



## **The Government should tell Israel: No more collective punishment, apply the rule of law**

On 12 June, three Israeli teenagers – Eyal Ifrach, Gilad Shaer and Naftali Frankel – disappeared near Hebron while hitchhiking home from a Jewish settlement in the Israeli-occupied West Bank. On 30 June, their dead bodies were found near Halhul, a town north of Hebron, close to where they were last seen.

### **Palestinian deaths**

Following their disappearance, the Israeli military launched Operation Brother's Keeper, its largest offensive in the West Bank since the end of the 2000-2005 Palestinian uprising.

At least 9 Palestinian civilians have died as a result of the offensive. 6 were shot dead by Israeli forces – Ahmad Samada, Muhammad Doudin, Mustafa Hosni Aslan, Ahmad Khalid, Mahmoud Tarifi and Yousef Abu Zagha – and 2 others – Jamal Ali Suf and Fatima Ismail Issa Rushdi – died from heart attacks which occurred during military raids.

And on 1 July, a 16-year old Palestinian boy, Muhammed Abu Khudair, was abducted and killed in East Jerusalem, possibly in revenge for the killing of the three Israeli teenagers.

There has been no suggestion that any of these Palestinians were engaged in military operations against Israeli forces.

Deaths like these at the hands of Israeli forces are a regular feature of life for Palestinians in the West Bank – according to B'Tselem, 27 Palestinians were killed by Israeli forces in the West Bank in 2013 and 10 in the first five months of this year.

### **Hamas responsible?**

From the outset, the Israeli government asserted that Hamas was responsible for the abduction of the teenagers and it now asserts that Hamas is responsible for their killing. But, at the time of writing, it has yet to provide evidence to back up these assertions. Nevertheless, Prime Minister Netanyahu has vowed to take revenge on Hamas for the killing.

From the outset, Hamas has denied responsibility. It makes no sense for the Hamas leadership to authorise such an action at this time. After many years of trying and failing, Hamas has just reached a reconciliation agreement with Fatah and formed a unity government. All this would be threatened if it transpired that the Hamas leadership had authorised the coldblooded killing of three teenagers.

Nevertheless, the Israeli government contends that Hamas is responsible. And it has made no secret of the fact that Operation Brother's Keeper was designed to deal a serious blow to Hamas and to undermine the unity government, in addition to locating the teenagers.

To that end, hundreds of people associated with Hamas, including more than a dozen elected members of the Palestine Legislative Council, have been arrested and detained.

### **Operation Brother's Keeper**

Overall, since Operation Brother's Keeper began

- 10 Palestinians, including two children, have been killed,
- Over 560 Palestinians have been arrested,
- 2,100 buildings have been searched,
- 100+ new Administrative Detention Orders (Internment without Trial) have been issued,
- The city of Hebron has been on complete lockdown,
- Large numbers of media outlets have had their offices ransacked and equipment damaged or removed,
- NGOs and charitable organisations have been targeted and closed down,
- New checkpoints have been set up and violence from the illegal Israeli settlers towards the Palestinian population in the West Bank has increased dramatically.

### **Collective punishment illegal**

The Fourth Geneva Convention, to which Israel is a party, forbids an Occupying Power from imposing collective penalties on occupied people for the acts of individuals. Article 33 of the Convention states:

“No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they can not be regarded as jointly and severally responsible”.

Three teenagers have been murdered, most likely by Palestinians, but it is contrary to Article 33, and patently unjust, to punish Palestinians as a whole for the act.

Already, during Operation Brother's Keeper, as Amnesty International has pointed out, “the Israeli authorities have imposed a number of measures that clearly constitute collective punishment on Palestinians in the Occupied Palestinian Territories”, including “the imposition of a complete closure on the Hebron district of the West Bank, which prevents some 750,000 Palestinians from moving between villages and the city of Hebron, as well as within the city”. As a result “thousands of residents of the Hebron district who have permits to work inside Israel or in Israeli settlements cannot reach their places of employment”. This was largely unreported in Western media.

### **Hamas must pay, says Netanyahu**

Benjamin Netanyahu's chilling assertion that “Hamas is responsible and Hamas will pay” has understandably led to fears that further, more drastic, collective punishment is going to follow. However, most likely as on previous occasions, Palestinians in general will pay.

Israel has launched two military assaults on Gaza in recent years, ostensibly to make Hamas pay for firing homemade rockets out of Gaza. In the first, Operation Cast Lead in 2008/9, Israel killed about 1,400 Palestinians, including over 400 women and children. In the second, Operation Pillar of Cloud in November 2012, Israel killed about 170 Palestinians in Gaza, including about 50 women and children.

That's what making Hamas pay has meant in practice.

### **Rule of law, not collective punishment**

Why should collective punishment be visited upon the people of Gaza for acts by persons unknown that took place in the West Bank?

If Israel believes in the rule of law, it would eschew collective punishment and seek to have the individuals responsible for the teenagers' murder brought before a court and punished in accordance with the law if they are found guilty – and leave it at that. And Israel would also apply the rule of law to the military personnel responsible for the killing of Palestinians in the Occupied Palestinian Territories, including those killed during Operation Brother's Keeper.

Israeli ministers should cease talking about “vengeance” (as Prime Minister Netanyahu has done) and “settling the score” (as Defense Minister Moshe Ya’alon has done), which encourages Israeli civilians to take the law into their own hands and exact revenge on Palestinians.

**THAT IS THE MESSAGE THE GOVERNMENT SHOULD BE SAYING LOUD AND CLEAR TO ISRAEL.**

**David Morrison**  
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*Sadaka supports a peaceful settlement in Palestine/Israel based on the principles of democracy and justice, be that in two states or in one state. We maintain an independent position on internal politics within Palestine, favouring neither Fatah, Hamas nor any other Palestinian political organisation.*