed group Lehi who contributed to kill the UN representative Folke Bernadotte; Hamas’ refusal to unengage from its paramilitary arm Izz al-Din al-Qassam Brigades after winning the legislative elections in early 2006 (US National Counterterrorism Centre, 2013), etc.

5.2. Historical memory

But within the need of remembering the past, we should distinguish the different angles from which this may happen.

On the terrorist attack against King David’s Hotel, 91 people died when the seven floors of one of the hotel’s wing was blown up(...)On July2006, the Menahem Begin Centre organized a commemorative act on the 60th anniversary of the attack, which several former members as well as the current Prime Minister Benyamin Netanyahu attended. For some Israeli citizens, including some very relevant personalities, a terrorist massacre is, nowadays, an act that can and must be celebrated. (Martín, 2013, 117)

Crimes should never be forgotten, and much less celebrated. A nation that idolizes its criminals is bound to be confronted with crime, and a society that forgets their victims will never live in peace. On 17th May 1977, Israel forgot its dignity and brought Menahem Begin to the power. One year later, the world did the same awarding him with the Nobel Peace Prize.

Similarly, we could enumerate an infinite sequence of terrorist acts celebrated all the yearlong on the Occupied Territories. In spite of the fact that Palestinian attacks should be better compared to those of the Israeli army, at the end of the day they are just random massacres of civilians as well, and thus should never be acclaimed. No matter

how legitimate their fight may be. Terrorism, and in particular random terrorism, is never the path. Even the Soviet icon of revolution, Vladimir Oulianov (Lenin) described terrorism in this sense:

Le 1er mars 1887, un attentat est dirigé contre Alexandre III. L'entreprise échoue, et 15 étudiants (dont Sasha Oulianov, son frère) furent détenus. (...) Quand la nouvelle son exécution du 8 mai 1887 parvint à Simbirsk, Vladimir résuma la situation en deux brèves phrases: " Nous ne suivrons pas cette voie-là. Ce n'est pas la bonne" (Gourfinkel, 1975, 14)

In his words, Lenin did not believe that the murder of a certain minister could substantially improve their situation.

A cycle of terror will never end if we add to this inhuman practice the exaltation of a crowd that for many years continues eulogizing who pulled the trigger or detonated the bomb. In order to achieve peace, the only ones to name a street should be the victims. "The further the victims may be from the solution, the further we are from the peace of the souls" (Martín, 2013, 118-119)

5.3. Education

It is not by chance that this conference ends with a section named education. It is in fact the last resort possible. Even if the conflict was handled internationally in the fairest way possible, peace would never arrive if the population was not prepared for it.

In both sides of the conflict, we realize that violence is accepted and encouraged, because it is part of the values that a child is meant to embrace. Images are many, where a Palestinian kid is pictured with a *kufiya* throwing stones, or a Hebrew minor signing on a missile. And in Hebron, these inhuman behaviors find the perfect breeding ground.

-(Jewish settler children) would throw stones at them (Palestinian children) as they passed by. And their parents would say nothing. And it became routine.

-Doesn't it seem strange to you to see a child throwing stones at another child?

-Since the one was Jewish, and the other Palestinian – it seemed all right.

-I remember saying aloud that it was sort of okay, but thinking to myself, what's this kid, screwed-up? And the Palestinian had done nothing to him. I would think: That's what brings about this whole mess. I know this kid's parents teach him to hate Palestinians. They give him perfect legitimization to throw stones and swear at them. (BS, 2009, 36)

It is perfectly obvious which the figure to blame in this story is. But furthermore, to the racism and injustice that this youth is provided with, we need to add the extremisms in Zionist or Islamic education of some sectors of the population. The result, Islamic old-fashion-minded teenager slaves of the Coran, which cannot adapt to the fact that Palestine, was split by UN; and an ultra religious Hebrew youth who believes that the West Bank is in fact Judea and Samara as written in the Torah, and belongs to them.

However, as in every modern society, the role as educators should be shared by the parents and the authorities of the state. Unfortunately, these authorities constantly fail when the nation is involved in serious warlike or economic crisis. Spanish' fail today, and Middle-Eastern's often do.

-Just like that, without throwing?

-Just like that, boom. She leapt up to him and banged his head with this stone. And this man was just an old man walking along the street. Then she started yelling: " Yuck, his blood is all over me, so sickening !!" (...) and the soldier has punched him in the face for turning around and yelling at the girl. So the Arab just put his hand on his wound and ran for his life. (BS, 2009, 46)

-You would spit at Jews?

-No, why? They've done nothing to hurt me.

-And Arabs?

-Well they're Arabs, I mean, (...) it was a cool thing to do, and the only thing I could do. I mean I can't go around boasting of having arrested anyone, or be proud of having caught a terrorist, or killing a terrorist(...) But I can spit at them and humiliate and ridicule them."(BS, 2009, 37-38)

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