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## *A Short History of Collective Punishment: From the British Empire to Gaza*



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As old as war itself, [collective punishment](#) has long been the most damning and destructive weapon of all. Not satisfied with engaging combatants alone and directly, historically, it has fueled state reprisal against families, communities and entire populations in a drive to “win” a given conflict, military or otherwise, at all costs.

With roots that trace, literally, to the start of time, reprisal has evolved as modern warfare became more proficient and popular resistance more prevalent. Nowhere has collective punishment proved more evident and efficient than it has in the West where it has long run the gamut from civil sanctions, to population displacement, to political penalty, to

imprisonment, to outright slaughter. Of late, it has grown more subtle, yet no less pernicious, through state censorship that seeks to control the narrative of the day.

In the American Civil War, during his “march to the sea”, General Sherman ordered his troops, when faced with any resistance from guerillas, to “[enforce devastation](#) more or less relentless according to the measure of such hostility.” In doing so, his troops targeted non-combatants causing more than one-hundred million dollars in property damage. Today that destruction would be valued at more than one-and half billion dollars.

The strategy known as “[hard war](#)” was defined by widespread destruction of civilian supplies, infrastructure and property, which disrupted the South’s economy and transportation networks. Foragers, known as “[bummers](#)“, seized food from local farms for the Army while they destroyed railroads, manufacturing and agricultural infrastructure in the South.

As troops marched through Georgia, they took whatever horses, mules and wagons, owned by civilians, for military use. In leaving Atlanta, all buildings and structures that might have had a military “value”, including rail depots, roundhouses, arsenals and storage areas, were disassembled and burned. Although monitored, the “controlled” fires resulted in heavy damage, if not widespread destruction, to civilian homes located throughout Atlanta.

Sherman’s “[scorched earth](#)” policy was not new and was to continue after the Civil War as military forces targeted non-combatants in particular indigenous communities as an essential part of an early European colonial project.

Thus, in 1863, after a small group of miners were killed, the US military laid the blame at a band of nearby “defiant” Shoshone Indians. During the four hour onslaught that followed, 200 soldiers killed several hundred Shoshone, including at least 90 women, children and infants. They were shot, stabbed and battered to death. Others were driven into the icy river to drown or to freeze.

In 1864, following an unsolved murder of a settler family not far from a reservation at Sand Creek Colorado, the territorial governor called on citizens to “kill and destroy . . . hostile natives.” Seeking the “chastisement” of the Indians, a military raid followed.

According to one soldier, “... [hundreds of women](#) and children were coming towards us, and getting on their knees for mercy, only to be shot and have their brains beat out.” Of the 200 defenseless Cheyenne and Arapaho that were murdered, all but 60 were women and children. The dead, women and men alike, were scalped... with their ears and genitals cut out.

Dance has always played an essential role in religious practice and ceremony among indigenous communities in North America. Following the civil war, traditional Native dance was increasingly viewed as a threat to white “settlers” as they moved further west. Seeing religious practice as a potential flashpoint for an Indian uprising, the U.S. and Canadian governments passed laws banning cultural and religious rituals... including all forms of traditional dance. That ban was to lead to the massacre at Wounded Knee, South Dakota.

Early one December morning in 1890, a large contingent of heavily armed soldiers of the Seventh Cavalry surrounded several hundred Lakota Sioux at a makeshift camp along the banks of Wounded Knee Creek where some were practicing the Ghost Dance... a new and spreading ritual seen as a bridge between the living and the spirits of the dead... to bring unity to natives throughout the region. Sent to arrest the native participants for their Ghost Dance, a gunshot unleashed a barrage of fire... including a military machine gun... that slaughtered several hundred Lakota men, women and children caught in crossfire as they fled to find safety in a nearby ravine.

Half a century later on the eve of the surrender of Germany a series of [bombing raids](#) were carried out on the city of Dresden by 800 American and British aircraft. Known as the “Florence of the Elbe,” Dresden was a medieval city renowned for its artistic and architectural treasures. It played no role whatsoever in war-production and had no major industry.

The two days of bombing, which involved 3,400 tons of explosives, unleashed a veritable firestorm which continued burning for days. When the fire ended, the streets were littered with charred corpses... including many children. Although the exact number of those, mostly civilians, killed remains unknown it is estimated that upwards of 135,000 lost their lives and were buried in mass graves... many within the eight square miles of the city that lay in ruins. While various rationales have been raised, the consensus is the attack was simply a mission to collectively punish the Germans and weaken their morale.

Six months later, on August 6, 1945, an American B-29 bomber dropped the world’s first deployed atomic bomb on [Hiroshima](#). The explosion wiped out 90 percent of the city and immediately killed 80,000 people. Three days later, a second B-29 dropped another A-bomb on [Nagasaki](#)... killing an estimated 40,000 people. Tens of thousands more would later die of radiation exposure in and around both cities. Already defeated before the use of the atom bombs, Japan’s Emperor surrendered a week later citing the mass destruction and punishment wrought by “a new and most cruel bomb.”

As shown by its participation in the firebombing of Dresden, historically the British have embraced collective punishment, using it often during its once long reign as the world's leading colonial power. In response to the Boston Tea Party, Britain's Parliament enacted the ["Intolerable Acts"](#). The Acts closed the Port of Boston, revoked the Massachusetts Charter and, thus, home rule, moved trials of rebels outside North America and required the colonies to quarter the King's troops, thereby, imposing mass punishment upon much of the colonies for the acts of a few.

During the [Second Boer War of 1899-1902](#), the British rounded up more than a hundred thousand of the Boer civilian population, mostly women and children, and detained them in camps. Overcrowded, with little nourishment, and prone to outbreaks of disease, some twenty-seven thousand Boers and an unknown number of black Africans died.

In April of 1919, peaceful [protestors defied](#) a government ban and demonstrated against British Colonial rule in India. Trapped inside a walled off garden, they were fired upon by Gurkha soldiers who kept shooting until they ran out of ammunition. After 10 minutes, the firing stopped... leaving upwards of a thousand protestors dead and another 1,100 injured. Although precise figures are unknown, it is estimated between 12 and 29 million Indians [died of starvation](#), while under the control of the British Empire... as millions of tons of wheat were exported to Britain even while famine raged throughout India.

In 1943, up to four million [Bengalis](#) starved to death when Winston Churchill diverted food to British soldiers and countries such as Greece while a deadly famine swept through Bengal. When asked about the famine [Churchill said](#): "I hate Indians. They are a beastly people with a beastly religion. The famine was their own fault for breeding like rabbits."

In 1956, [in Cyprus](#), Britain evicted families from their homes and closed shops in neighborhoods where British soldiers and police had been attacked, purportedly to obtain information about the attackers.

During the so-called Mau Mau [uprisings](#) in "British" Kenya, Kikuyu tenants who lost their land to white settlers were detained, en masse, in camps known as "British gulags" where many suffered from torture and sexual assault. It is estimated that during 1951-1960 between 20k and 100k Kikuyu lost their lives.

In 1935-36, Italian troops carried out [mass reprisals](#) following their invasion and occupation of Ethiopia. Fascists used mustard gas against civilian communities, bombed Red Cross hospitals and ambulances, destroyed monasteries and shot "witch-doctors" who foretold the end of Italian rule. Following a partisan grenade attack that wounded the Italian viceroy, some [19,000 civilians](#) were murdered in Addis Ababa during a three day

rampage carried out by local fascist militias, colonial troops and Italian soldiers. Victims were shot, hanged, burned to death, beaten with clubs and shovels and drowned... being thrown down wells or into the river.

### **The German Punishment**

During World War II, collective punishment was very much the norm as German and Japanese troops engaged in targeted reprisals against persons and communities as revenge for the acts of the few or for purposes of population control.

Following attacks by the Serbian resistance in October of 1941 German soldiers raided the town of Kragujevac in Yugoslavia seizing some ten-thousand civilians... including high school students while in class. Beginning the next day, they were executed in groups of four hundred at a time. When the massacre ended over 5,000 civilians, including women and children, were dead.

To understand where collective punishment would eventually lead, at the hands of Nazi Germany, one must look to its activity well before World War II. Thus, in the early 1930's, it began to target its civil population by virtue of nothing more than their trade union and political activities and beliefs or religion.

Soon after the election of May 2, 1933, the SA (Nazi paramilitary) and SS (initially Hitler's bodyguards) began to attack all forms of political opposition... beginning with raids on trade unions offices whose leaders were arrested and imprisoned. Later that year, they raided offices of political opposition parties... destroying equipment, confiscating funds and arresting their leaders. By the middle of that year, Nazis had banned all opposition parties.

In May 1933, the first book burnings under the Nazis occurred outside of the University of Berlin with university students leading the torch lit parade. In 1817, over 100 years earlier, students had initiated book burning with the goal of unifying the patchwork Germany of the time. Among the first works thrown into the fire in 1933 were those of Sigmund Freud's. In what was clearly prophetic, German Jewish poet Heinrich Heine had written, one-hundred years earlier, "any people that burn books, will one day burn people."

As Hitler consolidated power, thousands of communists, socialists, church leaders and anyone else who might oppose the Nazis were rounded up. Initially, these prisoners were held in local prisons and police stations. There were so many prisoners that makeshift buildings were converted to house them. Eventually, the Nazis solution to the inefficiency of the buildings was found in establishing large, purpose-built camps to hold these

prisoners. These they called concentration camps. The [first camp](#) was established on 1 April 1933 at Dachau.

Between 1933 and the end of the war, some dozen years later, many thousands of people resisted the Nazis using both violent and non-violent means. Among the earliest opponents were Communists, Socialists, and trade union leaders. As punishment against this movement thousands were executed including German theologians such as [Dietrich Bonhoeffer](#) who opposed the regime.

As millions of Jews, Communists, Socialists, Gypsies, gays and political opposition were murdered in concentration camps throughout Germany and Europe, resistance continued to grow in Nazi-occupied areas outside of Germany.

In France, Denmark, the Soviet Union, Czechoslovakia, Yugoslavia, Greece and Poland, guerrilla fighters engaged in anti-Nazi sabotage. After Czech agents assassinated Reinhard Heydrich, the Nazi governor of Bohemia and Moravia, the Nazis shot all of the men in the Czech village of [Lidice](#) none of whom had any involvement in the assassination.

Warsaw was, perhaps, the most legendary of all uprisings by an urban population in German-occupied territory. On April 19, 1943 an armed [revolt](#) was begun by a group of Warsaw ghetto dwellers. The Jewish Fighter Organization ([ZOB](#)) led the insurgency and battled, for a month, using weapons smuggled into the ghetto. The Nazis responded by bringing in tanks and machine guns. In massive collective punishment, the Nazis burned blocks of buildings and destroyed the ghetto in its entirety. Ultimately, many of the 60,000 remaining residents, most of whom had nothing to do with the uprising, were executed or lost their lives as buildings were bombed or set aflame.

In the French village of Oradour-sur-Glane more than [600 men](#), women and children were murdered as collective punishment for acts of the resistance. Similar reprisals occurred in the [Dutch village of Putten](#), the [Italian village of Sant'Anna di Stazzema](#) and the [Soviet village of Kortelisky](#).

### **The Japanese Punishment**

Beginning long before the onset of World War II, during the [2<sup>nd</sup> Sino-Japanese War](#), Japan made widespread use of biological and chemical weapons, created in the infamous [Unit 731](#) labs, in their drive to reduce and control China's population through weapons of mass destruction.

From 1931 through 1945, Japan employed thousands of [biological and chemical weapons](#) throughout China. The provinces of Hunan, Jiangsu, Jilin, Kwangtung and Zhejiang were



among those targeted. The attacks in Zhejiang offer a chilling view of Japan's use of biological or germ warfare as a weapon of collective punishment against a civil population.

On October 4, 1940, a Japanese airplane dropped [plague-infected fleas](#) (causing bubonic and other plagues) over Quzhou, a small town in western Zhejiang Province. Within days the first victims died. Within a year more than a two- thousand others perished.

In September of 1941 the plague was carried to another village causing the death of one thousand more civilians. In 1942 Japan unleashed a series of [anthrax and glanders](#) (a rare infectious disease) attacks on villages throughout Zhejiang leading to the painful deaths of three thousand additional villagers.

[Population displacement](#) has also been a mainstay of collective punishment. Though the world map has frequently been reconfigured to reflect changing political winds, two displacements, in particular, provide insight into how political priorities and retribution have directed the forced movement of people in contravention of international law.

In 1944, Stalin [deported](#) the entire population of the North Caucasus... more than half a million people from the republics of Ingushetia, Chechnya, and North Ossetia... to the Soviet republics of Central Asia based on an assumption they were “collaborating” with the Nazis.

The gun-point displacement used crowded cattle-cars which simply dropped victims in a barren wilderness with no means of survival. In an earlier displacement it is estimated that beginning in 1941 more than three-million Russian Poles and Latvians, Lithuanians and Estonians were [deported](#) to Siberia and the Central Asian republics. It is estimated almost half of them died of diseases and malnutrition.

As “reparations” after the war the allies forcibly expelled some [14 million](#) German speaking civilians from their homes in Czechoslovakia, Hungary, Romania, Yugoslavia, and Poland removing them to the rubble of Allied-occupied Germany. Most of them were women, the elderly and children.

Along the way perhaps half a million died due to starvation, disease, attacks and executions. Tens of thousands of others perished in forced labor camps. Many of these had been concentration camps which remained in operations for years after the cessation of hostilities.

### **The Israeli Punishment**

Collective punishment is the alluring call of the desperate tyrant. It is a shameless group stab that targets communities when a despot's aim, at the few, falls short of their coveted

mark. To them, how much easier it is to break a people's step by spreading anguish among all... the young, the old, those waiting to take their turn.

Collective punishment comes in many shapes. Some short, explosive and deadly. Others the kind that hang heavy like an amorphous throb that just never seems to go away... an ache always there to remind that there's something about your race, religion or heritage that panics tyranny. And, then, there is the kind that confronts every breath you take, every step you make... day in and out... generation after generation. The sort that demands you walk or run off into the past and never return to a future that is yours to claim. No tomorrow. No vision. No voice. No hope.

That is the collective punishment begun by European Zionists decades before the United Nations ripped Palestine from Palestine... when they unleashed a spree of death, dispossession and destruction that has continued unabated for more than ninety years. No modern collective punishment has been as long, as public or as perversely proud.

Though the [Nakba](#) began on May 14, 1948, it unfolded decades before when [Balfour](#) issued an open invitation to terrorists such as the [Irgun](#), [Palmach](#) or [Lehi \(the Stern Gang\)](#) to commence a deadly colonial project that came to know no bounds.

For years, Palestinians were targeted in their homes, businesses, and marketplaces for no reason but their easy mark. Men, women and children were butchered by bombs or slain by shots... not as armed opposition but as civilians swept up in a pogrom of collective punishment.

No one can erase the terrorist blast of the [King David Hotel](#) by the Irgun in 1946 that took ninety-one lives including some four dozen Palestinians. Nor can the massacres at [Deir Yassin](#) and [Ein al-Zeitun](#), by the Irgun or Lehi in April and May of 1948, be apologized away as the unfortunate loss from competitive battle. Hundreds of executed civilians, many tethered and shot, others mutilated and raped, is not warfare but collective punishment of the worst kind... the type designed to spread mass terror through a despicable feed upon the most vulnerable in two defenseless, age-old, rural villages.

If these were to be the explosive benchmarks of early shared punishment, for more than a decade before, thousands of Palestinians were murdered or injured in a rampage of non-stop terrorism that determined life and death by little more than mere happenstance.

Crowded Souqs (marketplaces) in Jerusalem, Jaffa and Haifa were a particular favorite for collective punishment as bombs exploded... some hidden on donkeys or under fruit stands, others tossed into crowds of shoppers from passing vehicles. Many were shot and killed in random drive-bys. Small lodges, town halls, political headquarters, cinemas and



trains were the scene of repeated carnage caused by explosives or ambush. More than once, the Damascus Gate of the Old City was attacked by barrel bombs or strafed by gun fire. In Jaffa, more than one hundred homes were burned to the ground as part of a coordinated bombing attack. And in a precursor of what was to come, soon, en masse, on the night of December 31, 1947- January 1, 1948, the [village of Balad al-Shaykh](#) was attacked by paramilitary forces that proceeded to blow up homes and execute 70 Palestinians as retaliation for an earlier battle elsewhere between Zionist and Palestinian fighters.

With the establishment of Israel, over night, collective punishment took on a new, more odious, meaning as mass displacement became a prime weapon of choice throughout Palestine. Fearing advancing Israeli troops or another Deir Yassin massacre by marauding militias, some eight hundred thousand Palestinians fled, or were expelled, from their age-old homes, to become stateless refugees strewn throughout the Middle East.

In the days that followed, between 400 and 600 Palestinian villages were sacked... reduced to little more than rubble. As panic spread, Israeli troops patrolled urban centers using vans and loudspeakers to order terrified inhabitants to [evacuate](#) their homes. As mass flight took hold it became clear to international observers and journalists, alike, that cleansing Palestine of its civil population had become a formal Israeli policy. Not long thereafter, a series of laws were passed by Israel which prevented Palestinians from returning to their homes.

It sealed the fate of millions of Palestinians who 70 years later continue to suffer from an unprecedented formalized state policy of mass collective punishment and exile.

“The IDF began to [attack](#) civilian targets, including population centers, with the goal of causing the residents to understand the price of escalation and placing Hamas in a problematic situation.”

With these words, a recent newspaper article in the Hebrew-language version of Haaretz confirmed what informed observers had long known: that Israel sees itself above international law in its use of collective punishment as an essential element of its drive to complete its goal of ethnic cleansing throughout Palestine.

To understand the contemporary reality of collective punishment in Palestine, for context one need only look back some thirteen years to the electoral victory of Hamas in Gaza. In the years since, the Israeli government has targeted its two million civilians for direct and unremitting punishment for little more than their electoral will and political determination.

Parallel to this attack has been a simultaneous one, of a different nature, on the Palestinian civil population throughout the Occupied West Bank.

Even before the on-going bloodbath in the [Great Return March](#), few can deny Israel's frequent use of collective punishment on non-combatants in the Gaza strip. Predictably, each time, it has blamed "terrorists" within the civil society itself for the "unfortunate" and substantial casualties and widespread destruction of infrastructure, buildings and homes that ensued.

On January 3, 2009, Israel began a [ground offensive](#) in Gaza. When it ended some two weeks later more than eight-hundred civilians lay dead, including those who lost their lives seeking shelter in U.N. compounds that were targeted by Israel. In one such attack 43 were killed by an Israeli shelling on January 6.

In what was to become the *raison d'être* of future assaults, Israel destroyed homes, university and apartment buildings, schools, factories and infrastructure describing them as part of the Hamas "support network." Damage estimated in excess of \$3 billion further strained the already dire humanitarian situation in Gaza leaving 46,000 displaced persons in UNRWA shelters.

Less than three years later, on November 14, 2012, Israel once again [attacked](#) Gaza using planes, mortar fire and tanks throughout the embattled enclave. According to a report by the UNHCR, during the onslaught 174 Palestinians were killed including 33 children, 13 women and three journalists by air strikes on their cars. Hundreds of others were wounded, among them at least 88 under the age of five. On November 19, 2012, an Israeli airstrike killed ten members of the [Dalu](#) family, including five children and two neighbors. In what can only be described as an all-out attack on civil society, [Al Mezan](#), reported that, in just one week, the Israeli army destroyed 124 homes and damaged more than 2000 others while targeting numerous residential communities and apartment blocks.

When the [attack](#) ended, 52 places of worship, 25 NGO's, 97 schools, 15 health institutions, 14 journalist offices and 16 government buildings lay in ruins. Fifteen factories and 192 trade shops, twelve water wells and large agricultural tracts were damaged or destroyed... as was the main bridge connecting Gaza City with the rest of the enclave.

In [2014](#), Israel undertook its most recent coordinated military assault on Gaza as it once again targeted its two millions civilians with massive disproportionate force. According to a [United Nations report](#) "the scale of the devastation was unprecedented... tallying more

than 6,000 airstrikes, 14,500 tank shells and 45,000 artillery shells unleashed between July 7 and Aug. 26.”

Many of these explosive devices, in particular artillery and mortars, were used in densely populated areas and designed to have a “wide-area” impact to ensure that anyone or anything within the contact area would likely be killed, injured or damaged due to their explosive power and imprecision. By design the haphazard use of these weapons destroyed entire neighborhoods.

When the carnage ended, 2310 Palestinians were killed... the majority of them civilians including 551 children and 299 women. More than 11,000 others were wounded, a third of them children, with over 1,000 left permanently disabled. Many of the killed or maimed had sought refuge in various shelters including U.N. schools which were hit despite the fact their coordinates had been provided to Israel in advance of the attack.

The collective punishment unleashed on Gaza during the attack of 2014 was meant to cause lasting devastation on a civil community already overwhelmed by poverty and still reeling from the last assault on its infrastructure just a few years earlier.

During the 50 day attack, Israel struck more than 5,200 targets including thousands of homes that were destroyed or severely damaged. Hundreds of factories, dairy farms (with livestock) and orange groves were destroyed, as were the lone power station and major sewage pipe in Gaza, serving 500,000 residents. 138 schools and 10 out of 26 hospitals were damaged or destroyed along with 203 mosques and two of Gaza’s three Christian churches.

For those in need of a painful primer on what explosive collective punishment looks and feels like today, these deadly mass attacks upon the civil society, indeed life, of Gaza leave nothing to the imagination. Each assault caused substantial casualties among non combatants and crippled essential infrastructure and support services for the health, welfare and safety of some two million men, women and children.

Make no mistake about it, carpet bombing is not an isolated military misstep. It is a determined, strategic call. Repeat targeted attacks upon residential neighborhoods and schools, shelters and hospitals by “wide area” impact weapons are not intended to minimize civilian suffer but, rather, to serve as triggers for horrific collective punishment.

Yet, military assault is but one deadly adjunct to a systematic choke upon Gaza, now in its thirteenth year of Israeli occupation, that has denied its civil population sufficient food, water, clothing, medicines, fuel, shelter, bedding, hospital equipment and freedom of movement. Recognized as guaranteed humanitarian rights, these are not mere

commodities of privilege or luxuries of life. To be sure, their absence is the core distinction between victims of collective punishment and those who impose it.

Completely surrounded by walls and fences, years of Israeli attacks and a suffocating embargo on produce and supplies have left Gaza reeling from an absence of an infrastructure capable of meeting the needs of its people. Whether its electricity, clean water, healthcare, or sewage treatment and waste management, it is undergoing a humanitarian crisis now entering its second decade.

In Gaza, abject poverty is rampant. At 41.1 percent, the unemployment rate is the highest in the world. Its youth unemployment is 64 percent.

Although thousands of homes damaged or destroyed during Israel's attacks remain in need of repair, the construction sector is idle. More than a hundred thousand live in cramped shelters or remain homeless. Sixty per cent of Gaza lives under the poverty line. According to UNICEF a third of Gaza's children suffer from chronic malnutrition and micronutrient deficiencies that can stunt development and affect overall health.

According to the WHO, power cuts and fuel shortages have created constant crises for Gaza's 14 public hospitals; threatening the closure of essential health services leaving thousands of people without access to life-saving medical care. For well over a year electricity for Gaza has dropped to a total of just three hours daily. At any given time, power loss threatens the lives of hundreds of new-borns and adults in neonatal and intensive care units.

Only three percent of the entire water supply in Gaza is fit for human consumption with the rest contaminated and dangerous because of untreated sewage, agricultural chemicals and a large concentration of chloride.

With the shortage of clean water looms the fear of a deadly cholera epidemic particularly in a community with a young population with increasing numbers showing signs of acute malnutrition and severe wasting.

According to the World Bank, 56 % of all Palestinians have no access to "reasonable and customary" healthcare in Gaza. Dozens of basic drugs are unavailable. Currently, more than eight thousand chemotherapy patients including hundreds of children are unable to obtain life saving treatment due to the absence of drugs needed to sustain them.

According to Physicians for Human Rights-Israel (PHRI), the public health system is not able to provide specialized treatments for complex medical problems in a variety of fields including neonatal care, cardiology, orthopedics and oncology.

So far this year, 30 patients have died after their [exit permits](#) to obtain treatment were either denied or not granted in time. Not long ago [three seriously ill babies died](#) after permits to grant them treatment in Israel were denied. Earlier this year, 2 children died while waiting permission from Israel to leave for external treatment.

### **Seeds of Collective Punishment**

In November of 1998, the [Yasser Arafat Airport](#), located between Rafah and Dahaniya, was opened with much fanfare. Capable of handling some 700,000 passengers per year, it was seen as an important step forward in the establishment of Palestinian statehood as it provided the only transit into and out of Gaza beyond the control of Israel. In 2001, Israel destroyed its radar station and control tower, in a bombing attack, after the start of the Al Aqsa Intifada in the occupied West Bank. Never again would the airport be used.

After 38 years of internal occupation in southern Gaza, the Israeli army and 21 “settlements” with almost ten-thousand settlers were, in 2005, driven from the coastal enclave. Though Israel has long claimed it was a voluntary “withdrawal” for security reasons, it is clear that increasing confrontations and resistance by Palestinian fighters in Gaza was the cause of the evacuation.

Not long after the victory of Hamas in the Palestinian legislative elections of 2006, Israel declared the Gaza strip “hostile territory.” Soon thereafter it imposed a series of political, economic and military sanctions to isolate and destroy Hamas and to punish Gaza’s population for the exercise of its political will.

In its thirst for collective punishment, Israel imposed a naval blockade which limited offshore fishing zones and initiated a siege that resulted in the closure of border crossings, for people, goods and services. It also implemented a “buffer zone” within the territory.

These measures have had a devastating impact on the living standards and life of all of Gaza and destroyed any prospect of economic development or independence. They have created a grave and protracted humanitarian crisis that has only been exacerbated by three unwarranted and excessive military onslaughts that have killed thousands of Palestinians and laid waste to Gaza’s infrastructure.

Thirteen years later, Israel controls Gaza’s air and maritime space, and six of its seven land crossings; Egypt rules the seventh. It controls Gaza’s population registry and arbitrarily decides who comes into and out of the world’s largest open air prison. Gaza remains dependent on Israel for its water, electricity, telecommunications, and other utilities.

And what of that buffer zone? As shown by the Great Return March, it's proved deadly... as Israeli snipers decide who will live and who will die from the safety of their mounds for the daring of Gaza's voice.

### **The Law of Collective Punishment**

Throughout history, during times of armed conflict and occupation, military forces have repeatedly used acts of collective punishment on groups of persons without regard to whether or not they bore personal responsibility for the very acts, it was claimed, that required a response. The use of collective punishments and infliction of cruel punitive measures upon civil populations is not new. For many years, belligerent reprisals have been little more than illegal means of repression or intimidation often imposed under the guise of legitimate law enforcement.

Unable to locate insurgents responsible for so-called hostile acts, invading armies and occupation powers have long used collective punishment in the hopes of suppressing resistance and ensuring willful obedience. Ultimately, the goal of deterrence is little more than a pretext for tyranny.

International law has responded to this military ritual by increasingly restricting and outlawing the practice of collective punishment

Of the many prohibitions set forth under international law, the one most frequently ignored, yet, clearly defined, is the ban on collective punishment. The prohibition of collective punishment in international humanitarian law is based on one of the oldest, and most basic, tenets of criminal law... the principle of individual responsibility. [Article 3 of the Fourth Geneva Convention Section 1 Art. 33](#) provides that: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."

This convention codifies the Hague Regulations of 1899 which provide "[No general penalty](#), pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible" [The Hague Resolution of 1907 Section 3 Art 50](#) affirmed this rule with only a slight modification amending "collective responsible" to "jointly and severally responsible."

[Article 4, par. 2\(b\), of Protocol II of the Convention](#) further defines collective punishment as "penalties of any kind inflicted on persons or entire groups of persons in defiance of the most elementary principles of humanity, for acts that these persons have not committed." The Commentary on Protocol II emphasizes that collective punishment should be given the widest possible application and includes any kind of sanction.



Under International law, the law of wars (humanitarian law) is no less applicable to conflicts between non-international combatants than it is fighting among international forces. Accordingly, although political debate may arise over whether which category the decades old conflict between Israel and Palestinians in the Occupied Territories may fall, for purposes of humanitarian law it is difference without a distinction.

Both Israel and the resistance forces of Palestine are obligated to observe article 3 common to the four Geneva Conventions of 1949 (“common article 3”), the Second Additional Protocol of 1977 to the Geneva Conventions (Protocol II), applicable to non-international armed conflicts, and relevant customary international law.

In relevant part, humanitarian law forbids deliberately harming civilians and other persons no longer taking part in hostilities, including wounded. It also establishes specific rules on the conduct of hostilities to minimize unnecessary suffering.

These provisions prohibit violations of the right to life, torture and other inhuman and degrading treatment, arbitrary arrest and detention, and unfair trials. They also provide for the rights to the protection of the home and family, and particularized protection of children in times of armed conflict.

Persons under the control of government in an internal armed conflict must, in all cases, be treated in accordance with international humanitarian law, which incorporates important human rights standards.

Violations of international humanitarian and human rights law provide for personal criminal liability for those individuals found in breach of their prohibition. Human rights abuses committed as part of a widespread or systematic attack against any civilian population are crimes against humanity.

In sum, international human rights laws prohibit the arbitrary deprivation of life and, at all times, torture and other cruel, inhuman or degrading treatment.

At their core, a fundamental principle of international humanitarian law is that parties to a conflict must distinguish between combatants and civilians, and may not deliberately target civilians or civilian objects.

Protocol II states, in no uncertain terms, “civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations.” They are not to be the object of attack and all acts or threats of violence with the primary purpose to spread terror among the civilian population are prohibited.

Customary international humanitarian law prohibits attacks directed against civilian objects, such as homes and places of worship. Protocol II specifically bans attacks,

destruction, or removal of objects indispensable to the survival of the civilian population including food-stuffs, agricultural areas, crops, livestock, drinking water installations and supplies, and irrigation works. Pillage or plunder – the forcible taking of private property – is also prohibited.

Collective punishments are prohibited under international humanitarian law in all circumstances. The prohibition on collective punishments applies not just to criminal sanctions against persons for actions for which they do not bear individual criminal responsibility but, also, “all sanctions and harassment of any sort, administrative, by police action or otherwise.”

Article 4 of Protocol II also sets out the fundamental guarantees of humane treatment, which explicitly includes a prohibition on collective punishments, acts of terrorism, and pillage. Commentaries of the International Committee of the Red Cross on Protocol II and customary international law make clear that these articles leave no room for reprisals in non-international armed conflict.

With respect to individual responsibility, serious violations of international humanitarian law include the mistreatment of persons in custody and deliberate attacks on civilians and civilian property, and when committed with criminal intent amount to war crimes.

Criminal intent requires purposeful or reckless action. Individuals may also be held criminally liable for attempting to commit a war crime, as well as assisting in, facilitating, aiding or abetting a war crime. Responsibility may also fall on persons ordering, planning, or instigating the commission of a war crime. Even in the absence of a formal state policy, commanders and civilian leaders may be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.

### **The Israeli Punishment... Continued**

In Palestine the use of collective punishment began long ago through a rampage of indiscriminate bombings, kidnappings, arson and random shootings that targeted civil society. After the establishment of Israel, population displacement and exile turned upwards of eighty percent of the indigenous community into stateless refugees. Ethnic cleansing was then well underway.

In the years since the Irgun became the IDF, collective punishment has become very much the norm as the Israeli military has routinely embraced mass murder and reprisal as a strategic weapon of choice in Gaza. Wholesale destruction of homes, schools, hospitals,

houses of worship and essential infrastructure has become very much the wretched political norm in Israel.

At the same time, Israel has imposed an embargo on the import of necessary food, medicine, water, and reconstruction materials and placed a stranglehold on a once flourishing maritime industry while reducing movement in and out of Gaza to a trickle. Beginning more than a decade ago, these steps were imposed against the entire civil society of Gaza as punishment for its political will and for the lawful resistance acts of the few.

Although qualitatively different, collective punishment in the occupied West Bank is no less pernicious, every bit as illegal and, beyond question, another conscious step by Israel to strip millions of occupied people of their indigenous identity and rights in violation of international law.

As in Gaza, there is no shortage of evidence of Israel's decade's old systematic attack upon the civil society and institutions of the occupied West Bank. As in Gaza, ultimately, all Israeli policies there are driven by the subterfuge of necessity.

Whether it is forced population displacement or the ever present dividing walls and checkpoints or a dozen other illegal military sanctions, Israel punishes some two and a half-million civilians for the drive of their political will or the legitimate military resistance of the relatively few.

Simply put collective punishment at its worst.

Thus, since the occupation began in 1967 [mass incarceration](#) has become the norm with more than 800,000 Palestinians from the West Bank imprisoned. Almost all have been denied any modicum of due process and were prosecuted, tried and convicted by military tribunals. Jews living in the Occupied Territory are, of course, prosecuted in civil courts and receive the full panoply of their civil criminal rights.

Most of the 800,000 were charged on the basis of unreliable secret evidence. Using the talisman of "security," those imprisoned over the years include many tens of thousands prosecuted for little more than their politics beliefs, or their speech, association or movement.

Prisons come in many forms. There are those with cellblocks and bunks and others with walls and checkpoints which keep those at liberty nonetheless prisoner to their plight. Throughout the West Bank these walls and checkpoints not only limit movement and illegally divide families into crafted segregated communities, but deny students equal education and the frail and infirm quality medical care.

Throughout the occupation mass displacement of indigenous communities, including those of Bedouin families and neighborhoods, in East Jerusalem that date back millennium, have been undertaken or razed to accommodate illegal settlements.

To date, more than 800,000 settlers reside in the West bank with much of it now annexed in clear violation of international law. Often Muslims, and increasingly Christian Palestinians, are denied the right to exercise their religious beliefs due to their age, through embargoes on travel or closure of Mosques or churches due to “security” ... including the Al Aqsa Mosque and compound. It has become common place for settlers or Israeli soldiers or police to attack Al Aqsa causing damage to the third holiest site in Islam or casualties, including death, to those in prayer.

During other periods, East Jerusalem has been hard hit by Israeli “security” steps... including dozens of military checkpoints and concrete roadblocks at entrances to various neighborhoods and internal community roads causing great disruption to the lives of several hundred thousand Palestinian residents.

Typically, as an adjunct to such neighborhood closures, policing operations are undertaken in which thousands of residents, of all ages, are stopped, searched and questioned for nothing more than living on a given street. More than a few reported abusive encounters with Israeli police and soldiers including sexual harassment either by comments or physical contact.

These measures, which arbitrarily targeted large segments of the East Jerusalem population, bear no nexus to the commission of attacks that had occurred earlier, elsewhere, in East Jerusalem. As a result tens of thousands of Palestinians had their rights to freedom of movement, access to healthcare and to maintain their standard of living unreasonably disrupted.

While many of these restrictions have been lifted, some neighborhoods continue to suffer from on-going and severe access restrictions as well as abusive policing operations. Overall, these arbitrary security measures have adversely impacted the local and whole Palestinian economies and reduced employment opportunities to a community already suffering from high rates of joblessness.

On occasion, entire villages or towns have been sealed off in the West Bank because of military operations, once again unrelated to local acts of violence, thereby disrupting the lives and livelihoods of their residents. These measures constitute prohibited collective punishment.

Elsewhere, other Palestinians have not been so “fortunate” as to merely suffer from checkpoint harassment on their way back home. Punitive home demolitions have long been a mainstay of the Israeli military targeting the families and relatives of Palestinians allegedly involved in attacks, even in the absence of any evidence that the families had any prior knowledge of, or participated in, them. Although intermittent, these demolitions have destroyed dozens of homes leaving several hundred Palestinians homeless... including almost one-hundred children.

Punitive demolitions of Palestinian homes also violate a number of core human rights including the right to an adequate standard of living, the right to family life, the right to freedom of movement and physical and mental health.

Although the practice eventually reached the Israeli High Court, it was upheld on the basis that the destruction was necessary on “deterrence and security grounds.” It was not the first time the Court ignored well-settled international prohibitions against collective punishment and if history is, indeed, the guidepost of what is yet to come... it will not be the last.

### **Conclusion**

What greater crime can there be than to steal a child’s smile... to snatch their hope, health and happiness. Yet, today, that heartless theft has become so much the norm throughout the world. Neither warrior, nor foe, they have become the soft side of hard hearts that embrace collective punishment as the sure path to conquest.

In the last three months alone, 23 Palestinian children have been murdered by Israeli snipers; their crime... the audacity to march for a dream. Just last week, in Yemen, 40 children lost their future to a bomb dropped on a school bus by a Saudi Jet supplied by a US company. Last year 50,000 Yemini children lost their lives to a measured more twisted death, one caused by starvation or disease through an embargo that has long denied its civil population food, medicine and water. In Syria it is estimated children are one out of every four who have lost their lives to bombing campaigns of the United States and Russia. Tens of thousands of others have been killed by guns and ground explosives. Greater than four hundred thousand Rohingya children now live in refugee camps in Bangladesh, fleeing genocide in Myanmar. Thousands are orphans... many of them work in the sprawling sex trade having been greeted in their flight by utter poverty and rape. This is the face of collective punishment in all its horror. Our collective future lost to our failed past.

Battered and bruised, more than a hundred and fifty years ago, some in the community of nations began to ponder the madness that had long consumed non combatants for the folly of a fight that was not theirs to pick.

In the midst of the mayhem that was the US Civil War, the nascent Red Cross began to speak of humanitarian relief. In Europe, others stunned by seeming decades of on-going, widespread conflict began to explore the plight of the wounded.

From this discussion grew the Geneva Convention of 1864. Other conventions and protocols were soon to follow ultimately extending to the protection of civilians in enemy and occupied territories. Known simply as a ban on collective punishment, it was to be the wishful panacea that would protect most of the world from the ravage of the few. It has failed.

To walk down these roads from afar is a painful journey as so much a witness to events and places that have unfolded with tragic eyes before us, but not nearly as difficult and destructive as it has been for those who have lived it.

We of exceptional position, whether born of race, opportunity or mere providence, are witness today to an unprecedented attack on the most vulnerable among us... millions lost to the callous crosshairs of dispute and despair, some age-old, others of recent vintage.

Long ago, at the opening of the war crimes tribunal at Nuremberg, a simple question was posed that remains no less probative or powerful today than it was more than seventy years ago:

“Under the law of all civilized peoples, it has been a crime for one man with his bare knuckles to assault another. How did it come that multiplying this crime by a million, and adding fire arms to bare knuckles, makes it a legally innocent act?”

Prohibition of collective punishment is the long settled law of the international community. Yet it remains very much but a tease... a sanction without a herald.

It is a message lost to the powerful. But as we approach the midnight of our shared fate there is still time for it to become our collective call.

If not... we are all doomed, deserving victims to our own indifference.