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## اللاهوت

إله من هم أنظمت وأنجلي منا جميعا إله الأرواح شهراء فلسطين الذين سقطوا شهراء احتلال على أرض فلسطين بفعل

جرائم الاحتلال الإسرائيلي.

إله روح والدي رحمتها اللهم عرفانا ومحبة وتقديرنا...

إله والدي العزيز أمد الله عمره ورحاه.....

إله إخواني اللاهوتيين وأنتموني الفاضل...

إله كل الأصدقاء....

إلهكم أقدس بأمانة وبنواضع هذا الجهد

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**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  
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**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.