

( )

( )

. 2007 /2 /10 :

_____	:	_____
.....	/	-
.....	/	-
.....	/	-

## الجهراء

إله من هم أعظم وأعلى منا جميعا إله الأرواح شهراء فلسطين الذين سقطوا شهراء احتلال على أرض فلسطين بفعل

جرائم الاحتلال الإسرائيلي.

إله روح والدتي رحمها الله عرفانا ومحبة وتقديرًا...

إله والدتي العزيزة أمي اللهم حمده ورحمته....

إله إخوتي اللاهزلاء وأخوتي الفاضلحة...

إله كل الأصدقاء....

إلهكم أقدس بأمانة وبنواضع هذا الجهد

.

.

.

.

.

1	
<b>7</b>	:
10	.
13	:
14	:_1
15	.
17	.
18	.
20	:_2
20	:
21	:
25	.
25	:_1
25	:
26	:
27	( ) :
29	:_2
29	:
30	:
30	:
<b>31</b>	:
34	:

35	:
39	.
42	:
44	:
50	:
<b>63</b>	:
64	:
66	.
66	:
68	:
71	.
72	:" "
75	" "
77	:
81	:
85	:
86	:
86	:
87	:
89	:
<b>99</b>	.
101	.
104	.
106	.

	.
109	:
110	.
126	.
137	
141	
143	
b	

( )

2002

.

.

...

2002







2002



:

.

:

2002











2002

.

:

.

:

.

:

:

.

:

:

1927

/ 26

:

"Chrozow"

"

"(1)

"

"(2)

(1)

.20 1976

(2)

579 2005 -2004

29

.<sup>(1)</sup>1977

" :

"(2)

"

"(3)

:

.1

.2

90 1997

---

(1)  
(2)  
32 1985  
(3)

21

11

":

“(1)

:

.1

:

•

•

•

•

.59

.2

.(1)

" :

.(2)

:

:

.

249 2004

13

---

38 (1)

(2)

:\_1

:\_2

:\_1

:(1)

.1

.2

:(2)

.1

.2

.3

252

(1)

246

1997 17

1

(2)

(1)

;(2)

.( ) :

. :

. :

: :

. .1

. .2

: .1

:

"

“(3)

\_\_\_\_\_

(1)

.34

252

(2)

255

(3)



: .2

:

(1)

:

1988

"

"

:

(1)

" :

"(2)

586

263

17

---

(1)

(2)

:

1977

(1)

(2)

860 2004 4

99

18

---

(1)

(2)

:

(1)

:

.

.1

.

.2

(2)

259 258

100

19

---

(1)

(2)

(1)

:\_2

.(2)

( )

:

:

:

:

(3)

101

266 265

1919

:

.1928

1924

20

(1)

(2)

(3)

1907

.

:

(1)

.

.

:

.

(2)

.

.266

.159 1994 1  
21

---

(1)

(2)

1958

55

(1)

:-

(2)

108 1988

161

22

---

(1)

(2)

.1

.2

.3

(1)

:

.1

.2

.3

.(2)

.100 1999

162

23

---

(1)

(2)



:

(1)

.

.

:

:\_1

.

"

.(1)

:

:

"

(2)

"(1)

(3)

.

.

.

"

"

:

---

(1)

.35

(2)

.35

(3)

"

15

26

(1)

(2)

( ) :

" saleilles

.(1)

"

...

.(2)

1972

"

.(3)

22

.(4)

---

		(1)
	317	1976
	322	(2)
	323	(3)
	323	(4)

1988

:\_2

/ 13

1928

.1927 Chrozow

(1)

:

:

108

---

(1)

279

205

29

1948

:

:





1928

1928

:

"

“(1)

"

“(2)

“(3)

7 1970

3

(1)

8

(2)

(3)

1995

.195

1928

1945

:

:

:

:

1859

1863

(1)

2003

1

---

(1)

17

35

:

1928

1924

1

(1)

(2)

.(3)

.1

.2

21

724

784

36

---

(1)

(2)

(3)

**1924**

**\_2**

1924

(1)

<sup>(2)</sup>**1928**

**\_3**

"

1928

"

110 1971

(1)

111

263

(2)

---

.725

.(1)

•

•

.(2)

•

•

786

1933

---

(1)

(2)

(1)

:

1945

(2)

"

"(3)

"

"(4)

48 2000 1

(1)

(2)

www. Un. Org

/ 10 /24

51

4/2

(3)

3 / 2

(4)

39



.

:

:

(1)

49

(2)

"

41

(1)

"

"

"

49 48

(2)

40

:

51

: 51

"

-

-

“(1)

“(2)

---

51

(1)

(2)

51

( )

215 - 214 2004

41

:

(1)

— " :

—

"(2)

" (3)

."

:

•

51 42

.

•

.

---

(1)

:

49 1986

66 2003

(2)

(3)

.192

42

•

•

.

.

:

.

:

.

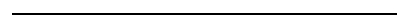
:

:

.(1)

.

•



- 
- 
- 

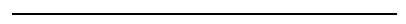
( )

200

(1)<sup>n</sup>

:

**:\_1**





∴ —

.

∴ —

.

(1)

(2)

∴ —

57 2002

46

---

54

(1)

(2)

: \_3

(1) 1624

" "

(2)

: \_4

•

(3)

1864

---

(1)

49

- 1714 )

( 1799 - 1712 )

(2)

51 - 50

( 1767

35

(3)

47



;(1)

<sup>(2)</sup>1856

•

1864 / / 22

•

•

<sup>(3)</sup>1868

/ 11 -

/ 29

1907

•

1925

•

1929

•

:

1949 / / 12

•

:

:

:

---

(1)

24 -17 1997

(2)

108 2003

(3)

111

1949

1977

(1)

(2)

(3)

---

(1)

24 - 17

" 38"

(2)

16 8 2006 /3 /23

..

1993

(3)

:

:\_1

":

.(1)

"

.(2)

" "

"

"

( )

:

.

26

(1)

200

3

(2)

50

"

.(1)

1919

:

....

1992

.(2)

1919

1946

1946 - 1945

<sup>(3)</sup>1950

"

"

"

"

206

455

1950

/ 29

(1)

(2)

(3)

...

:

:

(1)

(2)

:

:\_2

(3)

1949

50

4 3 2

---

(1)

" : (2)

94 2003

5 ....123 121

(3)

52

49

50

:

“(1)

53

(2)

13

(3)

(4)

45 44

51

(1)

54 53

(2)

”

13

(3)

147

(4)

53

1977

85 11

" 85

" " 11

" "

:

57 "1"

57 ""

37

." "

:

- 
- 
- 
- 

1998

8

( )

124

...

(1)

:

:" "

1949

/ 12

( )

.(2)

- 154 2002

---

(1)

155

(2)

750 - 680



			.1
(1)	.		.2
(2)	.		.3
			.4
(3)	.		.5
		(4)	
			.6
(5)	.		.7
		(6)	.8
			( )
	:		

131	51	50	(1)
		147	
		.	(2)
147	51	50	(3)
	147	130	(4)
		147	(5)
		.	(6)

.1

(1)

(2)

.2

.3

(3)

.4

(4)

.5

(5)

.6

(6)

				3	85	3	2	51	(1)
								52 50	(2)
18				141				40	(3)
		3	58	3	35	2	57		(4)
	.1907							25	(5)
	1907.							23	(6)
				57					

(1)

(2)

.7

(3)

.8

(4)

(5)

.9

(6)

.10

.11

(7)

.12

(8)

---

.1907			23	(1)
	4	85	49	(2)
1907			27	(3)
			4 1 11	(4)
.1907			23	(5)
.1907			23	(6)
.1907			23	(7)
.1907			23	(8)

.13

(1)

.14

(2)

.15

.16

(3)

.17

(4)

.18

123 121

.19

"

.1907

"

1907

28

(1)

23

(2)

1925

(3)

1899

(4)

.20

7 ( ) 2

(1)

.21

.22

.23

(2)

.24

(3)

3

( )

1949 / 12

(4)

.1

---

77 76 (1)

23 (2)

38 (3)

3 (4)

.2

.3

.4

( ) 2

( )

( )

.(1)

.1

.2

.3

.4

27 23

17 14 13 12 11 10 9 4

(1)

.1907

28

61

.5

.6

7 ( ) 2

3

.7

.8

.9

.10

.11

.12

( ) 2 ( )

:

:

.



:

(1)

(2)

<sup>(3)</sup>1948

/10 "3" 217

112

23

---

(1)

(2)

2002

(3)

185

64

(1)

(2)

.3

:

:

:

:

:

	228	227	1919	/	/28	:	(1)
		1945/	/8		230	1920	
1950							
1976						4	
1/6					1/7		
				.25			
	37-26						(2)
						37 - 29	(3)
				65			

.

:

.

:

.

:

:

:

.

:

(1)

1458

(2)

168 2001 1

---

169

(1)

(2)

1474 (1)  
1815 (2)

(3)

1864

1875

1893

1895

(4)

---

(1)

472

26 (2)

172 (3)

2002 (4)

13 - 12

1914

<sup>(1)</sup>1899

.

:

1919

(2)

1920

1919

/ 28

229 228 227

227

227

---

14

(1)

131

(2)

68

(1)

":

228

“(2)

1923

1920

.(3)

.(4)

-1

4

- 2

107

1970

(1)

108

228

(2)

70

(3)

178

(4)

69

229 228

1923

(1)

228

12

4

6

(2)

(3)

178

140

1873

1888

1924

.1889

.186 - 180

70

(1)

(2)

(3)

:

:

:

:



14

1937

(1)

13

(2)

⋮

88- 87

1

28- 27  
71

2004

94- 92

1

---

(1)

(2)



8 178 1942 (1)  
(2) 2556 9520 24 453  
1943  
1945 (3)  
1946 \1 \19 (4)

:  
:" " :  
1945/8/ 8

(5)  
32 143 190 (1)  
36 (2)  
246-228 (3)  
72 (4)  
107-102 (5)

30

" "

22

(1)

1946

/30

24

3

12

(2)

(3)

.258-257

---

(1)

(2)

258

(3)

73

.(1)

.1

1945/8/8

.2

:

.3

:

.4

255-250

139-138

45-43

111-108

: .5

.6

1946

12 \ 20 10

<sup>(1)</sup> 1945

" " :

1946 \ 1 \ 19 <sup>(2)</sup>1945 \ 2

29 19  
1945 /9-6

(1)  
(2)

120

"

(1)"

(2)

(3)

26

1-158

261

---

(1)

(2)

(3)

11-6

262 261 247

(1)

1947 1 / 177

1950

:

1 / 95

:"

"

:

(1)

(2)

(2)

(3)

"

---

(1)

"

(2)

(3)

(3)

(1)

(2)

(4)

(3)

(4)

(5)

1815

---

(1)

1919

67

(2)

"

8

(3)

"

(4)

130-129

1948

(1)

"

11-9

"(2)

"

11

"(3)

:

"

-

-

-

-

---

			(1)
56-55	1997	1	
		10	(2)
		11	(3)



(1)

:

(6)

(2)

(3)

(7)

(4)

" :

„(5)

16 (1)

62 - 55 (2)

: (3)

... (4)

166 (4)

139 (5)

(1)

:

(2)

1974 3314

93/808

(3)

94/955

1991

:

(4)

**:1**

1993/2/22

93/808

203-159 2004

(1)

(2)

21 2001

(3)

58 2004

294-270

(4)

160-140

81

(1)1991

(2)

(3)

780

1992

(1)

67 2004

"

5-2

(2)

21

(3)

82

;(1)

(1)

(2)

(3)

(4)

(2)

:

170-160

294-289

---

309-295

(1)

(2)

94/955

12/31-1/1

1994

1998

" " " "

(1)

.1998<sup>(2)</sup>

---

(1)  
401 2002  
(2)

1998 - 1989  
37 - 18

:

77  
5

(1)

(2)

26

"

18

“(3)

18

---

2/1/25 (1)

77 (2)

26 (3)

:

:

(1)

"

.(3)

(2)

.1

.2

.3

( )

25

"

"(4)

1990 1

---

(1)

99

45

(2)

(3)

133

" /25

(4)

" 1/68

1960 16

. . .

2

(1)

78

1

"

"(2)

25

:

25

1960 16

87

---

2 1 / 68 (1)

1/78 (2)



" 3/25

:

-

.

-

.

-

.

-

:

.1

(1)

.2

2/1/80 76 75

1960 16

2002 30

3/25

---

(1)

:

25

28

31

89

:

**-1**

1/27

"

"(1)

(2)

"

---

1/27	(1)
2/27	(2)

"

94/995

1997

24

1998/ 9/2

(1)

1998/9/4

:

28

307

91

---

(1)

:

:

:

.1

.2

(1)

82

1949/ /12

(2)

57

(3)

"

2/86

"

"

28 1 (1)

" 82 (2)

"

"

"

.1949 / /12

57 (3)

92

“(1)

:

28

”

1

:

( )

.

( )

( )

”

(2)

86

2

1949 / /12

(1)

(2)

156

93

:

(1)

" "

(2)

" "

" "

389-388

---

397-395

(1)

(2)

(1)

33

(2)

1"

:

( )

( )

( )

2

---

(1)

390 -389

390

(2)

95



:

<sup>(1)</sup>1948

carl rathand rthiel

32

.

"

"33

:

31

(2)

—

:

38-37

(1)

2/31

(2)

96

( )

( )

( )

(1)

( )

:

( )

(2)

---

(1)

(1)

21

21

;(2)

:

.

:

.

:

:

.

-1

.

-2

.

-3

---

"	3/ 31	(1)
	1	
	21	
.	1/ 21	(2)

"



"

"

2002

.

:

:

.

:

.

:

:

.

:

.

:

.

:

42

1907/ /18

"

"

1967

...)) 35

1949/ /12

.<sup>(1)</sup> (

144

1967/10/11

107

35

1967/11/23

(1)

46 2003

101

: (1)

1967 .1

.2

1950

---

(1)

1949

286 - 263 2000 1  
102

"

"

" .

" . . . .

.

.

: :

:

.



:

.

1967

1967/ /22 242

338 1973

<sup>(1)</sup> 242

1967 237

1969/ /15 271

2000/10/7 1322

.

.

1949

(1)

---

288 – 287

(es-10/5) (es-10/4) (es-10/3) (a/res/es-10/2)  
.1999/2/9 (1)es-10//6))

2001

(2)

e/cn.4/s-5/l.2rev.1

2000/10/19

(3)

---

(a/res/es-10/2) (1)

85 mde/15/143/2002 (2)

(3)

57 2001

:

(1)

1949/ /12

.

(2)

:

2004

---

(1)

168

"

4

(2)

"....

50

13 4

106

27



(1)



(2)



32

:

(3)



(4)

34



(5)

:




---

.	27	(1)
	31	(2)
	32	(3)
	33	(4)
"	34	(5)

54 52 51 40 39

/4/ 85

(1)

(2)

(3)



(4)



(5)



21 20

---

.		49	(1)
.	8/ / 2	/8	(2)
.		55	(3)
.		56	(4)
"		51	(5)

"...



"

53

"(1)

.

:

:

:

:

2002

109

53

---

(1)

2002

:

:

: **-1**

2002

(2)

(1)

13

2002/4/3

2

(1)

111 -109 2004

53 -52

(2)

110

(1)

2002/4/3

15

80

2002/4/22-3/29

(2)

(3)

51

(4)

2002/4/6

(1)

( )

35-34 32 -30 2003-2002 1

62 mde 15 / 143/2002

(2)

1949 / /12

3 50

(3)

2 1 51

(4)



(1) 85

( )

(2) 2002/4/3

16 2002/7/22

4 2002 /8/28

9 2002/9/23

17 2002 /12/6 2002/10/17

(3)

-2

( )

1948

1956

66 -64 (1)

87 - 79 2003 1

58 (2)

16-14 (3)

112

9 / 29

.(1)

86

77

2002 / 9 / 28 – 2000 /

2002

( )

39

<sup>(2)</sup>2002/4/14

37

27

"

“(3)

...

<sup>(4)</sup>2002/4/6

21 – 19

(1)

54

(2)

232 -231 2002 1

106 -105 2004

84-81 2002 2

(3)

26 -24

(4)

23

(1)

1907

(2)

3

**-3**

2002/4/6

(3)

"

6/ 18

(1)

"

1907

23

(2)

36 -33

(3)

114

51

"

7

“(1)

:

55

56

57

---

7 51 (1)

15

16

2002

(1)

2002/4/12

2002/4/5 4

2002/4/3

144 -134 2004 / 1  
116

---

(1)

2002/4/11

(1)

2002/4/7

(2)

2002/4/17

2002/4/ 17-11

4/15-4/4

11

3

134

---

139 - 138

(1)

(2)

117

:

2002

2002/4/11

2002/4/17

685

(1)

24

2002/4/9

" :

1956

---

(1)

89

118

" "(1)

...

"(2)

18

25

(3)

9

:

"

" :

"

(4)

:

"

37

38

(1)

(2)

30-29

(3)

82

(4)

119



....

"(1)

51

50

(2)

147

130

5/85

(3)

.21/ 18

:

450

(4)

300

65-64

(1)

"

147

(2)

:

".....

"

"

" :

5/85

(3)

"

54

(4)

120

9

"..."

" :

4-3

(1)

2002/4/17

"

"(2)

4/11

(3)

147

5/85

52

4/1/8

104

2003 12

55

57

121

(1)

(2)

(3)

1907

/ 23

:

53

.1

.2

.3

53

1954 /5 /14

1187

1885

(1)

---

.2006 /6 /27

(1)

200

250

(1)

250

(2)

78

123

---

78

(1)

(2)

/ /13

1405

**1405**

1405

2002

.(1)

- 
- 
- 
- 

2002

54

(1)

:

(1)

:

-1

-2

-3

-4

**-1**

1993/808

1993

1991

1994/955

---

(1)



2000 1994

2000/1315

2002 / / 16

(1)

" 39

42 41

"

(2)

.www.sc-sl.org

"

41

(1)

(2)

.1

...

2002

.

.

-2

.

;(1)

-

147

.

-

148

.

.

129

---

146 (1)

" 2005/ 9/15  
(1)"

-3

3 1946

130

---

2005/ /14 (1)

1969/258300

1968 /26 (23- ) 2391

:

"

()

(1- )3

1945/ /8

1946 /11

(1- ) 95 1946 /13

1949/ /12

"....

( )

1998/10/17

(1)

2000/ 3/1 ..

2000 /8 / 8

(2)

2001 / 1 / 23

1999

.1988

2002/7/22

---

1971

(1)

60

61

(2)

15

(1)

(2)

(3)

**-4**

/ /17

(4)

1998

---

31 2005 / 9 /14 (1)

8 2005/3/23 (2)

18 1 2005/9/17 (3)

1986 1969 (4)

27

133

(1)

...

"

"(2)

17

( )

2000

13

" "

"

(1)

"

43

(2)

134

(1)

.

.

.

:

11

-

---

(1)



124

-

7

8

(1)

13

-1"

14

-1

"

1945

...1928

1924

1977

1949/ /12

93/808

94/955

1998

2002

:

.

:

.

:

.

:

146

.

:

.

:

.

:

.

:

.

:

.

:

.  
**1949** :  
.2000 1  
.2004 4 :  
:  
.2004  
.1997 1 :  
:  
2003  
:  
.2002  
:  
.2004 1  
/ 1 (5) :  
2004  
2003 :  
.1994 1 :  
2003 :  
.1988 :



:  
 .2004  
 .2004 :  
 .2004 1 1 :  
 .2003 1 :  
 :  
 :  
 .2002 :  
 :  
 .1991 :  
 :  
 .2003 1 :  
 .1971 :  
 :  
 .2002 :  
 .2003 – 2002 1 :  
 :  
 1984

:

.1990 1

.1986

:

- -

:

.2003

:

:

2001

:

.1999

:

.2003

.2004

:

:

.1970

:

.1997 1

.1997

:

2002 2

:

3

:

.1970

:

.1995



1899

.

.1907

.1907

.1948

.( )

.( )

: 1949 / / 12

:

:

:

:

.1977

.1977

.1976

.1998

1960 16

.1968

2005/ /14

2005/9/17 8 2005/3/23 12 1 2005 / 9 / 19

12 1 2005 / 9 / 19 18 1

2003 12

200

mde 15 / 143/2002

.2002

:

**2002-2000**

:

.2004

:

.2002

-

:

.2004 -

**An-Najah National University  
Faculty of Graduate Studies**

**Personal Criminal Liability of War Criminals  
(Massacres of Jenin Refugee Camp and the Old City of  
Nablus as a Model)**

**By  
Hani Adel Ahmad Awad**

**Advisor  
Professor Ahmad Alkaldy**

*Submitted in Partial Fulfillment of the Requirements for the Degree of  
Masters in Law, Faculty of Graduate Studies, at An-Najah National  
University, Nablus, Palestine.*

*2007*

**Personal Criminal Liability of War Criminals  
(Massacres of Jenin Refugee Camp and the Old City  
of Nablus as a Model)**

**By  
Hani Adel Ahmad Awad  
Advisor  
Professor Ahmad Alkaldy**

**Abstract**

The importance of this study springs from its being a methodological research attempt to trace the measures of the Israeli occupation forces and classifying them as war crimes. The study emphasized the horrible acts committed by the Israeli forces during the incursions of the Jenin Refugee Camp and the Old City of Nablus in the year 2002 in order to shed legal lights on the principles and regulations of the international law that govern the personal criminal liability of committing war crimes.

At the beginning, international liability has been accompanied by big developments that have affected its legal nature, basic origin, and the necessary requirements for its application, in order to reach its consequences and impacts.

During the two world wars, many events took place that resulted in severe violations of human values and principles proved that some illegal acts of the individual such as violations of war laws and committing international crimes may threaten international peace and security. Consequently, the principle of personal legal liability had come into existence which later on was adopted. Essentially, it was applied through holding responsibility of many war criminals following the First and Second World Wars. For that purpose, several trials were administered such as the Leipzig, Nuremberg and Tokyo martial courts. More recently, war crimes courts were held to prosecute war criminals from Yugoslavia and Rwanda.

The illegal acts committed by the Israeli occupation forces in April 2002 during the incursions of the Jenin Refugee Camp and the Old City of Nablus are characterized as war crimes. Such illegal acts included aggression against the rights of life, physical safety, and personal security represented by targeting Palestinian civilians, executions outside law, using Palestinian civilians as human shields, targeting medical staff and hospitals, hindering the transference of wounded and corpses of the killed people, severe treatment of civilians and degradation of people dignity, in addition to other war crimes.

Knowing the regulations of the criminal international law, it should be noticed that there are many legal procedures that allow the possibility of prosecuting the Israeli war criminals. Such procedures may take the form of issuing a resolution by the UN Security Council to establish a special court to prosecute the Israeli war criminals, or prosecuting them at the national courts of states that signed the Fourth Geneva Charter, and other procedures.

In anticipation of prosecuting the Israeli war criminals when the international opportunity becomes possible, the Palestinian Ministry of Justice and the concerned civil community bodies must document the continuous Israeli war crimes against the Palestinian people so as to use them as evidence to indict those who are responsible for such crimes. The right of prosecution the Israeli war criminals must not by no means be affected when resuming political negotiations between the Palestinian and Israeli sides in the future so that justice will not be sacrificed at the alter of political interests.