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LESSONS FROM ISRAEL'S RESPONSE TO TERRORISM

FIAMMA NIRENSTEIN (ED.)

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Executive Summary

Amb. Dore Gold: Is the Terror against Europe Different from the Terror against Israel?

Effective solidarity among states has become a prerequisite for ultimately succeeding in the war of the West against jihadist terrorism. Yet, in the aftermath of the Islamic State's brutal attacks in Paris during 2015 that left 129 dead, there began a discussion in the international media of whether the terrorist attacks against Israelis could be compared with the newest jihadist assault on European capitals. Recent events have challenged this European distinction. A cohesive military strategy is needed for the West, the Arab states that are threatened, and Israel. It stands to reason that, just as all three face similar threats, the models developed in Israel for dealing with terror merit attention in Europe and beyond.

Fiamma Nirenstein: Resilience, the Israeli People's Weapon against Terror

An important component of Israel's struggle against terrorism is its population's psychology, resilience, and capacity to counter what has unfortunately been one of the characteristics of this state from its very origins: the constant attacks against civilians in the streets, public structures, cafes, and buses. How do the Israeli people overcome being on the front line against terror? The answer lies in Israel's history, sociology, education, and social values, from which today's vulnerable Europe can learn much.

Brig-Gen. (res.) Yossi Kuperwasser: The National Security Aspect of Fighting Terror – The Israeli Experience

Israel's overall strategy of fighting terror is a comprehensive approach that was developed out of ongoing learning efforts. Understanding the goals and strategy of the enemy and the context in which it operates, and being agile enough to rapidly adopt adequate responses that build on former solutions, enabled Israel to become a world leader in the fight against terror.

Amb. Freddy Eytan: The History of the West's Struggle against Terror

Understanding the history of terror in our region and defining Islamic terror is essential to overcome it. European attempts to defeat terror have their own challenges. From the vantage point of the Israeli approach to security, there are many lessons to be learned from the abundant and painful experiences that Israelis have undergone over the years.

Amb. Alan Baker: The Legal Response to Terrorism

The wave of international terror makes no distinction between European and other countries, nor between religions. It cannot be dismissed, justified or addressed through "political correctness," which is interpreted as weakness and encouragement. International law calls for stringent and active measures against terrorists. Today's massive incitement to terror uses modern technology and means of communication. It is a central component of terror. The international community needs to act to criminalize incitement to terror.

Dan Diker: International Legitimization of Terror Groups: Lessons from Israel's Experience

Palestinian and international terror organizations pose a double danger to Israel and the West. These terror groups have increasingly engaged both in terror and international diplomacy, conducting international relations with states and within international bodies. In recent years, international organizations, institutions, Western states, non-governmental organizations, and the international media have legitimized Palestinian and some Islamic terror groups. Any counter-terror efforts – whether by Western states or by Israel – requires unconditional and uncompromising condemnation of all forms of radical Islamic terror, Shiite and Sunni, whether carried out by terror groups against targets in the West, the Arab and Muslim World, or Israel.

Prof. Asa Kasher: Democracy Facing Terrorism: Human Rights and Military Ethics

There are two pillars that are of a universal nature and are directly related to the life and wellbeing of all. The first principle is the right and duty of self-defense. The second pillar of military ethics of fighting terrorism, guiding warfare in Israel and other democracies, is the duty to respect human dignity. These two pillars are meant to be applied together under all circumstances. A conceptual framework is required in order to understand, explain, and justify practices Israel has used over the decades for facing terrorism.

Jennifer Roskies: Familiarity Breeds Respect: Awareness of Social Mores as a Factor in the Fight against Terror

Instead of beginning the battle against terror by naming its ideological source – radical Islam – too many voices in the West insist on elaborate euphemism or willful denial in order to avoid being branded Islamophobic. Israel employs no such illusions, thanks in great part to a familiarity with its neighbors' customs and outlooks that has come with proximity. This familiarity itself and acknowledgement of differences forms an element in the society's overall resilience.

Dr. Irwin Mansdorf: Israel as a Model for Coping with Terror

Israel is perhaps unique in that it has almost singularly experienced terror as a constant from the day of its birth. The phrase "living with terror" has no better poster child than the Israeli public. This article discusses the psychological challenge posed by terror and how to take the lessons that Israelis have learned over the years to create a meaningful response system to better deal with the challenges that terror presents to a society.

Brig-Gen. (res.) Yossi Kuperwasser: Cyber Terror and Security

Counter-terrorism analysts must adopt different methods depending on the type of information desired. If done correctly, analysts can put potential terrorists under surveillance, track every move they make, both on and off social media, in order to get secret information. The need to have access to such information is obvious in Israel, and Israeli companies have developed tools to secure this access, while in the West this issue remains unsolved. The Israeli approach is very clear; protecting life is more important than protecting privacy and the terms of using certain technologies.

Is the Terror against Europe Different from the Terror against Israel?

Amb. Dore Gold

The war of the West against the rising tide of jihadist terrorism cannot be won without full coordination between the members of the coalition of threatened countries.

Since the terrorist attacks in the 1960s, terrorist organizations have geographically distributed their assets across a number of countries to recruit their manpower, engage in military training, park their financial assets, and provide safe passage across different states. Their goal was to create an international terrorist network, whose components would be beyond the reach of any Western military powers.

What has now become clear is that effective solidarity among states has become a prerequisite for ultimately succeeding in this conflict.

Yet, in the aftermath of the Islamic State's brutal attacks in Paris during 2015 that left 129 dead, there began a discussion in the international media of whether the terrorist attacks against Israelis could be compared with the newest jihadist assault on European capitals.

A number of voices rejected any comparison.

Israel's terror problems, it was argued, were "political,"¹ and part of a Palestinian national struggle. Therefore they could be addressed through diplomacy. What Europe faced came from a completely different motivation that was not amenable to any compromise. Israel could cut a deal with the Palestinians, while Europe had no such options with ISIS or al-Qaeda. When in 2015, an ISIS executioner pointed his knife to the Mediterranean and declared, "We will conquer Rome," before beheading Egyptian Copts on a Libyan beach, he presented goals which no European could even agree to negotiate. This set the stage in European capitals for the conclusion that there was little the Europeans could learn from Israel.

But was such a conclusion warranted? There are two dimensions to the classic European position. First, the Palestinian attacks on Israel are largely political, the thinking goes, that is, they are part of a territorial conflict over the future of the

West Bank and the Gaza Strip. Many Europeans (and part of the Israeli political class) view the Palestinians as a people under occupation that employ violence as part of their “resistance.” The assault on Europe, they claim, comes from an ideologically-driven Islamist motivation and not from a territorial dispute.

Attacks on Israel Are Not Territorially-Motivated

Recent events have challenged this European distinction. In 2005, when Israel disengaged from the Gaza Strip, those who perceived the Israeli-Palestinian conflict as territorial were in for a surprise. It might have been expected that terrorist attacks by Hamas and other groups, like rocket launches from Gaza territory into Israel proper, should have been reduced in number, but the exact opposite occurred. Whereas in all of 2005, including the period after withdrawal, the number of attacks numbered 179, in 2006, the year after Israel's military and civilian presence had

been removed, the number of attacks actually shot up to 946, increasing by 500 percent.

Israel had been at war with Palestinian groups which had been driven by much wider motivations than the liberation of a given territory controlled by Israel.

Thus, even when its territorial demands in Gaza were largely addressed, Hamas could not give any hint that it was even partially satisfied. Those who persisted to argue that the rocket assaults from

the Gaza Strip came about because of territorial considerations, may have pointed to Israel's ongoing presence in the West Bank. But if that was true, then the Palestinian terror groups should have launched most of their violence from West Bank territory and left Gaza alone. Clearly, that did not happen either.

The fact of the matter was that Israel had been at war with Palestinian groups which had been driven by much wider motivations than the liberation of a given territory controlled by Israel. In the case of Hamas this is relatively easy to demonstrate. The 1988 Hamas Charter, which that organization refuses to alter, states unequivocally that it is a wing of the Muslim Brotherhood; it is committed to the destruction of the State of Israel, not an Israeli withdrawal from the West Bank and Gaza Strip. But Hamas' ambitions go much further.

Hassan al-Banna, who founded the Muslim Brotherhood² in Egypt in 1928, set forward as one of his goals the recovery of formerly Islamic territories, specifically mentioning “Andalusia (Spain), Sicily, the Balkans, the Italian coast...” and other areas. According to a report on the Muslim Brotherhood commissioned by former British Prime Minister David Cameron in 2014, the organization's ideology, which also stressed jihad, was never disowned and inspired many terrorist organizations, including al-Qaeda and its offshoots. Indeed, Jamal Sanad Al-Suwaidi, who heads the most important think tank in the United Arab Emirates, has concluded that

the Muslim Brotherhood “spawned” al-Qaeda’s most important leaders, from Abdullah Azzam to Osama bin Laden.³



Generations of Muslim Brotherhood leaders (top row right to left): Sayyid Qutb, the philosopher of militant Islam school of thought; Hassan al-Banna, the founder; (bottom row left to right): Ibrahim al-Hudaybi (of the movement’s younger generation), a blogger and grandson of the sixth “general guide;” Mohammed Badie, the current “general guide” [supreme leader].⁴

The report stressed that through its chief ideologue in the 1960s, Sayyid Qutb, the Muslim Brotherhood promoted *takfiri* doctrines “permitting the stigmatization of other Muslims as infidel or apostate.” Thus the movement posed a direct threat to the Arab state system and not just to the West. The British study reports that the Muslim Brotherhood has a global network that runs through an International Guidance Bureau. In fact, the Muslim Brotherhood periodical published in London, *Risalat al-Ikhwan*, used to feature on its cover page – until as recently as November 2001 – a quote of Hassan al-Banna in Arabic, which read “Our goal: world domination.”

Hamas ideologues make reference to such expansive ambitions. Take for example, Sheikh Yunis al-Astal, a member of the Hamas Parliament, and who on April 11, 2008, declared on Hamas television, “Rome will be conquered just like Constantinople was.” He added that Rome would become “an advanced post for the Islamic conquests, which will spread through Europe in its entirety.”⁵ This theme has been stressed by other jihadi groups today, like ISIS. ISIS’ chief strategist Abu Muhammad al-Adani, who until his death in 2016, declared, “We will conquer your Rome, break your crosses, and enslave your women, by the permission of Allah, the Exalted.”⁶

Thus al-Astal was not alone in making such statements. Moreover, he was not a peripheral figure in the Gaza Strip and has been an important religious authority for Hamas, having headed the Department for Islamic Law at the Islamic University in Gaza. He has even been coined as the “Mufti of Hamas.” Given this background, it should not be surprising that Hamas in the Gaza Strip has been fully capable of working with the branch of ISIS in Northern Sinai, known as *Wilayat Sinai*, offering training, weapons, and medical treatment in Gaza hospitals.

What about Fatah, the party of the Palestinian President, Mahmoud Abbas (Abu Mazen)? Fatah was formed in 1964, before Israel captured the West Bank and the Gaza Strip in the 1967 Six Day War. Moreover, many of the founding generation of Fatah spent time within the Muslim Brotherhood. Khalil al-Wazir (Abu Jihad) joined the Egyptian Muslim Brotherhood in the Gaza Strip. Yasser Arafat fought with the Muslim Brotherhood forces in 1948 instead of joining one of the Palestinian units at the time. Similarly Salah Khalaf (Abu Iyad) joined the Muslim Brotherhood in Cairo.

Even the name “Fatah” invokes a commitment to a wider Islamic cause and not just a narrow nationalist movement. Fatah is a reverse acronym in Arabic for “Palestinian National Liberation Movement.” Yet, the word Fatah alone refers to the victory won during the early Islamic conquests of the 7th century. It is also the name of a chapter in the Quran. In deliberately choosing this name its founders invoked terminology that implied that the liberation of Palestine from Israel will lead to a new period of expansion for Islam.

Throughout its history Fatah was able to coordinate with movements that were far more Islamist in orientation. Prior to the 1979 Islamic Revolution in Iran, Ayatollah Khomeini’s forces underwent training in Lebanon in Fatah military camps. It was not unusual for Lebanese Shiites to become active in Fatah. The most famous case was Imad Mughniyah, who joined Yasser Arafat’s Force 17 and then went on to form Hizbullah, the pro-Iranian global terror organization.

Fatah outreach to the Islamist world expressed itself in other ways. In the aftermath of the first Gulf War in 1991, the Sudanese leader, Hassan Turabi, hosted a series of international gatherings in Khartoum of major militant Islamist groups. Those attending the meetings included Hamas, Yasser Arafat, the Algerian organizations, and even Osama bin Laden, before he established his headquarters in Afghanistan. Fatah and Hamas went through periods of rivalry and full military coordination, like when they formed a joint command during the Second Intifada known as the National and Islamic Forces under Marwan Barghouti.

There is one area in which many European diplomats connect the terror against Israel and the activities of the jihadist movements like ISIS. For decades it has been broadly assumed that if Israel would only solve the Palestinian problem, then one of the grievances driving the jihadi movements would be removed and the West would be more secure. This thesis has been proven to be false time and time again.

Looking back at the 1990s, the first major breakthrough between Israel and the Palestinians was reached with the signing of the 1993 Declaration of Principles, also known as the Oslo Accords. In the years that followed, a series of implementation agreements were signed like the 1994 Gaza-Jericho Agreement, the 1995 Interim Agreement, the 1997 Hebron Agreement, and the 1998 Wye River Memorandum.

But looking in the same parallel period, there was no correlation between Israeli-Palestinian diplomacy and the reduction of the hostility from the jihadist threat. For in those very years, al-Qaeda's threats on the West seemed to only worsen: in 1993, the first World Trade Center attack took place; in 1995 was the first al-Qaeda attack in Saudi Arabia; followed in 1998 with the attacks against the U.S. embassies in Kenya and Tanzania; in 2000, the USS Cole was attacked in Yemen; and finally in 2001, the United States was struck in the 9/11 attacks.

Arab-Israeli diplomacy did not ameliorate this growing problem. There simply is no correlation between Israeli-Palestinian negotiations and the attacks by al-Qaeda against the West. The negotiations that Israel undertook had their own value, but its concessions were not in any way a panacea for the strikes of the jihadi movements against the U.S. or its European allies. To neutralize this challenge a cohesive military strategy is needed for the West, the Arab states that are threatened, and Israel. It thus stands to reason that, just as all three face similar threats, the models developed in Israel for dealing with terror merit attention in Europe and beyond.

Notes

1. Eva Illouz, "In Dealing With Terrorism, France Mustn't Look to Israel for Answers," *Haaretz*, November 19, 2015. <http://www.haaretz.com/opinion/.premium-1.687144>. See also: *Die Zeit*.
2. "The Muslim Brotherhood is an Islamic mass movement whose worldview is based on the belief that 'Islam is the solution' and on the stated aim of establishing a world order (a caliphate) based on Islamic religious law (Shariah) on the ruins of Western liberalism. With extensive support networks in Arab countries and, to a lesser extent, in the West, the movement views the recent events in Egypt as a historic opportunity. It strives to take advantage of the democratic process for gradual, non-violent progress towards the establishment of political dominance and the eventual assumption of power in Egypt and other Middle Eastern countries." The Meir Amit Intelligence and Terrorism Information Center, June 19, 2011. http://www.terrorism-info.org.il/data/pdf/PDF_11_033_2.pdf.
3. Jamal Sanad Al-Suwaidi, *The Mirage*, United Arab Emirates, P.O. Box 4567, p. 588.
4. Photo: The Meir Amit Intelligence and Terrorism Information Center, June 19, 2011. http://www.terrorism-info.org.il/data/pdf/PDF_11_033_2.pdf.
5. Hamas MP and Cleric Yunis Al-Astal in a Friday Sermon: "We Will Conquer Rome, and from There Continue to Conquer the Two Americas and Eastern Europe," MEMRI, April 11, 2008. <https://www.memri.org/tv/hamas-mp-and-cleric-yunis-al-astal-friday-sermon-we-will-conquer-rome-and-there-continue-conquer/transcript>.
6. *DABIQ*, Fourth Issue, p. 37. "The Failed Crusade." The cover notably shows the flag of ISIS flying over the Vatican.

Resilience, the Israeli People's Weapon against Terror

Fiamma Nirenstein

On the afternoon of March 7, 2002, Shlomi Harel, 23, a waiter looking to make a little money after completing his military service, saw a husky youth arguing with a guard at the door of Café Cafit on Emek Refaim, the main street of Jerusalem's German Colony neighborhood. Shlomi had a tattoo on his arm, spiked hair, and an earring in his left ear and two studs in his right.

In the army he learned how to identify a suspicious person. First and foremost, he knew he must engage the person in conversation. Shlomi asked him everything that immediately came to mind: "Where are you going? Who are you? What do you want?" The guy responded in Hebrew simply stating, "I don't speak Hebrew." Shlomi said he then "pushed him towards the corner without violence but with all of my weight. I wasn't thinking about anything."

Shlomi told me that the young man sweated and stammered as onlookers watched, terrified. He said,

Like a machine, I removed his backpack from his shoulders. It dropped, popped open, and I saw wires... I was lucky it didn't explode. I picked the backpack up off the ground; I threw it into the alley. I just thought: if it explodes right now I'll be a fool because we'll all die just the same. Between hero and fool, the boundary is almost non-existent. But I also thought: it's better that only one person dies instead of many if I can manage it ... there were dozens of people in that café.

This is Israel's most important weapon against terrorism: its people, the citizens. Thirty percent of terrorists have been thwarted by civilians; bystanders of all ages and from all social backgrounds, from young men and women in blue jeans, shorts, or military uniforms, to Tel Aviv intellectuals and ultra-Orthodox with side curls. One Orthodox man went so far as to use his phylacteries – or *tefillin* – as a weapon to strike a stabber. On another occasion, a musician hurled his guitar, striking a terrorist in the head. A civilian with an umbrella struck another terrorist, and yet another was pummeled with a selfie stick. Some bystanders have thrown chairs on top of terrorists or have used pepper spray. There are even those who shot at terrorists. Very few citizens ran off scared, and almost all remained to save someone in danger, treat the wounded, or throw themselves into the fray to impede a terrorist.

To understand why Israelis act this way, we need to hear the second part of Shlomi's story:

I immediately went home. My mother greeted me by calling me an idiot, a moron, and then slapped me. I reminded her that in the army I belong to a special unit and that I know what to do... She was proud of me but extremely angry. But really, it was the only logical thing to do, don't you think? Here, you ask yourself a thousand times what you would do if you ever found yourself face to face with a terrorist. However, you are already prepared. You already know, you have already decided what to do ... for me stopping that guy and pulling off his backpack with wires was natural ... every morning since March my friends and I had organized surveillance rounds inside malls, around bars and garbage bins, and sought out those who appear suspicious. We organize ourselves, we train all year round, we think about it constantly, and we ask ourselves the following: "Will we succeed? Can we succeed?" The response is yes; this is life. We are always in danger, but we need to live. Yes, you just manage... I, in particular, residing in Gilo, have had bullets enter my home [from the Palestinian town of Beit Jala]. That situation is most frightening; if a bullet hits you, it hits you. But when you can act, you do.

Israeli Citizens' Resilience

Shlomi's case perhaps typifies the entire phenomenology of the Israeli fight against terrorism, which forms the basis of the "resilience" essential to the resistance and to the victory that, by now, the entire world needs.

Shlomi's family is seen as the main source of approval and appreciation, with the assertive and omnipresent mother who worries but admires and supports her child, who places immense value on the survival of her children, yet participates in their dangerous lives. The family is the direct interlocutor. The mother – namely the family – has grown accustomed to terrorism. She also has the determination and therefore, while nevertheless worrying, gives the approval to respond and defeat the terrorists in order to survive, and believes in the significance of collective responsibility. Therefore, society, and namely the family, accept their greater importance in relation to the life of the individual.

A Different Response in Europe

I encountered an opposing attitude while teaching a history course at LUISS University in Rome. I found myself asking the young students to raise their hands if they were willing to give their lives to defend their home. They responded with a deafening silence, without raising their hands. At least they were sincere.

By carefully reading the experiences of Shlomi and the other protagonists in the history of resistance against terrorism, we discover two basic aspects that can teach us how terrorism may be dealt with.

We find people like Shlomi throughout Israel's entire history – from before the establishment of the State itself, to the first acts of *fedayeen* terrorism, up to those of the recent so-called “Knife Intifada.” The mentality of the average Israeli, like Shlomi, is the key to understanding how the people of Israel have such a great resistance to terrorism. They have responded skillfully to terrorism's goals to destroy the social fabric from within, to bring society to its knees, to render normal life impossible and, finally, to create conflict between common people and the political elite.

For Shlomi, this was and is not possible. To understand why we must first consider certain deep psychological reasons that pertain to Jewish identity and to the national force found in Zionism. Secondly, we must consider that a wealth of attributes create a practical response that helps to keep the daily storm of terror in check.

Shlomi is an ancestral heir to the spirit that saves Israel from terror, from fleeing, and from living under the banner of fear. It is this spirit that allows him, in short, to survive and live happily. Shlomi is flexible, adaptable, and not spoiled. Why? Because what stirs him within is the resistance acquired over centuries that has enabled the survival of the most persecuted people in history. This resistance has saved him from depression, has made him creative, and, after all the pogroms and persecutions, has allowed him once again to place himself at the center of history with an attachment to the homeland of the Jewish people, rather than forcing him to see himself as a victim again.

The idea of valuing one's country and one's people is very rare in Europe, where self-flagellation about nationalism is commonplace. This notion – that the nation as the cradle of a people (but certainly not as something affirmatively aggressive) is something worth defending – allows Israel to be number one in the fight against terrorism. The spirit of discipline, taught to combat soldiers through austere military training and years of service, allows even the most spoiled, *bon vivant*, and pleasure-seeking young men and women (and there are many) to regain a kind of unity while perceiving the importance of self-defense. Many European youth are lacking in unity and survival tactics and could benefit from this instruction. This training in Israel, in turn, creates a sense of national unity that exists despite fierce disagreement between the various political and religious parties of Israel.

How was it that the soldiers and settlers in the Gaza Strip during the days of the disengagement in 2005, at such an acute point of disunity, did not slip into violence? Why instead did they hug each other, sometimes in tears, at the end of those tragic days of evacuation? What is it that makes a 23-year-old who picks up a bomb from the ground a silent hero? Or what makes a person enter by foot into Lebanon during the night alongside his military unit, as I have seen many do? Shlomi, like

all of those “made in Israel” types who voluntarily risk death to save their fellow citizens, is like Uri, the protagonist of Moshe Shamir’s bestselling classic novel entitled, *He Walked Through the Fields* (1947). Despite his girlfriend being pregnant, Uri throws himself on a bomb to save a friend.

Israeli caricature showing Israeli citizens defending themselves against terrorists. Caption: “Once again, the whole country is the front, the whole nation is the army.” (Shay Charka)



There are true occurrences where Israeli soldiers have thrown themselves on a grenade to save their fellow soldiers (for example, Roi Klein during the 2006 Second Lebanon War). A true hero is he who lives with the ideals of having a peaceful life and is ready to fight while ridiculing the pomp and the rhetoric of heroism: if Shlomi had not been ready to grab the bomb, as hundreds, even thousands of other silent heroes would have done, Israel would no longer exist. Neither Shlomi’s mother nor his family would exist. And not just that: if Shlomi weren’t willing to sacrifice his beautiful life for Israel, or for his people, the memory of the Holocaust would erase the idea of *gevurah*, meaning heroism, upon which the State of Israel was built. In front of the Yad Vashem Holocaust Museum stands a monument to the 24-year-old hero of the Warsaw Ghetto, Mordechai Anielewicz, who died as the commander of the Warsaw Ghetto uprising. Within the idea of overcoming the Diaspora, there is also the drive to eliminate any possibility that its people will again let themselves be destroyed as “sheep to the slaughter.”

Essentially, Israelis have been forced to become accustomed to terrorism, which has marked the entire history of the State of Israel even before its foundation. Many historical studies have demonstrated that this process of inurement has, in fact, been a natural and necessary development for the Israeli people, while preventing terrorism from destroying public morale and from prevailing in people’s daily lives.

The decline of press attention to day-by-day terrorist episodes has also helped fortify this stoic quality of coexistence. War and terrorism have been Israel's long-time companions, and it's just a part of the fight to reject the tautological claim that terrorism is destructive, unpredictable, senseless, and shocking. For example, consider France's feelings of disbelief and vulnerability after the attack on Charlie Hebdo, or America's emotions of despair and grief after the 2013 bombings at the Boston Marathon and September 11, 2001 attacks. However, terrorism's goal of destroying the social and economic resources of the country has failed, thanks to Israel's extraordinary nature.

Adaptation to Terrorism's Trauma

Israel has demonstrated that societies can preserve the normal standard of life by bolstering natural post-trauma emotions with various methods of adaptation. In this way, Israelis can respond to terrorism without falling prey to it. Rather, they can react to it with strength, organization, a sense of solidarity, innovative thinking, and various anti-terror techniques.

Surveys taken on the amount of post-traumatic stress amassed by Israeli society yield surprising results. An overwhelming 44.4 percent of the population were victims of suicide terrorist attacks, had friends and relatives who were victims, or knew someone who had survived an attack in the first 19 months of the Second Intifada, between September 2000 to February 2001. However, at the midpoint of the Second Intifada, which lasted until 2005, only 9.4 percent of Israeli citizens polled claimed to have suffered from post-traumatic stress.¹ Israeli children suffered from posttraumatic stress at a level of 40 percent.

Additionally, 16.4 percent of the population surveyed were victims of a terror attack, while 22.1 percent of the population surveyed had friends or relatives who were victims of a terror attack. With such staggering data, we should expect to see signs of collective trauma. It is unsurprising that 73 percent of respondents to a 1979 survey answered they were "afraid" or "very afraid" that they, or their close family members, would be hurt in a terrorist attack. In 2002, in the middle of the Second Intifada, 92 percent of Israelis surveyed expressed fear that a member of their family may become a victim of an attack. But it is equally astounding that 76.6 percent of Israelis polled in 2006 declare that in a situation of terrorism "we would know what to do," although stress is acute; 47 percent "felt life-threatening danger," and 54 percent responded that they sensed "the lives of family members or acquaintances were in danger." Despite this, 78.2 percent of respondents answered that "there will always be someone there to help me when I'm having difficulty."²

This data continues to reflect the opinions of those who recognize these dangers today. Surprisingly, even with the recent wave of attacks, Israelis have been found to be resilient against terror, expressing positive outlooks on the future and their ability to overcome past attacks and prevent future ones.³ These attitudes

correspond with acclimatization and individual faith in the capabilities of the citizens and government of Israel, regardless of political ideology. In Israel, the population's trust in security forces and the army is definitive and genetic. There isn't the typical underlying criticism of the defender of the "powers that be" – those whose duty it is to protect you. One does not suspect the government of being involved with some anti-popular historical enemy, as occurs in many European countries. There is an astounding level of cooperation between citizens and security forces. When a citizen is attacked, he will immediately seek a police officer in the vicinity, and he will find one, because police deployment is very wide-ranging and strategic, as is the stationing of security forces and distribution of weapons. A policeman or soldier who is attacked can always count on a nearby citizen to come running in an attempt to save him or her. Both parties "know what to do." A spontaneous defensive reaction to such an unexpected event is highly esteemed as a realistic act of bravery. A terrorist who has attacked or who is about to attack must be stopped because he will be able to strike again.

Regarding the use of arms, when a citizen is vetted and secures a firearm, it is not given rashly, even when it is deemed that the weapon is required for urgent matters. Furthermore, the number of people who possess a firearm in a country like Israel, where many gun owners have received months of firearm training in the military, is lower than one might expect. In fact, it is very low: only 2.5 percent or 170,000 Israeli civilians possess a firearm. Among them, 40 percent are professional guards at supermarkets and other public places.

Jerusalem Mayor Nir Barkat asked citizens to arm themselves during days of continuous terror attacks. The reasoning behind his request is interesting because it does not involve harming the wrong Israeli civilians, but instead calls on responsible gun owners who have been approved for a permit to carry their weapons and help protect their fellow citizens. Israelis can only obtain a weapon under the following conditions: if they are 21 years or older; if they have been residents in Israel for at least three years; if they have passed strict physical and mental exams; if they have passed a firearm safety test, and if they have had personal background checks verified by the Ministry of Public Safety. Furthermore, the issue of a gun permit will also be based upon a sufficient reason for its request, such as if one resides in an area where there is a high number of attacks. Weapons must be ordered through a licensed store where one receives a supply of 50 bullets that is not to be refilled until it has run out. When Barkat told citizens they could only carry a weapon if they are in legal possession of that weapon, he also added that one must not think that they can take the law into their own hands. Citizens must leave such responsibilities to security forces. The efficiency of these firearm measures is proven by these figures: in the last 10 years there have been around 50 cases in which armed citizens have intervened in preventing or responding to terror attacks (not many, given the previously examined figures), and in 70 percent of these cases their participation was crucial.

In Israel, much caution is taken to prevent a radicalization of society – which might increase wherever terrorism is present. Although we see the rise of the extreme right throughout Europe, in Israel, on the other hand, small groups of extremists (fanatics and even murderers), are largely kept in check because of the security measures. However, the image of Muslims and Palestinians has certainly not benefitted from the waves of terrorist attacks. The Israeli citizen is determined to defend himself and trusts that he will be defended, regardless of criticism and controversy. For example, 90 percent of Israelis supported Operation Protective Shield, which was launched in 2002 by Ariel Sharon when the Second Intifada had already reached horrific levels of violence. Shortly after that, 80 percent of Israelis also supported the security barrier against terror. Furthermore, the various defense measures voted upon by the Knesset, some of which were heatedly discussed (such as preventive detentions, the closing of high-risk zones like Hebron, and the destruction of terrorists' homes) were widely approved. Israelis trust their country and its defense system, though they may criticize their political class.⁴

The way in which Israeli citizens respond to terror is a result of acclimatization, which is the basis of Israeli "resilience," and its eventual return to normalcy.

Israel had 53 suicide attacks in 2002. In the span of just one week, terrorists attacked a restaurant in Haifa, a supermarket in Jerusalem, a café in Tel Aviv, and a hotel in Netanya. Yet Israelis did not feel demoralized or depressed, nor did they panic or flee. Overall, during the Second Intifada, 1030 people were killed by terrorists (proportional to 295,000 Americans killed in the United States, when taking into account Israel's small population) and the so-called Third "Knife Intifada," in which, between September 2015 and July 2016, 40 victims of terror were killed. In this period, there were 157 stabbings, 101 shootings, 46 vehicular attacks, and one bus explosion. The adaptable way in which Israeli citizens responded is a result of acclimatization, which is the basis of Israeli "resilience," and its eventual, consequential return to normalcy. It is this very normalization that prevents a great deal of the post-traumatic stress that typically accompanies terrorism in other countries.

After the Boston Marathon bombing, Boston was on lockdown, and its citizens shut up in their homes for days. This response to terror has yet to occur in Israel.⁵ There is determination and stoicism in maintaining one's routine, and this habitualness translates into a solid resolve not to allow the threat of terrorism to dominate one's daily life. Following terror attacks, Israelis are not ordered by their government to barricade themselves inside their homes; nor do they abandon daily routine. This resolve is exemplified in various interviews with Barkat, with store owners who reopen their businesses after a terrorist attack, and with citizens who return to sit at the same table where they were when an attack took place.

Rather, Israelis make minor changes as a means of caution, such as looking for seating far from the entrance of a café, immediately notifying easily accessible security guards (who are scarce in European countries) of the presence of suspicious people and objects in the street and in enclosed spaces, and being aware of one's surroundings.

Elasticity Is the Norm

Owners and customers reopen and return to their shops. Israelis pursue tourism, trade, and continue using public transportation. The famous phrase uttered by a young man after the 2001 Dolphinarium Discotheque Massacre in Tel Aviv, in which 21 victims were killed (most of them teenagers) is: "We will keep on dancing." This has become an essential theme in the pursuit of victory over terrorism.

The second point is to act: everyone attempts to do something to counteract the attacks, whether they are anticipated or unexpected. "Always be prepared," or

"We will keep on dancing." This has become an essential theme in the pursuit of victory over terrorism.

"Estote Parati" is the Scout motto, and it also works for the entire population of Israel. If you are prepared, you will already know ahead of time how to not be defenseless. In the meantime, there are volunteer organizations that are always on guard: for example, the Civil Guard is an organization of citizens

who volunteer to assist the police with their work. There are both armed and unarmed groups that act solely for surveillance. The police train the groups and provide them with everything they need. The main activity of these groups is to conduct rounds of surveillance. They have limited powers, but they are prepared to do the right thing. If necessary, they can stop a person, verify his identity, and even arrest him. These watch groups are made up of more than 70,000 people, 28 percent of whom are women. The most common demographic in this group is men between 40 and 55 years old. (Men generally serve in the army reserves until 40 years old.) During the years of the Second Intifada, more than 500,000 citizens volunteered.

On March 8, 2016, 26-year-old Yishai Montgomery was strumming his guitar on the beach in Tel Aviv when he heard screaming. A terrorist stabbed American tourist and Army veteran Taylor Force, killing him and injuring 12 others in the process of his rampage. Yishai got the man in his sights and flung the guitar at his head, allowing the police to catch up with the terrorist and subdue him. The guitar was shattered but soon after the incident a fundraiser was started to buy him a new one.

On the same day, in Petah Tikva, a stabber attacked Yonathan Azariah, an ultra-Orthodox man, who suffered a wound to the chest. The stabber had already frantically attacked several passers-by. Yonathan pulled the knife out of the back

of his neck and effectively used it to strike down and stop the terrorist. On January 20, 2016, in Tel Aviv, Herzl Biton, a 62-year-old bus driver, found himself struggling with a terrorist who had stabbed many of his passengers and himself. He quickly slammed on his brakes, causing the terrorist to fly on top of him, and then he opened the door so the passengers could escape. He then seized the terrorist and sprayed him with pepper spray (sales of this were high during the Knife Intifada). The 23 year-old-assailant jumped down, but with Biton behind him, his exit was blocked until the police stopped him and brought him wounded to the hospital. Biton was also admitted to the hospital, seriously injured as a result of his stab wounds.

On June 8, 2016, four people were killed and six others were injured in an attack at the Sarona Market in Tel Aviv. Haggai Klein, 32, was sitting at the market when two terrorists dressed in black began to shower bullets upon the shoppers. Klein threw a stool at the assailants, stopping them for a moment and causing one to drop his gun. The police then stopped the two. "My family and I were showered with tremendous recognition and love. But I think about the victims' families, and I send them my condolences," Klein said. "He did his duty," commented Klein's father, "I was very moved when I saw the video."

The Mayor of Jerusalem himself, Nir Barkat, a technocrat in his forties, stopped a Palestinian terrorist with his own hands on February 22, 2015. He happened upon the pursuit of a stabber who had just attacked an Israeli man in his twenties.

Israel's patriotism is no minor player in the fight against terror, except for very few who deny any nationalist spirit. 88 percent of Israelis are proud to be Israeli and have trust in the army.⁶ This trust, despite Israel's well-known heated political discussions, is derived from the great determination with which one develops a continuous rethinking of security and health-care measures to heal those injured in terrorist attacks. In other words, Israelis live with and interact with terrorism, instead of tearing their hair out and crying. Healthcare is created and developed as needed.

Since 1983, every hospital carries out at least 20 drills annually. Magen David Adom (MDA, the Israeli Red Cross) has developed techniques that require no more than 28 minutes from the moment of the attack to the evacuation of the last victim.⁷ Ambulances in Israel, one may note, have often been delayed for various reasons (i.e. if they are already in use by other responders or must be picked up from a remote location). Therefore, those drivers who are on call, now frequently drive the ambulances to their home to be ready for a call at any moment. To arrive faster at the scene of an attack or accident, MDA is increasing the number of paramedics on scooters equipped with essential life-saving gear.

Personal initiative is part of this spirit: recently a bus driver in Jerusalem, with a critically injured woman on his bus, realized that it would have taken longer for an ambulance to arrive and decided to drive her to the hospital himself with his

bus. This sort of can-do attitude, improvising, or ignoring bureaucratic protocols has a precedent in the many surprising actions taken by the country's civil and military leadership. Examples include Ben-Gurion's decision to accept the 1947 United Nations Partition Plan; the unexpected decision to bring down Egyptian planes; winning the Six-Day War, and the many episodes of insubordination by Sharon and Rabin. They understood that one must not stand still and wait for an order, but rather, must act.

Conclusion

We have the impression that Shlomi's spirit is not destined to fade any time soon. Furthermore, the economic repercussions of the various Intifadas have always been rather small, despite the fact that in times of crises, tourism and trade diminish for obvious reasons. Technological and fundamental scientific structures, however, do not shrink. Israel's flourishing economy is one of the few in the world that works despite the extraordinary amount of money spent on defense, which cuts into the government's resources and leads to high levels of taxation. All in all, in spite of endemic terrorism in Israel, Jerusalem has remained among the top 10 most-visited world cities and has remained a number one high-tech city. Moreover, Israel's mortality rate is the second lowest in the world – after Canada – and its birthrate is among the highest. Israel has also been rated the eleventh happiest country in the world.

What an incredible letdown for terrorism!

Notes

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The National Security Aspect of Fighting Terror – The Israeli Experience

Brig.-Gen. (res.) Yossi Kuperwasser

Israel's long experience of fighting terror has led to an understanding that terror is a *strategy* that presents a significant threat to Israel's national security, even if most of the time it appears as a low-intensity action with limited damage and impact. This understanding was adopted gradually, after a long period of time, during which Israel acted against the threat as if it were a strategic threat but tried to convince itself that it was not. For many years, especially as long as the conventional military threat from Arab armies loomed over its survival, Israel referred to terror as a lesser menace and used the euphemistic term "current security threat" to conceptualize it.

From a national security point of view, the battle against terror is first and foremost a battle of learning. The results of this battle depend on the quality of learning on both sides. The faster we understand the other side's way of thinking and the operational and tactical derivatives of the changes he may adopt as a result of the changes in the framework in which the battle takes place and his understanding of the changes in our strategy, the better. That learning provides a greater chance that we shall be able to change our behavior in a way that will minimize the enemy's expectations to make progress on the strategic level and ultimately convince him to give up terror as a way of achieving his strategic goals. It may even lead the enemy to reassess the validity of those goals. These are our strategic goals in the fight against terror.

Obviously, conflicts in which one of the sides chooses to employ terror as a way of action are long and protracted, and changes in strategy and strategic goals are last choices. Nevertheless, it is possible to convince the enemy to change its policy and maybe even its strategic goals. Israel managed several times to bring the Palestinians to the conclusion that they should change their policy regarding terror, but has not been successful yet in its attempt to convince them to give it up as a preferred way of action and to change their strategic goals.

Studying Palestinian terror against Zionism allows us to clarify its goals, nature, and strategy. Palestinian terror started in the early twentieth century and was based on the total rejection of the existence of a Jewish "people" and its historical relations with the Holy Land. The goal was and remained the demise of Zionism

(Abu Mazen himself wrote a book entitled *"Zionism – from Inception to Demise"*) by sowing fear in the hearts of the Zionists. Arab objectives were to show how insecure the Jews were in this disputed land, in order to convince them that their endeavor is doomed and to plant doubts in the minds of the Zionists and their allies in the West regarding their rights and the justification of their narrative.

Anti-Zionist demonstration in Jerusalem, 1920. Signs denounced Jewish immigration and proclaimed "Palestine is part of Syria."
(Library of Congress)



The terror effort against Zionism was presented both as a part of the cultural and civilizational Islamic war against Western culture and as a fight for freedom against a colonial entity. Both national and religious argumentations were used to justify the attempt to attack the Zionists, civilian and security, and to program the minds of the Palestinians to support terror and execute it when they are asked or expected to do so.

Based on this understanding, it becomes clear that the strategic answer to the threat of terror was and still is the ability to convince the terrorist that their way of action is futile. The Zionists/Israelis have to demonstrate to their adversaries that they are determined to continue building and protecting their project – the democratic nation-state of the Jewish people; that they deeply believe that Zionism is justified and just; that the values they stand for are noble and worth defending and fighting for; and that they enjoy international support for their cause. At the same time, the Zionists/Israelis have to show that they can find ways to minimize the damage inflicted on them through terror and in this context weaken the capabilities of the terrorists.

A Deeper and Evil Motive for Terror

The Palestinians do not just use terror as a major means of action in this battle, but its use is by itself a deliberate manifestation of the cultural difference they wish to emphasize. By using terror, its proponents and perpetrators try to convey the message that they won't be deterred from this policy until they achieve their goal, because in their culture, in contrast to Western and Israeli culture, life is not a sacred value. Honor and sacrifice are, and, therefore, international law – based on Western values – does not apply to them.

This logic is translated into slogans such as, “We seek (honorable) death more than you seek life,” and to referring to Israel merely as a “spider web,” easily broken. In fact, while this rhetoric is supposed to represent the values of a culture that promotes terror as a sublime sacrifice for a noble cause, justifying the indiscriminate murder of innocent civilians, the reality is that the society that is expected to support this policy is much less determined to do so. When the public realizes that the consequences of this policy prevent the ability to achieve other goals, like better standards of living, questions are raised. These inherent tensions cause repeated frustration that can sometimes be translated into a change of policy, at least temporarily.

The effective learning by the Zionist movement and later by Israel, and the determined spirit of the Zionists made it possible for Israel to overcome the repetitive terror waves and often deny the Palestinians a strategic victory. On

occasion, the Palestinians managed to achieve some interim goals when they faced weak Israeli leadership, a naïve and misinformed international community, and a mismatch between the Palestinian goal of eliminating Zionism and the impulsive Zionist wish of making peace prematurely with the Arabs including the Palestinians.

As a result, the Palestinians still consider terror as a vital and successful tool to make progress towards their long and medium term goals. Nevertheless, whereas until 1974 Palestinian leadership presented terror as the only way for “liberating Palestine,” since then, some Palestinians were ready to add other ways of action, including diplomatic negotiations. They adopted a vocabulary of peace, usually for external use, in the context of their “Two-Phases Paradigm.”

The imbalance between terror groups and Israel (or any Western state terror target) is reflected, among other things, in the different ways they view operational and strategic success or failure. The terrorists may view success as the mere execution of a terror act that has an impact, regardless of the success of the attacks in inflicting casualties on their enemy. Of course, they realize that more damage means greater

Success is gauged on whether Israel reestablished deterrence, reassured its citizens about their long-term security, gained a long lull between terror attacks, and sometimes whether the terrorists were forced to change their strategy altogether.

impact and that if they manage to outsmart their enemy, they will gain extra strategic points. Israel (or any other Western state), on the other hand, has to set as its operational target the prevention of all terror attacks. This may distort the meaning of victory in the ongoing terror and counterterror wars Israel has fought. The mere success of the terrorists to harm Israel and survive the Israeli reaction is presented by the terrorists as a divine victory, while Israel treats the perpetration of any attack as a tactical or operational failure.

Remains of a burnt Jewish passenger bus at Balad-Esh-Sheikh outside Haifa. July 1938.
(Library of Congress)



Israel judges results on the strategic level: did Israel force its will over the terrorists or vice versa, and did Israel achieve its goals in the specific confrontation? Success is gauged on whether Israel reestablished deterrence, reassured its citizens about their long-term security, gained a long lull between terror attacks, and sometimes whether the terrorists were forced to change their strategy altogether. In most cases, Israel was able to achieve the goals it set for itself and could consider itself victorious, even if it suffered numerous terror attacks. The “learning competition” is very relevant to the ever-changing operational tactics that Palestinian and Lebanese terror organizations use against Israel. Whenever a certain tactic is adopted by a terror group as its leading way of action, Israel seeks a way to defend itself against the specific challenge and force its enemies to give it up. As a rule, it takes the terrorists time to develop a new tactic, and it takes additional time for Israel to develop a counter move. To list some of the elements of this spiral phenomenon, one can point to the Arab gangs’ attacks on Jewish centers in 1929 and the Great Arab Revolt of 1936-1939 against the British and Jews that led to the strengthening of the Zionist’s security forces; the *Fedayeen* attacks through the borders in the 1950s that led to the retaliation operations and the establishment of special operation units like Unit 101; the penetration of the Jordanian border in the late 1960s that led to operations beyond the border, which eventually forced the Jordanians to expel the PLO in September 1970; the attempts to infiltrate into Israel from the sea

in the 1970s and 1980s that led to a major investment in the Israeli navy; and later the suicide bombers during the Second Intifada that were thwarted by “Operation Defensive Shield” and the erection of the security fence, and lately the launching of rockets from Gaza that led to the development of the “Iron Dome” system.



Hamas suicide bus bombing in Jerusalem, April 18, 2016.
(Israel Police)

Learning was also the way Israel developed its practice of fighting terror in a wide variety of aspects that together comprise the comprehensive strategy of fighting terror: preventing and thwarting terror attempts, deterrence, reaction, and resilience.

Prevention is based on the following elements:

1. **Intelligence** – Israel has studied meticulously the behavior and logic that cultivates the terrorists thinking and their subsequent *modus operandi*. As a result, Israel developed various state of the art capabilities in all aspects of intelligence to follow the terrorists’ activities so that many terror attempts were prevented and foiled in advance. Israel also understood, relatively early on, that since terror disregards national boundaries, there is a need to develop cooperation between the different Israeli intelligence services (those that deal with local intelligence, those who collect intelligence internationally, and police intelligence) to enable fusion of all relative information necessary to prevent terror attacks. It also realized that this cooperation needs to go beyond the Israeli national intelligence services and extend to foreign ones, including those in countries with whom Israel does not have diplomatic relations. Intelligence collection is conducted according to the law, but with priority given to the need to prevent attacks that may threaten lives, over privacy when such contradiction of values appears.

2. **Protection** – Israel has developed a very robust set of protection protocols, in most cases as a result of the learning process following failures to prevent attacks. For example, after attempts to hijack Israeli airplanes, Israel embarked on a high-profile protection plan for its airports and civilian aircraft that proves itself capable of deterring and foiling terror attacks. The same is true for protecting shopping centers, the coastline, Israeli and Jewish facilities around the world, and other strategic targets. Out of necessity, Israel does not shy away from profiling suspects.
3. **Military operations** – Military operations play a major role in protection, in the form of checkpoints, barriers, and security fences, which enable the IDF to deny entry of terrorists. On top of that, when faced with a danger that cannot be thwarted otherwise, Israel takes military action to foil the terror attempt, based on the intelligence it gathers. This may take the form of arrests when possible, and targeted preventive attacks when arrests are not possible. For the performance of such military operations, Israel has developed various capabilities, such as light, precise munition, and units of disguised soldiers who look like Palestinians, when arrests are called for without giving the terrorists an early warning. One major lesson learned is that military presence or access to the areas where the terrorists prepare their attacks is necessary, and without it, prevention becomes much more difficult.
4. **Affecting force buildup attempts** – Terrorists' efforts to improve their capabilities cannot always be totally foiled, but Israel has adopted a policy of trying to slow down, as much as possible, these efforts by proactive intervention to deny the terrorist weapons and other capabilities. This has led to various operations in the territories and beyond, as well as the naval blockade on Gaza, which denied the terrorists advanced weaponry or prevented them from using such weapons.
5. **Public awareness** – Every Israeli is always on high alert to notice potential terror threats and knows what must be done once the existence of such a threat is recognized. For example, unattended luggage will immediately catch someone's attention.

Reaction is based on the following elements:

1. **Military operations** – Israel is always on high alert to deal militarily or through its police force with any terror attack. Israeli security forces intervene almost immediately and are able in many cases to save lives. Israel has developed special units, capabilities, and techniques to ensure efficient intervention. But Israel also uses its intelligence and military capabilities to react in a precise manner against the perpetrators and those who send them or assist them from within its enemies; Israel has made it crystal clear that no terrorist is immune from punishment. At the same time, Israel goes to great lengths, more so than any other country, in trying to ensure that these military actions cause minimal,

unintended damage to uninvolved people. (See “Democracy Facing Terrorism: Human Rights and Military Ethics” on page 75 by Prof. Asa Kasher.)

2. **Defensive reaction** – Israel has developed a variety of tools that enable it to react defensively once it is attacked by a terrorist organization. The most famous example is the Iron Dome, (anti-missile and rocket system) which intercepts incoming rockets and missiles.
3. **Legal activity** – The Israeli law and legal system are adjusted to the need to fight terror and punish those who incite terror or perpetrate it. It also provides the legal basis for the military operations against terror. Among other things, the law, which is based to a large extent on the law which prevailed during the British Mandate, enables the government to outlaw organizations that are involved in terrorism. Israeli security agencies may temporarily hold suspects under administrative detention if showing evidence regarding their involvement in terror in court will damage intelligence capabilities. Israel, of course, adheres to the relevant international law of armed conflicts and the humanitarian law (for deeper analysis on this aspect see “The Legal Response to Terrorism” on page 49 by Amb. Alan Baker).
4. **Resilience** – The ability to withstand a terror attack or a terror campaign and recover rapidly is a well-known feature of Israeli society. With a long history of terror attacks, Israelis have sadly come to realize that terror is a part of their lives and that sometimes the prevention and the reaction to it fail to provide full security. But when such a situation occurs, the government and the population are well rehearsed and capable of maintaining order and reasonable daily routine. The education system, police, first-responders, and home-front command inside the Ministry of Defense have all developed special expertise in preparing the public, raising its resilience levels, and operating systems that support the public needs. This considerably erodes the strategic impact of terrorism.
5. **Deterrence** – Shaping the thinking of the enemy about the expected response to the next terror attempt in a way that would convince the terrorists to refrain from carrying it out is always a critical goal of Israeli activity in fighting terror. Of course, all the elements mentioned above regarding prevention, reaction, and resilience contribute to the buildup of deterrence. But on top of these, the punishment system has a significant role in deterring the next terrorist. Recently, Israel resumed the practice of demolishing the houses of terrorists. Policy also plays a major role in building deterrence. The commitment not to allow terrorism to have any strategic gain is key in this respect, and with very few exceptions (especially in deals for the release of kidnapped Israelis) it was preserved by Israeli governments.

Another important element in the overall strategy is dealing with radicalization – both its prevention and the de-radicalization of those already indoctrinated. Israel

tries to mobilize the international community to put pressure on the Palestinians to stop their hate indoctrination and the programming of Palestinian minds from very young ages to support and carry out terrorism. Israel tries from time to time

Understanding the goals and strategy of the enemy and the context in which it operates and being agile enough to rapidly adopt adequate responses has enabled Israel to become a world leader in the fight against terror.

to put such pressure directly on the Palestinian Authority. It is also trying to convince international social media corporations, such as Facebook and Google, to restrict the use of the Internet for incitement to terror and to cooperate with other Western countries in this context. So far the results of all these efforts are quite marginal. On top of that, Israel tries to enable the Palestinians to enjoy better living standards based on a questionable assumption that if they

enjoy better lives, they will be less inclined to adopt radical positions and support terror; they may even adopt a better opinion about Israel.

In fact, there is no proof that such a connection exists. The hatred indoctrination is much deeper and has less to do with what Israel does, but with its very existence and what it represents.

Nevertheless, recently Israel managed to stop radicalization of some Palestinian youngsters by approaching them after monitoring the beginning of the change in their behavior on social media and informing their family about it.

Israel force buildup for fighting terror is part and parcel of its overall strategy. On top of building specialized units that have developed special practices fit for their specific missions, a considerable component in Israel's capability to cope with terror threats is based upon its ability to develop state-of-the-art technological solutions.

To sum up, Israel's overall strategy of fighting terror is a comprehensive approach that was developed out of ongoing learning efforts. Understanding the goals and strategy of the enemy and the context in which it operates and being agile enough to rapidly adopt adequate responses that build on former solutions has enabled Israel to become a world leader in the fight against terror.

The History of the West's Struggle against Terror

Amb. Freddy Eytan

Introduction

Numerous books and studies have been written about terror in various languages. They have tried to explain the phenomenon, including its sources and its ramifications, from social, military, economic, diplomatic, and legal standpoints. Since the 1970s, international terror has been a hot topic, prompting countless media articles, research, and heated debates on television and in the social networks. Since the attack on New York's Twin Towers in September 2001, the struggle against Islamic terror has occupied world leaders, and such terror is now considered the greatest threat to the peace and stability of the world.

In the 1970s, most discussions on how to define terror focused on the political, ideological, and philosophical aspects, in line with clear-cut worldviews and political opinions.

Since September 11, 2001, the discussions have focused on methods of prevention and on the struggle to defeat the barbaric, fanatic terror of radical, jihadist Islam. Since that time, people's daily lives throughout the world have been disrupted, and their movement constrained. Many live in an atmosphere of insecurity because the threat that exists is undefined and unpredictable.

This article, like others produced by the research at the Jerusalem Center for Public Affairs, will focus mainly on the history of terror in our region, define Islamic terror, and report on European attempts to defeat it from the vantage point of the Israeli approach to security. It will discuss the lessons that can be learned from the abundant and painful experience that many Israelis have undergone over the years. The attitude that is expressed is sincere and professional, and the intention is solely to clarify, help, and warn. There is no aim of preaching morality or interfering in the domestic considerations of other Western countries. Each country will choose its strategy according to its considerations and interests.

Undoubtedly all Western countries, including Israel, are part of a single front waging a long, complex, and uncompromising struggle against cruel Islamic terror. Despite disagreements about resolving political issues and about methods to be

adopted, we are all obligated to rise above the various concerns, and to join, and cooperate on the basis of common, enlightened interests, and values.

The Characteristics of Palestinian Arab Terror

Terror against Jews began early in the twentieth century in the period of the *Yishuv* (the pre-state Jewish community) and the first large Jewish immigrations to the Land of Israel. Sheikh Izz ad-Din al-Qassam was the first to instigate terror attacks against Jews. Today, the Izz ad-Din al-Qassam Brigades are the military wing of Hamas. Under the leadership of the Mufti Hajj Amin el-Husseini, who later forged close ties with the Nazis and even met with Adolf Hitler, anti-Jewish incitement intensified. In 1929, anti-Jewish riots spiked, and a total of 113 Jews were killed and 339 injured.

In April 1936, the Great Arab Revolt erupted. During its three years, 400 Jews were killed and many thousands injured, and private homes and schools were ravaged. Buses and trains, groves and orchards were attacked, and crops were burned entirely.

Immediately after the Arabs totally rejected the United Nations Partition Plan approved by the General Assembly on November 29, 1947, the Arab leadership launched guerrilla warfare and terror attacks against the *Yishuv*. The onslaught continued with the declaration of the Jewish state on May 14, 1948, and lasted until the end of the War of Independence in 1949.

But, even after the signing of the armistice agreements, Arab terror persisted. In 1949, murderous attacks by *Fedayeen* infiltrators were unleashed against Jewish residents of border moshavim and kibbutzim.

Although Palestinian Arab terror has several attributes, it always aimed to attack Israeli Jews no matter who or where they are. Terror waves have occurred in various periods. Yet, under the deliberate incitement of the Palestinian Arab leadership from the beginning of the British Mandate to the present, they have never stopped, and they continue.

The period since 1968, following the Six Day War, has seen various kinds and venues of attacks:

- Terror attacks in the Jordan Valley and the Beit Shean Valley.
- Airplane hijackings and attacks on Israeli targets all over the world with the help of foreign terror organizations.
- Terror attacks along the northern border from “Fatahland” in southern Lebanon, which included raids on Israeli settlements and Katyusha rocket fire. The most

savage attack occurred in Ma'alot on May 15, 1974: 22 children were murdered after being taken hostage in the local school.

- Various terror operations from 1978 to December 1987 took the lives of 114 Jews.
- Twenty years after the Six Day War, in December 1987, a change in the terror activity began when the First Intifada erupted. Initially, it was characterized by stone-throwing and improvised weapons, but it shifted to gunfire and firebomb attacks especially against Israelis in the territories. From 1987 to 1992, 155 Israelis were murdered.
- Immediately following the signing of the Oslo agreements on September 13, 1993, mass-casualty bombings began. Most were perpetrated by Hamas and Islamic Jihad. From the signing of the initial agreements with the PLO to the Oslo 2 agreements in September 1995, 164 people were murdered in terror attacks, and hundreds of others were injured.
- Late in September 2000, the Second Intifada broke out. Under explicit orders from Yasser Arafat, all the Palestinian terror organizations took part. In the course of five years, over a thousand Jews were murdered and many thousands injured.
- After the disengagement from the Gaza Strip and the total evacuation of Israeli civilians and soldiers in August 2005, Hamas took over the entire territory and began to fire at Israeli communities across the border. Until the end of 2014, more than 10,000 mortars and rockets were launched, causing the deaths of 32 Jews and the injury of 1,396.
- From June 2012 to the present, in addition to the rocket fire, waves of "popular terror" perpetrated by groups and individuals have included stone-throwing, firebombing, vehicle ramming, and several shooting attacks at Israeli vehicles in Judea and Samaria. In the summer of 2014 such actions intensified amid violent disturbances in east Jerusalem and on the Temple Mount, as part of Islamic religious activity on behalf of the Al-Aqsa Mosque.

Three especially noteworthy terror attacks occurred in this period. On November 18, 2014, two terrorists murdered four worshippers and severely injured eight others in a synagogue in Jerusalem's Har Nof neighborhood. An Israeli Druze policeman was also killed in the attack. On January 1, 2016, an Israeli Arab murdered three people and injured seven on Dizengoff Street in Tel Aviv. On June 8, 2016, a terror attack in Tel Aviv's Sarona Market killed four Israelis.

The methods employed by Palestinian Arab terror are similar to terrorists' methods all over the world, and particularly, of late, in Europe:

- Stabbing attacks

- Shooting attacks in crowded public places
- Explosive devices
- Car bombings, suicide bombings
- Vehicle-ramming attacks, and
- Attacks on aviation

It cannot be ruled out that at some point terrorists in Europe, like Hizbullah and Hamas, will make use of high-trajectory rocket and missile fire.

Israel's Struggle against Terror

As noted, the struggle against Palestinian Arab terror began before the establishment of the Israeli state and has continued for more than 100 years to the present day. Clearly, Israel's battle is unique in nature and serves as an example to the world. Our fight against terror has become a laboratory where many lessons are learned. Original, highly sophisticated methods are employed in the field itself when incidents occur. Indeed, fighting terror is part of Israel's approach to security. Israeli society has always accepted this approach without question. In the past, just as today, it has understood that the phenomenon must be confronted head-on because every Israeli citizen is a target both in Israel and abroad and must protect him/herself. Hence Israeli society has given latitude to the security forces, even if it sometimes entails constraining freedom of movement and disrupting ordinary life. In the early 1970s, for example, the Territorial Defense and Civil Defense Corps were established. In this framework, armed reservists check bags at entrances to public places, inspect schools and kindergartens, and security guards are stationed at the airport and in airplanes.

As the terror waves have intensified, Israel has ramped up its struggle. It has expanded the intelligence activity of the Israel Security Agency (Shin Bet) and made use of retaliatory operations in enemy territory, surprise arrests and administrative detentions, expulsions, roadblocks, targeted assassinations of terror leaders and operatives in enemy territory – and, after the 1972 massacre of the Israeli athletes in Munich, terrorist leaders were targeted in Europe as well.

Israel also has not hesitated to launch daring operations at home and abroad, such as the Entebbe Operation in July 1976 or sophisticated rescue operations, such as the one that freed the Sabena-airplane hostages at Lod (now Ben-Gurion) Airport in May 1972.

This Israeli policy has complemented the prevention of terror attacks, while also aiming to capture perpetrators and those who dispatch them. To that end, special

anti-terror units have been established, including units in which soldiers disguise themselves as Arabs to carry out operations.

It should be emphasized that in many cases Israel has, regrettably, failed to thwart, or sometimes to anticipate, terror attacks that have taken many lives. In democratic countries, leaders always vacillate and confront dilemmas when dealing with concrete information on a “ticking bomb,” since any targeted killing may also take innocent lives. Despite the many dangers involved, the accurate intelligence that Israel has developed has enabled it to foil numerous attacks. Along with the failures and vacillations, many successes can be counted.



An Israeli airport security guard patrols with a dog in Ben Gurion airport near Tel Aviv, Israel. Ben Gurion airport is considered among the most secure airports in the world, as an outcome of several Palestinian attacks on Israeli planes and travelers in the 1970s.
(AP Photo/Ariel Schalit)

Terrorists always try to carry out attacks in whatever way possible. Even if we do not always read about such attempts in the media, it does not mean the intentions do not exist. Thanks to good and accurate intelligence, attacks are usually thwarted, even if only at the last moment.

Europe's Struggle against Terror

Since the outbreak of the Arab Spring in Tunisia on December 17, 2010, Europe has been coping with two interrelated challenges:

- The Islamic terror wave perpetrated by Muslims with European citizenship, and
- A massive and not hermetically controlled migration wave of Middle Eastern and North African refugees

Indeed, for the first time since the end of World War II, immigrants now pose a substantial, even existential threat to the countries of Europe and to its liberal and democratic values. Previous immigration waves from Eastern Europe, and even from Africa, did not constitute a security threat. These immigrants were able to integrate into European society without undermining conventions, authority, or existing laws, despite encountering difficulties of absorption and even xenophobia.

In confronting these two challenges, the European community has a hard time finding appropriate solutions. It fears that any clear-cut, uncompromising solution could result in violent conflict and dent the basic principles of individual

freedom. Such a solution could also damage human rights and freedom of movement within a modern and enlightened community that has enshrined the removal of barriers and borders, and particularly the absorption of immigrants without regard for race and religion.

Europe still distinguishes between terror and terror, between “freedom fighters,” guerrillas, and terrorists. It continues to believe that a political purpose, such as removing an occupation, sanctions violent methods.

Moreover, Europe still distinguishes between terror and terror, between “freedom fighters,” guerrillas, and

terrorists. It continues to believe that a political purpose, such as removing an occupation or overthrowing a tyrannical or disputed government, sanctions violent methods.

The PLO was established in 1964. By the 1970s, much of Europe had accepted the PLO's terror attacks and airplane hijackings as a legitimate means of political struggle. It also allowed the PLO to open diplomatic offices. To this very day, Europe wavers on making a distinction between a political wing and a military wing. It casually accepts Hizbullah leaders in a Lebanese government while ignoring Hizbullah's destructive military power, the policy of terror that it pursues throughout the world, and its threats to destroy Israel. Europe behaved the same way in the 1970s toward the PLO's terror factions, and today it displays the same attitude toward Hamas, which it views, like Hizbullah and the Muslim Brotherhood, as a social movement devoted to education and charity.

Europe also has trouble formulating a consistent policy toward terror because it is still confused about defining the concept itself: What is terror? And who is a terrorist? This confusion about terror or a stubborn refusal to define it, including Palestinian, Arab, or Islamic terror, goes back to the 1970s.

Defining the Concept of Terror and Who Is Considered a Terrorist

To fight terror, one must first define what it is and who is a terrorist.

The word *terreur* first emerged at the end of the French Revolution in November 1794 as large numbers of opponents of the revolution were being brought to the gallows. The Reign of Terror waged by Maximilien Robespierre continued until he was guillotined.

In the nineteenth century, the word terror came to signify violent activity against the regime itself. Over the years, “reign of terror” was used to characterize any tyrannical regime that cruelly repressed a local population or conducted “purifications” against political opponents or particular communities; the term was used for the infamous regime of Stalin in the Soviet Union.



Three jet airliners hijacked by Palestinian terrorists are blown up at Dawson's Field, Jordan, September 12, 1970. (Getty Images)

Since the 1970s, when attacks on Israeli and European targets proliferated, along with airline hijackings and hostage-taking in general, the concept of terror has focused on violent, deadly activity by individuals or groups against innocent civilians or against strategic targets or infrastructures. Already at that time, media reporting in Europe was biased and highly dependent on the worldview of the journalist and the ideological line of the newspaper he represented. The reporting for the British *Guardian* or the French *Liberation* and *Le Monde*, which belong to the left side of the map, or for a paper like *Le Figaro* that tends to the right, differed accordingly.

The main question asked since that time is whether any violent act committed for a political purpose is an act of terror. What is the legal significance of such acts, and how does one cope with them? For example, is a militia organization like Hizbullah a terror group or, as it defines itself, a sociopolitical organization? Has the PLO, since its founding in 1964, indeed been a terror organization if its aspirations have been political and national, focused on establishing a Palestinian

state? While the Europeans continue to ponder these questions, in Israel there is no ambiguity about the definition: these are terror organizations in every regard.

Amid the maze of concepts and in light of all the questions, we must also distinguish between domestic terror and international terror, between the struggle against political terror and terror directed at organizations, groups, or individuals. It is important to note that, unlike terror that operates within a state, with the terrorists or anarchists keeping a low profile or even going underground, international and Islamic terror requires the attention of world public opinion and the media to consider itself successful.

When it comes to defining political terror, a case in point is the terror that Syria planned and financed for many years. The regime both openly and covertly supported George Habash's terror organization, the Popular Front, and the Al-Saiqa organization; it mounted terror and sabotage operations on Lebanese soil directly or with the help of Hizbullah or Palestinian groups. Colonel Qaddafi was also active against Israel and the West, including the terror attack on the Pan-Am plane over Lockerbie, Scotland. And one must not forget, of course, that the Ayatollah regime in Iran was responsible, among other things, for the terror attacks against the Israeli embassy and the Jewish community center in Buenos Aires, and against U.S. and French military targets in Lebanon. With the help of the Iranian Revolutionary Guard Corps and Hizbullah, the Iranian regime continues to plan and carry out terror attacks.

The Europeans enabled Syria, Libya, Iran, as well as Palestinian representations to exploit their diplomatic immunity for terror purposes. The "diplomatic pouch" was used to clandestinely transfer explosives and weapons. Embassies served as a refuge for terrorists.

Indeed, there are almost daily terror attacks in the Arab-Muslim world that do not always garner headlines and commentary in the international media. Car bombs explode in or beside crowded mosques and markets in Iraq, Afghanistan, Pakistan, and many other places in the world.

Terror attacks are perpetrated by both Sunni and Shiite organizations during Muslim holidays, including the Ramadan fast.

Interestingly, the Europeans do not hesitate to define as terror the attacks perpetrated in their own territory by separatist groups such as the Basque ETA, the Irish IRA, or the Corsican FLNC, which since 1976 have demanded the liberation and independence of Corsica.

The actions of the OAS, the clandestine military organization that was established in the 1960s to oppose General de Gaulle and protect the presence of a million French subjects in Algeria, was unhesitatingly defined as terror despite the fact that the organization's chiefs were well-respected army officers. The OAS caused

more than 12,000 deaths among the French civilian population as well as 500 deaths among security forces.

Unlike in the case of these organizations, Europe is very cautious when it comes to defining violent, hostile acts by Arab/Islamic organizations. For example, the French authorities, and most of the media as well, usually use ostensibly neutral, objective terminology. The avoidance of publishing the names and pictures of the terrorists is a further indication of the problem.

But when it comes to terror in Israel, most attacks against IDF soldiers or settlers are defined by Europeans according to notions from the colonial period; the word *colons* (colonists) constantly appears in reports. Such attacks are not adequately covered, and most of the reports and articles are biased and focus on the Palestinian side. It is usually implied that the terror attack is legitimate, and the victim is always Palestinian.

Already in the 1970s, terror began to increase both in the Middle East and against Jewish and Israeli targets all over the world. Especially active were Palestinians from the Black September organization, which was funded and assisted by Arab states, and from Habash's Popular Front, which was assisted by radical-left organizations such as the German Baader-Meinhof Group and the Japanese Red Army.

These organizations, among other things, hijacked passenger planes and took hostages, and also attacked airports. On May 30, 1972, 25 people were massacred at Lod Airport by a terrorist group of the Japanese Red Army led by Kōzō Okamoto. The three terrorists, bearing suitcases loaded with weapons and hand grenades, arrived on an Air France plane.

Meanwhile, undoubtedly the first spectacular terror attack on European soil occurred during the September 1972 Olympic Games in Munich, where 11 Israeli athletes were murdered.

That incident encapsulates all the problems that now bedevil the struggle against Islamic terror in Europe:

- An intelligence failure
- A security failure
- A rescue-attempt failure
- A media failure marked by confused and manipulative messages
- Defining a terror attack as a political act, and the International Olympic Committee's refusal to hold an official memorial ceremony for the Israeli athletes out of a professed reluctance to mix sports and politics

From the 1970s to the present, dozens of terror organizations have operated mainly in the Middle East, the Maghreb, and Europe. The FLN (National Liberation Front), which fought for Algeria's liberation from 1954 until its independence from the French in 1962, was the first to provide inspiration for Arab and Palestinian terror. Algeria was the first Arab country to support Fatah. President Ahmed Ben Bella allowed the Palestinian terror organization to establish an office as early as 1964; it was headed by Arafat's deputy Abu Jihad.

The FLN, which eventually became a political party and today is still a governing party, also inspired the Islamic terrorists of Algerian extraction who currently operate particularly in France and Belgium. Several other terror groups were headed by Palestinians, as follows:

- **Black September:** Established on November 28, 1971, after the assassination of Jordanian Prime Minister Wasfi al-Tal in Cairo. The group carried out more than 40 spectacular attacks, of which the most famous was the massacre of the Israeli athletes at the Munich Olympics. Black September was assisted by Arab states and international terror organizations such as Baader-Meinhof, the Red Brigades in Italy, and the Japanese Red Army. Indeed, anarchist and radical-left groups have helped with infrastructure and preparation for a long list of Palestinian terror attacks in Europe.
- **The Popular Front for the Liberation of Palestine:** Headed by George Habash. It carried out dozens of terror attacks, the most notable of which occurred on September 7, 1970, at an airfield near Zarka, Jordan, where hijacked passenger planes of several Western airlines were taken and destroyed. When Habash was hospitalized in Paris on January 25, 1992, France opposed Israel's request to extradite him "on humanitarian grounds." Similarly, when on January 16, 1977, the terrorist Abu Daoud – responsible among other things for planning the Munich massacre – was arrested in Paris, France refused to extradite him to Germany or to Israel, and, indeed, freed him three days after his arrest.
- **The Abu Nidal Organization:** Carried out dozens of barbaric terror attacks all over the world with the help and sponsorship of Iraq, Libya, and Syria. In June 1982, this group attempted to assassinate the Israeli ambassador in London, Shlomo Argov, which triggered the outbreak of the First Lebanon War a few days later.

A rare interview that Abu Nidal (Sabri Khalil al-Banna) gave to the German weekly *Der Spiegel* on October 14, 1985, illustrates his ideology. To the question "Who are your enemies?" he replied: "The Zionists who occupy Palestine, my homeland. And the imperialists of all kinds are my enemy." To the question whether terror attacks are a legitimate means to achieve goals, he replied without hesitation: "Certainly! And they are very legitimate. The great and abhorrent crime in my eyes is to enable the Zionists to leave our homeland when they are still alive and the imperialists to rule the world."

Historical Lessons and Main Conclusions from the Past

- More than 45 years since the first terror attacks in Europe and 15 years since the Twin Towers attack in New York, terror continues to attract great interest all over the world. It also took 10 long years for the Americans to track down and kill Osama Bin Laden despite all the intelligence and military means and the abundant and advanced resources at their disposal.
- Whoever does not explicitly define what constitutes terror and who is a terrorist is unable to fight the destructive phenomenon that afflicts today's world.
- For years, Europe staunchly refused to listen to Israeli warnings about fighting international terror, and it avoided cooperative activity. It refused to station security guards on airplanes and take security measures at airports. Israel, along with the El Al company, were the first in the world to take appropriate measures. The result was the prevention of hijackings and terror attacks at El Al counters both abroad and at Ben-Gurion Airport.
- For political reasons, Europe preferred to look inward and avoid taking concrete measures. When the energy crisis emerged in the wake of the Yom Kippur War, Europe capitulated to the oil producers' pressure and opted for the petrodollars. It supplied huge quantities of weapons, even to Qaddafi's Libya, to get barrels of oil in return.
- France even refused to indict and extradite two Palestinian terror chiefs, George Habash and Abu Daoud, who went free in the streets of Paris. If France had listened to Israel at the time, it would now be less confused and more resolute in its struggle against the terror attacks that are besetting its cities. It would even be able to prevent them and save lives.
- It bears emphasizing that all the Islamic terror attacks in France in recent years have been perpetrated by European citizens born in France or Belgium whose parents were born in North Africa. Policy has turned out to be self-defeating.
- Europe still has trouble distinguishing between the war on terror, with all its aspects and ramifications, and solving political issues such as the Palestinian problem. It still clings to the gravely mistaken belief that as soon as the Palestinian problem is solved, all hostile actions and terror in Europe will come to a complete halt.
- Unlike the Europeans, the Jews have been fighting Arab terror since before Israel was established and before the Six Day War and the "occupation of the territories." The goal of Arab terror in all its varieties has not changed since the beginning of the previous century. Its goal then and now has been to sow terror and apprehension in the Jewish civilian population and expel it from its land. Palestinian Arab terror, like Islamic terror in Europe, indiscriminately targets

innocent civilians, including women, the elderly, and children, who merely want to live normal, peaceful lives.

- The Europeans and the Palestinians err when they equate the actions of underground Jewish groups during the British Mandate, such as the IZL and Lehi with terror, and when they sometimes characterize Menachem Begin or Yitzhak Shamir as terrorists. There is no comparison between underground activity specifically directed at infrastructure, institutions, or foreign military personnel who were in Israel on the basis of the Mandate and were given warnings before each operation against them, and barbaric, cruel, indiscriminate terror against a civilian population including women, the elderly, and children.
- The Europeans and the Palestinians also err when they characterize “Jewish terror” as a phenomenon on a national level and Israel as a “terror state.” Every society has its extremists, its wild weeds, whom we must utterly abhor, condemn, and overcome. They constitute a tiny handful. Unlike the Arab-Muslim world and the Palestinians, however, Israel is an exemplary country of laws that arrests and prosecutes any extremist who has committed an act of terror against Arabs or Christians in the name of an ideology or religion. It does not send children and women to carry out terror attacks and does not encourage, educate, incite, finance, or perpetrate terror as Iran and the Palestinians do. On the contrary, Israel fights against every form of terror and incitement with all possible means. Israeli society also bitterly condemns every act by Jewish extremists, unlike Palestinian society that takes to the streets in revelry, with drums and cymbals, after every terror attack on Jews. For the Palestinians, the terrorist always becomes a martyr and a national hero, and his family receives an award and financial assistance for the barbaric act of terror.
- Unlike the Europeans, who have trouble defining Islamic terror, the terror organizations know full well what their objective is and who their enemies are. They declare openly that their objective is to attack – as part of an all-out war and in the name of Islam – all non-Muslims, that is, all “the infidels who live in the West,” both Christians and Jews (and some other Muslims). The terror organizations view Western culture and the free, modern world as the complete antithesis of their religion and way of life. They despise democratic values, secularism, the modern world, and even human rights.
- From Israel’s perspective, “terror is terror,” and it does not matter if it is perpetrated in Paris, Brussels, London, New York, or Tel Aviv. If we can manage to define terror in that way, the struggle against it will be simpler. We will then reach the conclusion that the goals, targets, and modes of activity are similar all over the world.
- From an Israeli standpoint there is no essential difference between the goals of the Palestinian Arab terror organizations, which are supposedly struggling against “the Zionists” and “the Israeli occupation,” and those of the Islamic

terror movements, whether Sunni or Shiite. The above-quoted statements of Abu Nidal to *Der Spiegel* constitute an ideological platform for all the Palestinian terror organizations to this day. Their worldview and forms of activity do not fundamentally differ from those of the Islamic organizations now operating in Europe. Both display deeply rooted anti-Semitism. Both deny the Holocaust and openly call for the Jews' annihilation. The only difference between them is the emphasis on the religious-jihadist aspect; their aims regarding the West as a whole are identical.

- For the anti-terror struggle to succeed, the media must be sympathetic to it. All forms of media, and especially the social networks, have a responsibility of the highest order and an extremely important role to play. The January 2015 terror attack on the editorial staff of *Charlie Hebdo* in Paris illustrates the great dilemma faced by journalists when covering Islam and the implications for liberal values in Europe.
- The terrorists' aim is not only to sow terror and apprehension among the population at large but also to intimidate journalists, opinion makers, and political leaders. To recoil in fear is out of the question; signs of weakness and hesitation are effective weapons in the terrorists' hands. Likewise, disinformation and propaganda and the wide and uncontrolled publicity now bestowed on the various terror organizations encourage ongoing attacks and hamper the struggle.
- When terror attacks occur, the media must exercise restraint in its live coverage from the field, prevent panic, and report only in a manner that is fair, credible, and unaffected by interests or political motives, especially when the incident is related to Israel or the Palestinians. Likewise, the authorities must report events to the public in a way that is transparent and trustworthy.
- In Israel, there is great appreciation for the various security branches and affection for special IDF units and the intelligence services such as the Mossad. Since the earliest days of the state, Israelis have internalized the fact that their security depends on these entities. Israelis serve in the army for three years and subsequently, in reserve duty, know how to use weapons, and in some cases are armed. In this way, Israeli society, unlike the Europeans, enables taking drastic measures to fight terror of all kinds and also cooperates in apprehending terrorists. At the same time, Israeli society ensures that the struggle is conducted within the framework of the laws of a democratic state.
- Israel is aware that there is no magic solution to terror, and that intelligence, military, legal, and technological efforts must be made to reduce destruction and save lives. Israeli society has the national fortitude for the endeavor. Alertness is high in streets and public places, and any irregular or suspicious object evokes suspicion.

- Europeans must alter their mentality and routine behavior, out of positive motives and without coercion, with the supreme goal of ensuring their wellbeing and security.

Appendix

The following is a list of the most notable terror attacks, from the Munich Olympics to the present, committed specifically in the European context by Palestinian Arab and Islamic organizations:

- September 15, 1974 – A car bombing in the Latin Quarter of Paris by the Front for the Liberation of Palestine. Two dead, 34 wounded.
- June 27, 1976 – The hijacking of an Air France plane after it took off from Ben-Gurion Airport and made an intermediate stop in Athens. There it was seized by two German terrorists and two Palestinians from the Popular Front, who had it flown to Entebbe, Uganda. After all diplomatic efforts to free the passengers had failed, the Israeli government decided on a daring rescue mission. It came to be known as Operation Jonathan after the commander of the Sayeret Matkal commando unit, Yoni Netanyahu, who was killed during it. It should be noted that the French government reacted with chagrin. Despite the fact that a French plane, crew members, and passengers were involved, Paris officially condemned the rescue as a “violation of a foreign country’s [Uganda’s] sovereignty.”
- May 20, 1978 – At the Orly Airport near Paris, three terrorists from the Popular Front opened fired in the passenger terminal. A French policeman was killed, and three tourists were injured. The terrorists were killed.
- July 27, 1980 – A Palestinian from the Abu Nidal Organization threw a grenade at Jewish students in a school in Antwerp, Belgium. One dead, 20 injured.
- October 3, 1980 – A terror attack at the Copernic Synagogue in Paris. Four were killed, including an Israeli woman, Aliza Shagrir. This attack shocked the French because it was the first in France against a Jewish target since the Second World War. At first, the authorities spoke of an anti-Semitic attack carried about by the extreme right, and a huge demonstration was held against fascism and racism in which various organizations, including far-left ones, took part. Only after Israeli pressure and an investigation that took almost 27 years, was the Palestinian terrorist from the Popular Front arrested in Canada. He was extradited to France and prosecuted there, but released after 18 months in May 2016.
- October 20, 1981 – A truck bombing next to a synagogue in Antwerp. The huge explosion caused the deaths of three people, injuries to more than 100, and great damage to the synagogue and its surroundings.

- August 9, 1982 – A terror attack on the Goldenberg restaurant in the Jewish Quarter of Paris. Six killed, 22 injured. The Abu Nidal Organization took responsibility.
- April 12, 1985 – A car bombing at a café in downtown Madrid. Eighteen killed, 82 injured. The Islamic Jihad group took responsibility.
- October 7, 1985 – Four PLO terrorists hijacked an Italian ship, the *Achille Lauro*, as it was sailing from Alexandria to Port Said in Egypt. The hijackers fatally shot a wheelchair-bound American Jewish passenger.
- December 27, 1985 – Shooting attacks by the Abu Nidal Organization on the El Al counters at the Rome and Vienna airports. Eighteen dead, 140 injured.
- July 11, 1988 – A rigged taxi exploded at Piraeus Port in Greece. In addition, hand grenades were thrown and shots fired at the deck of a ship. Nine killed, about 100 injured. The Abu Nidal Organization took responsibility.
- December 21, 1988 – A Pan Am Boeing 747 was blown up over Lockerbie, Scotland, killing 270 people. Colonel Qaddafi was responsible.
- From July to October 17, 1995 – A series of terror attacks were perpetrated in Paris by an Iranian-affiliated organization called the Armed Islamic Group. Eight killed, about 200 injured.
- December 3, 1996 – An explosive device went off in the Paris Metro. Four killed, 85 injured. The Armed Islamic Group took responsibility.
- March 11, 2004 – A series of explosions on trains and railroad tracks in Madrid. One hundred ninety-one killed, 2,050 injured. Al-Qaeda took responsibility.
- July 7, 2005 – Suicide bombings in London. Fifty-two killed, 700 injured. Al-Qaeda took responsibility.
- March 19, 2012 – In Toulouse, a French-Algerian terrorist, Mohamed Merah, fatally shot three French soldiers. At the Otzar Hatorah school, Moreh murdered a rabbi, two of his children, and another child.
- July 18, 2012 – A suicide bombing on a bus carrying Israelis parked at the Port of Burgas in Bulgaria. Six dead, 30 injured. Hizbullah took responsibility.
- May 22, 2013 – In London, a vehicle-ramming, stabbing, and beheading attack against a British soldier.
- May 24, 2014 – A shooting attack at the Jewish Museum in Brussels. Four killed. The Islamic State takes responsibility.

- January 7-9, 2015 – A terror attack at the offices of the editorial staff of *Charlie Hebdo* and against a Jewish supermarket in Paris. Seventeen killed, 22 injured. Al-Qaeda and the Islamic State take responsibility.
- February 14, 2015 – The terrorist Omar el-Hussein fired at policemen in downtown Copenhagen. He killed a policeman and injured two. El-Hussein managed to escape and the next day murdered a Jewish security guard at the city's Great Synagogue.
- June 26, 2015 – Car-bomb and beheading attacks that killed a factory manager near Paris. In possession of the terrorist, Yassin Salhi, were an Islamic State flag and jihadist banners.
- August 21, 2015 – On a train from the Netherlands to France, an armed man opened fire and stabbed three passengers. He was subdued by three American soldiers on leave.
- November 13, 2015 – A combined terror onslaught against several targets in Paris. One hundred thirty killed, 368 injured. The Islamic State took responsibility.
- March 22, 2016 – Suicide bombings at the Brussels Airport and metro station. Thirty-two killed, 340 injured. The Islamic State took responsibility.
- June 13, 2016 – A Muslim terrorist murdered a French police officer and his wife, a police secretary, near Paris.
- July 14, 2016 – On Bastille Day, a ramming attack with a truck on the promenade of the resort city of Nice on the French Riviera. Eighty-five killed, including 10 children; more than 310 injured.
- July 26, 2016 – Islamic terrorists armed with knives took hostages at a French church. They slit the throat of an elderly local priest and critically injured a nun.

The Legal Response to Terrorism

Amb. Alan Baker

These are key legal principles:

- International terror, by definition, openly and overtly undermines and abuses international humanitarian law and norms that bind civilized states and by which they act.
- Whether it targets one particular country, territory or population, or is directed against Western values, religions, and civilization, international terror has to be addressed seriously and practically. It cannot and should not be minimized or ignored.
- International terror has evolved into a rapidly growing virus that affects all of humanity. Attempts to dismiss the terror threat against Israel as a “special case” or “unique circumstances” that cannot serve as a lesson to others are utterly misplaced and deny the potential for a substantive and vital contribution by Israel to other states.
- “Political correctness,” as a result of exaggerated and often naïve sensitivity to, and fear of Islam, and over-sensitivity to humanitarian considerations, is interpreted by the terror elements as weakness and even sympathy, and hence as a license to continue.
- Western countries can no longer engage in such political correctness and over-sensitivity. They have no choice but to accept that drastic counter-terror legislation, deterrence, and action, even if it may restrict the enjoyment of civil liberties, in the long run, serve to enable wider enjoyment of such civil liberties and the right to life.
- Since incitement is one of the major components of terror, the international community at all levels and using all means of modern communications technology has to adapt international law with a view to criminalizing such incitement to terror.

Terror and Humanitarian Norms – The Inherent Dilemma

Any discussion of legal considerations inherent in responding to terror may be seen as a contradiction in terms. It poses an instant dilemma in that terror in and of itself, by definition, defies and undermines all legal norms.

Terror, which is as old as the human willingness to use violence to affect politics, abuses the limitations imposed by international humanitarian law upon states, in the use of their armies and security forces. Terrorists attack civilian centers because that is the nature of terrorism, and that is the aim of terror – to target the civilian population, often indiscriminately – as a means of exerting pressure on governments.

Terrorists hide behind and operate among civilians – whether in homes, schools, hospitals or places of worship, restaurants, stores, places of entertainment, and means of transportation. They do so knowing that any law-abiding state member of the international community will hesitate before responding by force to such attacks and thereby endangering the very civilians that are being used to shield the terrorists.

Israel's former Chief Justice Aaron Barak summarized this dilemma, faced by Israel constantly, as follows:

While terrorism poses difficult questions for every country, it poses especially challenging questions for democratic countries, because not every effective means is a legal means.

This is the fate of democracy, as not all means are acceptable to it, and not all methods employed by its enemies are open to it. Sometimes, a democracy must fight with one hand tied behind its back.¹

...the State of Israel is a State whose values are Jewish and democratic. Here we have established a State that preserves law that achieves its national goals and the vision of generations, and that does so while recognizing and realizing human rights in general and human dignity in particular. Between these two there are harmony and accord, not conflict and estrangement.²

Israel's constant challenge and dilemma are indeed to act both definitively and intensely against the terror that is a daily phenomenon in Israel, as well as to cope with the ongoing threat and to prevent terror, through the various intelligence and security channels.

Modes of Terror

Terror takes on differing modes:

It may be generated for specific territorial or nationalistic reasons, such as in Ireland, Spain, Canada, or South Africa.

It may be generated out of ideology, without territorial connotation, such as Muslim jihadist terror carried out by ISIS or the Islamic Brotherhood, directed against the “infidel,” the West, Christians, or Jews in general, anywhere and everywhere, in furtherance of an extreme interpretation of the precepts of Islam.

In fact, Israel’s case is unique and *sui generis* in that it is targeted by both these and other forms of terror, including territorial, ideological, and religious. As such, and in light of Israel’s experience, it serves as a unique example of the need for assertiveness in coping with the daily phenomenon and threat of terror. Israel has the experience that can be shared with other states that need to learn how to confront their respective terror challenge.

Since the *modus operandi* of terror is the same everywhere, irrespective of the ideology that generates it, attempts to dismiss Israel’s situation as a “special case” or “unique circumstances” that cannot serve as a lesson to others, are utterly misplaced and deny the potential that Israel presents to other states. Israel, for better or for worse, is a laboratory for coping with terror.

Forms of Terror

Terror has different forms, whether state-inspired and encouraged through the arming, financing, encouraging, and enabling of cross-border terror groups; specific movements seeking “national liberation;” quasi-state entities operating their own military forces with their own jihadist ideologies; and the individual terrorist, generally incited to commit individual acts of terror such as stabbing, road terror, suicide bombings, etc.

Terror involves two basic components: ideology and practical implementation. Both are often inter-dependent. Ideology comes through education, brainwashing, and incitement. Implementation comes from the availability, manufacture, supply or easy acquisition of weapons in order to implement the ideology.

Terror in Europe

The current terror situation in the West and in Europe, in particular, is typified by a number of unique dilemmas:

- Insecurity, exacerbated by the arrival of large numbers of refugees, serves as a feeding ground for polarization among the general public as well as among the refugees themselves.

- Fanatic religious education, incitement, and radicalization of elements already part of the population.
- The fear that security measures infringing civil liberties of the individual might also generate, or increase the chance of radicalization.
- But at the same time, a state has the obligation to protect its citizens.
- The problem of “political correctness” that typifies western societies relied upon by today’s terrorists, emanating from a hesitation to offend Muslims, and a fear of attributing terror to the sources that actually generate it – mostly extreme Muslim ideology.
- Feeding on this, the terror groups interpret Western political correctness at best as an inherent weakness, and at worst as an indication of sympathy for their cause and as a license to continue.

Such dilemmas, as relevant, are addressed in one way or another by Israel in maintaining the necessary balance between coping with the threat and the acts of terror while at the same time protecting rights of its citizens and honoring humanitarian norms.

International Law and Terror

The right to life is one of the basic tenets of all international civilization. It is acknowledged in the third article of 1948 Universal Declaration of Human Rights that states: “Everyone has the right to life, liberty and security of person.”

This is protected in the final article 30 of the Declaration stating that:

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.”³

However, international law has not been able to address this dichotomy through the determination of clear and universally agreed norms of behavior for states and societies faced with terrorism.

In most current situations, some states – Russia and Iran, for example – simply flout humanitarian norms, while others try to adapt existing rules of humanitarian law to deal with the threat.

International law condemns all forms of terror and encourages states to act against it. The international community, through the United Nations, has adopted a series of resolutions in which it has resolved to:

Consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security ... to take urgent action to prevent and combat terrorism in all its forms and manifestations.⁴

Other resolutions of both the Security Council and the General Assembly reiterate the inherent illegality of terrorism, whatever its causes, and call upon all states to take appropriate measures to deal with it, freeze funding, take criminal action, and prevent incitement.⁵

In a similar vein, several regional counter-terror treaties define and condemn acts of terror and call upon state members of the respective regions to criminalize and act to prevent terror.⁶

Coping with Today's Terror in National Law

1. Through Criminal Legislation

Throughout the 1980s and 1990s, Western states realized the need to find a reasonable balance between democratic acceptability and effectiveness in the struggle against terrorism. On the one hand, they wanted to ensure the safety of their citizens, yet on the other, they were committed to adhering to liberal democratic principles in their response to the threat. Thus, the states “criminalized” internally the phenomenon of terrorism and responded to it through the criminal justice system.

Thus, in past decades, the traditional ways of dealing with terror have been to treat it as a simple internal criminal act, to be dealt with through the criminal justice system, much the same as theft, rape, or murder.

2. Through Negotiation and Appeasement

Alternatively, attempts at negotiating with terror groups and unilateral political reforms intended to assuage them and reduce their motivation to use violence, have been attempted. In this context, Israel has considerable experience in negotiated commitments with the Palestinian leadership setting out counter-terror obligations. Such obligations have been inevitably violated by the Palestinians, who not only fail to prevent terror but in many cases incite and encourage it.

3. The Need for an Assertive Approach

However, in light of the rapidly growing and wider international outreach of terrorism, the ever-increasing and available resources for terror, and its universal dimension, appeal, and modern means of propagating incitement through the Internet, traditional methods of internal criminalization or appeasement can no longer suffice.

The enhanced ideological element of today's terrorism, seeking in many instances to enhance the rule of Islam throughout the world, defies any logic of negotiation or specific legislative or social change.

This "zero-sum" form of terror knows no means of conciliation or compromise. It cannot be negotiated. It needs to be addressed assertively.

National Counter-terror Legislation

Special counterterrorism legislation such as that adopted by the United States' "Patriot Act" 2001,⁷ Canada's 2015 Anti-Terrorism Act (Bill C-51),⁸ Israel, and other states⁹ might not necessarily meet the liberal, civil rights values associated with the standard tools of the criminal justice system, but are nevertheless considered necessary in order to ensure a government's capability of protecting its citizens and public institutions.

Such legislation includes laws that limit the rights of suspects involved in terrorist activity, expand the authority of the law enforcement and security agencies, and introduce new legal and security mechanisms to limit the free operation of organizations promoting non-consensual radical ideologies.

Administrative detentions and the establishment of special courts for terrorist offenses are also elements often used as part of the expanded criminal justice model.

Israel's relatively new counter-terror legislation enacted in 2016¹⁰ replaces a host of existing criminal and administrative measures, some dating back to the British Mandate before the establishment of the state. The new legislation provides the Israeli government with the civil, administrative, and criminal law tools necessary to combat and deter the modern, multi-faceted terrorist threat, while seeking to take into account human rights considerations and Israel's obligations under international law.

The new law contains both punitive and preventive/deterrence measures, designed to curtail and obstruct terrorist activities by blocking financing channels and other forms of support. It increases punishments for organizers of terrorism and enables courts to convict terror cell leaders more easily.

As summarized in an excellent article by Ms. Elana Chachko, for the "Lawfare" organization, dated July 2016:¹¹

Specifically, it defines the terms "terrorist organization," "member of a terrorist organization," and "terrorist act," thus providing an updated legal definition of what constitutes terrorism. It establishes procedures for designating certain groups as terrorist organizations and outlines the implications of such designations. It introduces a set of special criminal offenses for terrorist acts and related activities

and mandates harsher sentences for such offenses. It modifies standard evidentiary rules and other rules of criminal procedure for terrorism-related offenses. It provides for special arrest procedures for suspects in “severe terrorism offenses.” Finally, it places financial and other sanctions at the disposal of the government in combating terrorism.

...Israel’s criminal law applies extraterritorially for certain offenses, including offenses against the nation’s security and foreign relations.... The law specifically provides that certain terrorism-related offenses ...would satisfy the requirements for extraterritorial application under the Penal Law. In other words, the law covers certain terrorist acts perpetrated outside Israeli territory, if there is an Israeli nexus.

Regarding the actual definition of terrorism, Israel’s new counterterrorism legislation defines an “act of terrorism” as follows:

An act [that] constitutes an offense, or threat thereof, if it satisfies all the following:

1. Committed with a political, religious, nationalist or ideological motive;
2. Committed with the aim of stirring fear or panic among the public or coercing a government or a governing authority, including the government or a governing authority of a foreign State, or a public international organization, to take action or to refrain from taking action;
3. The act or threat satisfies one of the following, or creates a substantial risk that one of the following occurs:
 - A. Serious injury to a person’s body or freedom;
 - B. Serious disturbance to public safety or public health;
 - C. Serious damage to property, if there is a substantial possibility that such damage will cause serious injuries and disturbances as provided in a or b, and the damage was inflicted with the purpose of causing such injuries or disturbances;
 - D. Serious damage to religious artifacts; for the purposes of this paragraph, “religious artifacts” are places of worship or burial and ceremonial objects;
 - E. Serious damage to essential infrastructure, systems or services, or their severe disruption, or severe damage to the nation’s economy or to the environment.”

As pointed out in the above-noted article:

This definition has four principal elements: the conduct at issue must constitute an offense; have a political or ideological motive; aim to intimidate the public or coerce governments; and significantly harm (or risk harming) persons, property or infrastructure. There are special presumptions in the definition for acts involving weapons, from knives to weapons of mass destruction, and acts perpetrated by terrorist organizations or their members. The law’s definition of terrorism is therefore

largely similar to the versions countries like the UK, Australia and Canada included in comparable domestic counterterrorism laws, with a few potentially significant differences.¹²

According to this law, direct or indirect involvement in organizing terror cells is punishable by 25 years in prison, while leaders of terror cells would face a mandatory life sentence.

Terrorists who use chemical, biological, or radioactive weapons during attacks would also face mandatory life sentences.

The law also requires that terrorists given life sentences may only become eligible for parole after at least 15 years in jail.

Terrorists who use firearms or deal in weapons used for terror will also face longer jail terms, as will individuals serving in management capacities in terror organizations, who could face up to 10 years in prison.

Individuals who give financial support to terror groups will face nine years in jail, while those who threaten to commit terror attacks could face up to seven years. The law also increases the punishment for those making public statements of support for terror. Public praise of terror attacks or terror organizations could now hand terror supporters a 3-year jail term.

Under the new law, the Prime Minister and Defense Minister may declare groups to be terrorist organizations, based upon the recommendation of the Israeli Security Agency and in consultation with the Attorney General.¹³

Armed Conflict against Terror

An alternative and more extreme model for coping with terror regards terrorism as an act of extreme aggression or war that poses a strategic threat to a state and is therefore seen as a serious challenge that must be countered with the power of the state's military apparatus and intelligence services.

While waging war against an offensive and aggressive *ideology*, rather than a specific identifiable enemy entity or state, does not fall into the standard, traditional, accepted definitions of international armed conflict, it does represent the outcome of the evolving nature and *modii operandi* of terror as a universal concept and day-to-day occurrence.

This was the case with the U.S. armed activity in the Vietnam War and the American response after the 9/11 attacks when President George W. Bush declared on September 20, 2001, a "global war on terror"¹⁴ (since revoked by President Obama).

In recent years, Israel has found itself obliged to enter into armed conflict after its towns and villages were subjected to concerted attack by thousands of rockets fired from within the Gaza Strip by the Hamas and Islamic Jihad terror groups, and from Lebanese territory by the Hizbullah terror organization, targeting Israel's civilians and civilian infrastructure.

While Israel's reactions to rocket attacks and tunneling into its territory were initially acknowledged by the international community as legitimate action in self-defense, within days, cynical political campaigns were waged both in the international media and through groups and organizations hostile to Israel, accusing Israel of violating humanitarian norms and harming civilians during its conduct of this war.

In these conflicts against terror and the groups initiating it, Israel had to confront the massive and institutionalized violations of humanitarian norms by Hamas, Hizbullah, and the other terror groups, through the indiscriminate targeting of Israeli civilians. In the same context, these groups utilized civilian premises, buildings, and other properties, including schools, hospitals, mosques, UN installations and even private homes, as weapons storage facilities, bases for firing rockets, and human shields.

Faced with such overt violations of humanitarian norms, Israel took considerable efforts to avoid harming innocent civilians, provide advance warning of potential attacks, and limit its responses to targets that were clearly of a military of otherwise offensive nature.

For a detailed summary of the measures taken by Israel to minimize civilian casualties in the face of such terror, various bodies in Israel, including the Jerusalem Center for Public Affairs, published and submitted to the UN inquiry board examining the 2014 Gaza war, detailed responses to the cynical and often willful allegations.¹⁵

Attacking the Grassroots of Terror: Incitement

As indicated above, international law has attempted through the counter-terror conventions and UN resolutions to adopt vital measures that would:

- restrict the practical components of terror,
- end state support, financing, and assisting terror,
- restrict the transfer of arms and funding,
- encourage international cooperation and exchange of information,
- and encourage extradition or criminal litigation.

However, surprisingly, it has not seriously attempted to deal with the ideological component of terror – the incitement by religious and other elements seeking to influence, brainwash, and manipulate people into committing acts of terror.

There exists no international convention criminalizing such incitement to terror, and, therefore, while hate-speech may have been criminalized by certain individual countries, incitement to terror as such is not recognized or accepted as an international crime. This is due *inter alia* to fear of invoking first amendment issues such as a limitation on the freedom of speech and fear of limiting democratic liberties.

However, it is widely acknowledged that modern day terror is chiefly influenced by incitement. This is the medium through which the ideology of terror actually materializes into the act of terror itself. Without circulation of the ideology, recruitment of support as a result of incitement and the availability of weaponry, there would be no act of terror.¹⁶

Incitement is no longer merely preaching on street corners, in mosques, through flyers and leaflets or political rallies. As has been amply demonstrated in the recent outbreaks of terror in Europe, the United States and Israel, the use of television, the Internet, social media, the web, “WhatsApp” – all serve to incite and manipulate millions of people at the mere press of a button.

It defies logic that a person who incites others to commit acts of terror – whether

While hate-speech may have been criminalized by certain individual countries, incitement to terror is not recognized as an international crime.

such person is a preacher in a center for religious worship, a radio or television personality, a trade-union activist, a teacher in school or college, or a political leader – can go scot-free after having played such a major role in generating the act of terror and advocating and bringing about the murder of thousands of people.

Incitement in religious institutions, through the glorification of terrorists in the education system in kindergartens, schools, colleges and universities, through state and private political machinery and more recently, incitement and manipulation of the general adult community through the electronic media, has become one of the major tactical weapons in the arsenal of certain governments and societies in advocating terror, violence, and hatred.

A media weapon like *Al-Jazeera*, funded by Qatar's ruling family, has the capability to incite millions through televised images and nuanced reporting. Its intention is to rouse anger and hatred and cause riots, violence, and terror among the general public that has the capacity and propensity to turn to violence. All this is with the ostensible blessing of the religious authorities.

International Law and Incitement

Perhaps the most pertinent international instrument that deals with the scourge of incitement to terror is UN Security Council Resolution 1624 (2005), which may be seen to be indicative of the opinion of the international community.¹⁷

This resolution, in its preambular paragraphs, refers to the need to condemn in the strongest terms incitement of terrorist acts and to repudiate attempts at the justification or glorification of terrorist acts that may incite further terrorist acts. It expresses concern that “incitement of terrorist acts motivated by extremism and intolerance poses a serious and growing danger to the enjoyment of human rights, threatens the social and economic development of all States, undermines global stability and prosperity, and must be addressed urgently and proactively by the United Nations and all States.”

More importantly, the resolution emphasizes the need to take all necessary and appropriate measures in accordance with international law at the national and international level to adopt such measures as may be necessary and appropriate, in accordance with their obligations under international law to prohibit by law incitement to commit a terrorist act or acts and to prevent such conduct. Furthermore, the resolution calls to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct.

Regrettably, the international community, whether out of political correctness or timidity, has not yet succeeded in acting on the international level to criminalize incitement to terror.

Because international law does not have the legal tools to effectively deal with incitement to terror, a proposal for an international convention to criminalize incitement to terror has been widely publicized by the Jerusalem Center for Public Affairs, with a view to possible consideration and adoption by the international community.¹⁸ This draft was presented at a conference on incitement to terror in the UN.¹⁹

Conclusions

- International terror, by definition, openly and overtly undermines and abuses humanitarian norms that bind civilized states.
- Whether it targets one particular country or population or is directed against Western values and civilization, it has to be addressed seriously and practically. It cannot be ignored.

- International terror has evolved into a rapidly growing virus that affects all of humanity.
- Western “political correctness” emanating from exaggerated and often naïve sensitivity to, and fear of Islam, and over-sensitivity to humanitarian considerations, is interpreted by the terror elements as weakness and even sympathy, and hence as a license to continue.
- Western countries can no longer engage in such political correctness and over-sensitivity. They have no choice but to accept that drastic counter-terror legislation, deterrence, and action, even if it may restrict the enjoyment of civil liberties. In the long run, these actions serve to enable wider enjoyment of such civil liberties and the right to life.
- Since incitement is one of the central and major components of terror, the international community has to adapt international law with a view to criminalizing such incitement to terror.

Notes

1. Supreme Court Judgments H.C. 5100/94, Pub. Comm. against Torture in Isr. v. Gov't of Israel, 53(4) P.D. 817, 845.
2. Ibid H.C. 3451/02, Almadani v. IDF Commander in Judea & Samaria, 56(3) P.D. 30, 34-35.
3. http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf
4. UN General Assembly resolution 60/288 dated 20 September 2006 which launched “The United Nations Global Counter-Terrorism Strategy”
5. For resolutions of the Security Council see <http://www.un.org/en/sc/ctc/resources/res-sc.html>, For resolutions of the General Assembly see <http://www.un.org/en/sc/ctc/resources/res-ga.html>
6. See http://www.unodc.org/documents/terrorism/Publications/Int_Instruments_Prevention_and_Suppression_Int_Terrorism/Publication_-_English_-_08-25503_text.pdf pp159-336
7. <https://www.justice.gov/archive/ll/highlights.htm>
8. https://en.wikipedia.org/wiki/Anti-terrorism_Act,_2015
9. <http://www.jewishvirtuallibrary.org/jsource/isdf/text/perliger.html>
10. http://fs.knesset.gov.il/20/law/20_lsr_343902.pdf
11. <https://www.lawfareblog.com/israels-new-counterterrorism-law>
12. Ibid.
13. <http://www.israelnationalnews.com/News/News.aspx/213686>
14. https://en.wikipedia.org/wiki/War_on_Terror
15. <http://jcpa.org/the-gaza-war-2014/>
16. For detailed material by the present author on the dangers of Palestinian incitement to terror, see <http://jcpa.org/article/palestinian-incitement-to-violence-and-terrornothing-new-but-still-dangerous/>, <http://jcpa.org/article/palestinian-incitement-as-a-violation-of-international-legal-norms/>, <http://jcpa.org/article/are-the-palestinians-ready-for-peace-palestinian-incitement-as-a-violation-of-international-legal-norms/>
17. <http://www.cfr.org/world/un-security-council-resolution-1624-international-peace-security/p24823>
18. <http://jcpa.org/article/draft-international-convention-for-the-prevention-of-incitement/>
19. <http://jcpa.org/video/un-conference-incitement-to-terror-and-violence-new-challenges-new-responses-part-1/>

International Legitimization of Terror Groups: Lessons from Israel's Experience

Dan Diker

Introduction

Islamic warfare against the West has exploited strategies and tactics that it also has used in its war against Israel. Twenty-first century Islamic terror campaigns combine conventional terror operations with cyber-attacks, diplomatic and economic pressure, and propaganda campaigns.

Israel has accumulated nearly seven decades of counterterrorism experience that arguably affirms its place as one of the world's most resilient nations in confronting a variety of Palestinian and Islamic terror groups. However, Palestinian and Islamic terror organizations such as the Palestine Liberation Organization (PLO), Hamas, and the Iranian regime proxy Hizbullah, present a double counterterror challenge to Israel and by extension, to the West.

These terror groups execute conventional terror assaults while simultaneously acting as de facto governments that conduct international relations with states and international organizations and institutions. These terror organizations also engage in public diplomacy with nongovernmental organizations (NGOs), and the international media.

The international community has validated these terror groups to varying degrees, in part by endorsing a moral equivalence between Israel and the terror organizations sworn to its destruction. International support for these terror groups – whether out of ideological sympathy or fear of terrorist retribution – has failed to protect the West against terror attacks. In fact, there is ample reason to assess that international validation of Palestinian terror groups and some radical Islamists organizations fighting Israel has helped energize radical Islamic terror against the West.¹

As this article assesses, Islamic terrorists do not distinguish between terror in Jerusalem and terror in Western cities such as Paris, Brussels or Berlin. PLO terror groups, the Muslim Brotherhood's Hamas, and Iran's Hizbullah proxy organization are committed to destroying Israel and establishing Islamic sovereignty across the

Middle East, as are the Salafist Islamic State and al-Qaeda terror groups that are committed to destroying the West and imposing a global Islamic Caliphate.

International Validation of Terror Groups

Ironically, international legal institutions have legislated a strong framework to support the validation of Palestinian and Islamist terror groups. Article 1(4) of the 1977 Protocol I(4) of the Geneva Conventions gives legal rights to “people fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination.”² This legislation was born out of an effort to accord an element of legitimation to those groups struggling to end the South African regime’s Apartheid system.³ However, international terror groups such as the PLO perverted the legislation’s intention and distorted its usage by drawing a false and misleading parallel between the Apartheid regime and Israel, a free democratic nation state and UN member, to further the PLO and Hamas’ stated goal of destroying the nation state of the Jewish people.⁴

Palestinian and other terror organizations have become emboldened by supportive international institutions and organizations. In 2004, the United Nations General Assembly (UNGA) condemned Israel’s anti-terror barrier, and the International

Court of Justice (ICJ) affirmed that Israel’s security barrier was illegal.⁵ Subsequently, in 2012, the UNGA voted to upgrade the PLO’s status in the UN to that of a non-member state observer. In December 2016, the UN Security Council (UNSC) approved a PLO-engineered resolution condemning Israel, which passed when the United States chose to abstain on the vote.⁶ Additionally, the UNSC and European Union (EU) endorsed the Joint Comprehensive Plan of Action

The PLO, Hamas, and Hizbullah are committed to destroying Israel and establishing Islamic sovereignty across the Middle East. The Salafist Islamic State and al-Qaeda are committed to destroying the West and imposing a global Islamic Caliphate.

(JCPOA) diplomatic agreement with the terror-supporting Iranian regime.⁷ This UN-sanctioned agreement legitimized Iran internationally, allowing it to increase its materiel support for terror groups such as Hizbullah and Hamas.⁸

Palestinian terror organizations have exploited their growing international legitimacy as de facto state governments in order to commit acts of terror while demonizing, delegitimizing, criminalizing, and isolating Israel internationally. This dual strategy has attempted to isolate Israel, demoralize the Israeli body politic, undermine public confidence, and cause the unraveling of the state from within.

This dual terror strategy that combines conventional terror assaults with international political and legal warfare has succeeded in the West because of the

willingness of some Western government officials, bolstered by a sympathetic media, to justify Palestinian terror in support of the establishment of a Palestinian state. It has even become common among some Western leaders to differentiate between Palestinian terror and international jihadism.

A prominent example created waves in Israel. Just weeks after al-Qaeda's September 11, 2001 attacks and a day after a deadly Hamas terror attack in Israel, then French ambassador to Israel, Jacques Huntzinger, told senior Israeli journalists that Hamas terror against Israel fundamentally differed from al-Qaeda terror against the United States. "Terror here is connected to the Israeli-Palestinian conflict," Huntzinger said, "It is completely irresponsible politically to make that comparison."⁹

However, despite statements to the contrary, the evidence reveals fundamental similarities between Palestinian jihadist terror attacks against Israelis and jihadist attacks against the West. In both cases, terrorists declared, "*Allahu Akbar*," (God is greatest in Arabic). This religious exclamation reflects a Muslim's loyalty to Islam and the Koran. Palestinian and international Sunni and Shiite terrorists co-opted "*Allahu Akbar*" as a "death cry" while murdering enemies. Terrorist intentions are reflected in their Koran-rooted battle cry, demonstrating the religious motivation behind their acts of terror.

In 2014, an Islamist terrorist declared the "*Allahu Akbar*" motive in Dijon, France, before running over eleven pedestrians with a van.¹⁰ A 2015 article published in the *Washington Post* described a Hamas terrorist training camp for 17,000 Gazan children, where Hamas drill instructors indoctrinated them with the *Allahu Akbar* cry.¹¹ An ISIS-affiliated terrorist shouted *Allahu Akbar* before killing 39 people in a terror attack at an Istanbul nightclub in late December 31, 2016. One of its victims was an Arab-Israeli.¹² An eyewitness to the 2016 shooting at Tel Aviv's Sarona market that killed four, said the Palestinian terrorists expressed their religious motivations for terror by declaring *Allahu Akbar* before opening fire on Israeli civilians.¹³

Islamist terrorists have targeted Europeans with the same Islamist motivations that have been used to target Israelis. The jihadist declaration of destroying "the Zionist-crusader alliance" is a common refrain. Abdel Hamid Abaaoud, the mastermind of the November 2015 Paris terror attacks that killed 130, said in an interview with the ISIS magazine *Dabiq* months before the attack, "May Allah release all Muslims from the prisons of these crusaders."¹⁴

Al-Qaeda's 1996 and 1998 *fatwas*, (Islamic legal decisions) signed by Osama Bin Laden and other top leaders of the terror group, used similar language, referring to Westerners as "crusaders," reflecting radical Islam's war of civilizations with the West.¹⁵ These fatwas called for the destruction of the "crusader-Zionist" alliance. Palestinian jihadists have been referring to Israelis as Zionists and Christians as "crusaders" for decades; these terms feature prominently in the 1988 Hamas Charter.¹⁶

In March 2012, French-Algerian terrorist Mohammed Merah killed three French soldiers and four civilians, including three children in an attack on a Jewish school in Toulouse. Merah, a self-declared member of al-Qaeda, pronounced that he hoped to die a jihadist.¹⁷ In August 2014, members of a Dutch ISIS affiliate in The Hague chanted “Death to the Jews” and other slogans calling for murder and terror in the West.¹⁸

Despite a growing body of evidence illustrating ideological similarities between Palestinian and Islamist terror targeting the West, international validation of terror groups targeting Israel has remained a common practice. The following assessment illustrates how international validation of three terror groups – the Palestinian Liberation Organization (PLO), Hamas, and Hizbullah – has compromised the West’s battle against Islamist terror.

1. The Palestinian Liberation Organization (PLO)

The international legitimization of Palestinian terror as an ideological and political weapon was evidenced as early as 1974 when PLO Chairman Yasser Arafat was invited to speak to the United Nations General Assembly. Arafat declared, “I have come bearing an olive branch and a freedom fighter’s gun. Do not let the olive branch fall from my hands.” The UN-provided platform for one of the world’s acknowledged terror leaders fully validated Arafat’s call for the destruction of Israel and its replacement with a Palestinian state. Arafat received a standing ovation from nearly all UN member nations.¹⁹

Following Arafat’s speech, the PLO was granted observer status at the United Nations General Assembly.²⁰ The PLO also applied to be a member nation of the United Nations in 2011. This move was rejected because of a veto by the United States in the UN Security Council. However, a Palestinian delegation represented by the PLO was accepted into UNESCO that year, and a PLO-led Palestinian delegation received non-member observer state status in the UN the following year.²¹ Although the PLO has continued to sponsor, incite, and perpetrate terror attacks since its founding in 1964, it has never been formally condemned by the United Nations. Rather, the PLO delegation in the United Nations has seen their status rise in UN organizations.²²

The legitimization of Palestinian terror took many forms in Europe in the 1970s and 1980s. During these years, senior government officials in Switzerland, France, Italy, and Germany reached political understandings with Palestinian terror groups to prevent future attacks on their soil.²³

Israel and the United States also reached understandings with the PLO in the 1990s, for which Israel would pay a high price in human lives lost to Palestinian terror. Israel negotiated with the Palestinian Liberation Organization beginning with the 1993 Oslo Exchange of Letters and the establishment of the Palestinian Authority in

1994, followed by the Oslo Interim Agreement in 1995. These particular negotiations allowed the PLO to win international validation, establishing it as the ruler of the pre-state Palestinian Authority.

The 1994 Nobel Peace Prize was awarded simultaneously to PLO Chairman Yasser Arafat, Israeli Prime Minister Yitzhak Rabin, and Foreign Minister Shimon Peres. Both the Oslo Exchange of Letters, followed by the awarding of the Nobel Peace Prize, helped inaugurate a parity of international legitimacy between Arafat's PLO and the State of Israel. It also essentially erased Arafat's 30-year record as the leader of one of the twentieth century's most notorious terror organizations.

Arafat skillfully maintained the PLO's terror bona fides and its international diplomatic profile. He conveyed a message of violent revolution to Arabic speaking audiences while branding the PLO's new agreement with Israel, the "Peace of the Brave," in English to Western audiences.

As noted above, Israel's recognition of the PLO terror organization and its ill-fated attempts to negotiate a peace agreement have cost the Jewish state dearly in human life, international legitimacy, and national security. From the outset, Israel's diplomatic approach, as a hesitant peace partner of the PLO, was to back the Palestinian leadership and its fledgling pre-state Palestinian Authority. This was consistent with Foreign Minister Shimon Peres' investment in Arafat as a repentant terrorist turned legitimate leader.

Oslo created high expectations in Israel and internationally for a final peace deal between Israel and the PLO. However, Israel suspected PLO complicity in suicide bombings from 1994-1996 that had been attributed to Hamas. PLO collusion was subsequently proven in documents captured in IDF raids of the Palestinian Authority's headquarters in 2002. Nonetheless, by late 1995, Israel and the PLO remained diplomatic partners. The Oslo Interim Accords established Palestinian Authority offices, a parliament, security forces, media, and more than 100 PLO diplomatic missions around the world.

The PLO's dual role as a terror group and diplomatic actor made it difficult for Israel to condemn or delegitimize the internationally validated Palestinian leadership, especially given the fact that Israel recognized the PLO as a negotiating partner and a signatory to the Oslo Accords. However, more than two decades after the signing of the Oslo Interim Accords, the Palestinian leadership has continued to support terror despite its "moderate" international diplomatic profile. Israel has come to realize that it has been deceived by the PLO, which proved to be a terror-supporting entity.²⁴

Since Arafat's death in 2004, the member nations of the European Union and other countries in the West have praised the Palestinian Authority in a variety of statements and reports, despite its continued support for terror.²⁵ The Israeli Foreign Ministry noted in response to the stalled peace process with PLO negotiators that

the EU “ignores the responsibility of the Palestinian Authority for... incitement that feeds the wave of Palestinian terrorism.”²⁶

The Irish political party Sinn Féin's Declan Kearney meets with Hamas representative, Dr. Musa Abu Marzouk in Istanbul in November 2016. (Sinn Féin)



In 2014, the EU, U.S., and China also welcomed a proposal for a Palestinian unity government co-administered by the PLO and Hamas in Ramallah, effectively recognizing two terror groups as de-facto state governors.²⁷ The PLO has not recognized Israel as the nation-state of the Jewish people, while Hamas has never recognized Israel's right to exist at all. Moreover, the Hamas Charter calls for the genocide of all Jews.²⁸ Yet, a 2014 EU statement praising the Hamas-PLO announcement stated, “We welcome ... the declaration by President Abbas that this new government is committed to the principle of the two-state solution based on the 1967 borders, to the recognition of Israel's legitimate right to exist.”²⁹

Some Western officials, in particular in the European Union, have expressed understanding of Palestinian terror assaults against Israelis, sourcing Palestinian terror to Israel's establishment of settlements.³⁰ Western understanding served to energize Palestinian terror organizations. Between 2000-2005, Palestinian jihadists carried out 26,000 terror attacks, killing 1,100 Israeli civilians and wounding more than 6,000. Simultaneously, the PLO leadership petitioned international courts against Israeli counterterror actions. Israel assumed that the international community would understand its need for erecting a security barrier to prevent suicide bombings following more than 120 suicide attacks between 1993 and 2002.³¹

However, Israel's assumption of international support for its self-defense was proven incorrect. The PLO accused Israel of building an “apartheid wall” before the UN and the International Court of Justice at The Hague. The Palestinian campaign succeeded at the UN. The ICJ referred to the fence as a “violation of international law.”³² The ICJ advisory opinion, reinforcing the earlier politically charged UN

General Assembly vote, ignored the Israeli Supreme Court ruling, which weighed Palestinian terror against Israeli defensive moves in constructing the barrier.³³

Arafat's successor, Mahmoud Abbas, the current PLO and PA Chairman, has pursued a policy of support for terror. This new form of "popular" Intifada has been operationalized not in suicide attacks but rather in a wave of knifing, car ramming, and shooting assaults carried out by individuals, incited through public and social media, against Israeli civilians since 2015. Additionally, the Palestinian Authority's 2015 budget allocated more than \$300 million to Palestinian terrorists and their families as part of an officially sanctioned incentive program to support and encourage terror attacks against Israelis.³⁴ While European sympathy for the Palestinian statehood project has extended to their understanding for Palestinian terror, the Palestinian leadership has reiterated their Islamist motivations to kill Israelis.

Abbas told Palestinian television in September 2015, "We welcome every drop of blood spilled in Jerusalem. This is pure blood, clean blood, blood on its way to Allah. With the help of Allah, every *Shaheed* (martyr) will be in heaven, and every wounded will get his reward."³⁵

Similar to Arafat, despite Abbas' status as the leader of the Palestinian non-state actor, he has lobbied international organizations such as the UN, ICJ, and the ICC to charge Israel with genocide and crimes against humanity. In 2016, the Palestinian leadership successfully waged legal, political and diplomatic warfare against Israel at the United Nations and the European Union.

In June 2016, Abbas addressed the European Parliament, where he evoked a historical anti-Semitic blood libel. He stated, "Certain rabbis in Israel have said very clearly to their government that our water should be poisoned in order to have Palestinians killed." He received a standing ovation from parliament representatives. Abbas soon after retracted his accusation.³⁶

The October 2016 UNESCO decision erasing any Jewish connection to Jerusalem's holy sites and the subsequent UNSC censure of Israel's "illegal" presence in eastern Jerusalem and the disputed West Bank have also encouraged more terror assaults combined with intensified Boycotts, Divestment and Sanctions (BDS) warfare.³⁷ The PLO leadership's campaign has also incentivized and even helped mainstream other radical Islamic terror groups such as Hamas and Islamic Jihad. They issued triumphant press releases after the UN Security Council's Resolution 2334 on December 23, 2016, which passed following the U.S. abstention from the vote.³⁸

Despite the PLO's public commitment to support and incentivize terror, its international legitimacy has remained intact. U.S. Secretary of State John Kerry continued to endorse Abbas and the PA leadership as a peace partner for Israel at the high-profile Saban Policy Conference in Washington D.C. in December 2016, just a month before completing his term as Secretary of State.³⁹

2. Hamas

Since its victory in the 2006 Palestinian parliamentary elections and its takeover of the Gaza Strip from Fatah in June 2007, the Hamas terror organization has succeeded in winning greater international validation. While the United States and the EU boycotted the new Hamas government, official Hamas delegations were received in Russia, Bulgaria, Switzerland, Turkey, and several Arab countries. In 2015, in South Africa, senior officials from the African National Congress, including President Jacob Zuma, welcomed a delegation of senior Hamas officials.⁴⁰

These countries, some of which have faced vicious Islamic terror assaults, have failed to protest or even question Hamas' founding Charter, which declares, "Israel will exist and will continue to exist until Islam obliterates it, just as it obliterated others before it." The text of the Charter includes clauses such as "The Day of Judgment will not come about until Muslims fight Jews and kill them."⁴¹

International silence regarding the Nazi-like character of Hamas' charter has weakened Israel's international legitimacy in defending its citizens against Islamic terror.⁴² It also weakens Europe's fight against terror.

International sympathy for or engagement with Hamas legitimizes the Muslim Brotherhood and its affiliate chapters, including Hamas, who were established with the vision of creating a global Islamic caliphate. This mission has remained unchanged since the Muslim Brotherhood was founded in 1928.⁴³

The international media has also mainstreamed Hamas leaders, rendering them integral and validated players in the international debate on Israel. In 2012, Hamas' political bureau head Khaled Mashal was invited to give a prime-time interview to Christiane Amanpour on *CNN*. He exploited the interview as a platform for propaganda warfare, accusing Israel of massacring Palestinian children.⁴⁴ In 2007, former Hamas Prime Minister in Gaza, Ismail Haniya, was invited to publish op-eds in the *New York Times*.⁴⁵ That year he was also featured together with former Israeli Prime Minister Ehud Olmert in "dueling" op-eds published in *The Guardian*.⁴⁶

Even the United States under President Barack Obama had accepted Hamas' growing status as a legitimate de-facto government. The Obama administration recommended that Israel cooperate with Qatar and Turkey, the latter a NATO Member, to mediate a ceasefire to the 2014 Gaza conflict. This proposed mediation essentially assigned moral equivalence between a free democracy and the radical Islamic terror organization bent on destroying it. Following Israel's refusal to accept Turkish and Qatari mediation offers, former U.S. President Barack Obama, who had supported then Egyptian Muslim Brotherhood President Mohammad Morsi, even proposed the United States mediate a ceasefire between Hamas and Israel in the 2014 conflict.⁴⁷

Hamas' political hub in London is perhaps the most salient feature of its growing acceptance in some western circles. Senior Hamas activists such as Mohammed Sawalha, Zaher al-Birawi, and Professor Azzam Tamimi established high profile non-governmental organizations in London, such as British Muslim Initiative, Palestinian Return Center, Viva Palestina and Interpal. Sawalha, a former senior Hamas commander in the West Bank, even received British citizenship.⁴⁸ These Hamas activists have attracted thousands of supporters across London and other cities to protest against Israel.⁴⁹

Despite the UK's designation of Hamas as a terror group, the NGOs mentioned above serve as virtual extensions of Hamas' foreign office.⁵⁰ These pro-Hamas lobbying groups also served as correspondent agencies for Hamas' Gaza-based Justice Ministry "*Al Tawthiq*," which together with these NGOs successfully filed charges of war crimes against Israel with the British Justice Ministry, under the laws of universal jurisdiction. "*Al Tawthiq*" associates petitioned for the arrest of Israeli government leaders such as former Foreign Minister Tzipi Livni, former Prime Minister Ehud Barak, and Defense Minister and former Chief of Staff Moshe Yaalon.⁵¹ Only direct intervention by Britain's former Foreign Minister William Hague enabled Livni to visit London in 2011.⁵²

Pro-Hamas NGOs also petitioned the UN Human Rights Council and the International Criminal Court, charging Israel with war crimes, crimes against humanity, and genocide. Hamas' Gaza leadership and its London representatives and lobbyists have also fueled the global boycott, divestment, and sanctions campaign against Israel that has intensified the prospect of EU sanctions against Israel.⁵³

Hamas has also received legitimacy in the UK Labour Party, since the election of its leader Jeremy Corbyn in 2015. While British Prime Minister Theresa May has been outspoken against Palestinian terror, Corbyn has called Hamas and Hizbullah "friends."⁵⁴ In September 2016, Corbyn spoke at an event alongside Anas Altikriti, a Hamas supporter and spokesperson for the Muslim Brotherhood in the UK.⁵⁵

3. Hizbullah

Hizbullah's challenge to Israel and the West on the international stage derives from its position as the main terror proxy of the Iranian regime. Iran has received a major boost of international legitimacy since the signing of the JCPOA agreement with the five permanent members of the UN Security Council and Germany in July 2015. Iran's validation by the West as a newly reengaged member of the international community also empowers its role as the world's leading state sponsor of terrorism. This allows Iran's Shiite leadership and its Revolutionary Guard to support Hizbullah and other Iran-sponsored Shiite militias without Western objection.

Iran's patronage and upgraded international standing have served Hizbullah well. The United Kingdom held discussions with Hizbullah leaders on behalf of the United States.⁵⁶ Hizbullah's increased legitimization in the West has occurred in stages. Former British MI6 operatives such as Alistair Crooke, through UK-based organizations such as *Conflicts Forum* and *Forward Thinking* has met with Hizbullah and Hamas leaders since the mid-2000s. British interlocutors have held that Hizbullah counterparts are key to any diplomatic arrangement that could bring Middle East peace.⁵⁷ Hizbullah officials also participated in events at the Italian parliament.⁵⁸ French Foreign Minister Jean-Marc Ayrault met with a Hizbullah political delegation in Lebanon on July 12, 2016.⁵⁹

The UN helped establish Hizbullah as a central political force in Lebanon. Hizbullah Secretary-General Hassan Nasrallah met with former UN Secretary General Kofi Annan publically in Beirut in 2000.⁶⁰

The European Union declined to designate Hizbullah as a terror organization until 2013. It then only listed its military wing but not its political section as a terror organization, also bolstering Hizbullah's international standing.⁶¹ However, Hizbullah Secretary General Hassan Nasrallah has issued genocidal statements including, "If they (Jews) all gather in Israel, it will save us the trouble of going after them worldwide," and "If we searched the entire world for a person more cowardly, despicable, weak and feeble in psyche, mind, ideology and religion, we would not find anyone like the Jew. Notice, I do not say the Israeli."⁶²

Western validation of Hizbullah as a political force made Israel's battle against the group more complex both in low-intensity conflicts and in wartime. Hizbullah's strategy of using human shields and civilian homes as cover for storing and firing rockets at Israel's cities and towns largely went unhindered by international organizations, NGOs, and the media. In short, similar to the confrontation with Hamas, Western moral equivalence in wartime between Hizbullah and Israel has compromised Israel's international legitimacy in its battle against the Islamic terror group.

Ironically, Hizbullah has also enjoyed the support of some international human rights organizations.⁶³ The Washington-based Middle East Policy Council praised Hizbullah for its "extremely sophisticated network of health and social-service providers."⁶⁴ Additionally, during the 2006 Second Lebanon War, reports by the NGOs Christian Aid, B'tselem, Oxfam, and the International Commission of Jurists implied a moral equivalence between IDF troops and Hizbullah terrorists.⁶⁵ In particular, a Human Rights Watch report accused Israel of being at fault for the conflict. Of eight statements issued by human rights NGOs during the war, seven criticized Israel, and only one highlighted human rights violations perpetrated by Hizbullah.⁶⁶

Western media, human rights organizations and Western countries have remained neutral regarding the Iranian regime's investment of hundreds of millions of

dollars reestablishing Hizbullah's terror capabilities since its 2006 war with Israel.⁶⁷ Moreover, neither the UN nor other international organizations have expressed alarm by the well-known reports of Hizbullah's possession of 150,000 rockets pointed at Israel, according to Israeli intelligence reports.⁶⁸

Western understanding for Hizbullah has not helped the West avoid being a target of Hizbullah terror. In 1983, Hizbullah bombed the U.S. Embassy and U.S. Marine barracks in Beirut, killing 304 Americans. Another attack against a French military compound in Beirut that year killed 58. Hizbullah bombings, kidnappings, and hijackings have also targeted Spanish and Argentinian civilians, killing hundreds in Latin America and Europe.⁶⁹

How International Legitimization of Terror Groups Has Backfired

Terror groups Hamas, Hizbullah, and the PLO have pioneered strategies and tactics that have been adopted in part by international jihadi groups, both Sunni and Shiite. For nearly three decades, Palestinian terror groups carried out bombings, hijackings, suicide attacks, vehicular assaults, and other forms of terror against Israel without facing unequivocal international condemnation. More recently, global Islamist terror networks have employed some of these assault tactics against Western states and other civilian targets, in cities such as Berlin, Paris, Brussels, Madrid, and Copenhagen.

More recently, Western "homegrown" terrorists have pledged allegiance to and trained with global terror networks such as al-Qaeda and ISIS. Examples include the Tsarnaev brothers 2013 Boston Marathon bombing, the January 2015 Charlie Hebdo and Hyper Cacher attackers in Paris, and the ISIS cell that carried out the November 2015 Paris attacks, and others.⁷⁰

Jihadi attacks against innocent civilians send shock waves through Western countries, particularly because Western societies have been hard-pressed to justify or even explain Islamist terror against them other than to accede to the jihadist ideological, religious, and civilizational denunciation, dismissal, and elimination of their victims. This phenomenon of demonization and delegitimization mirrors Israel's experience in confronting Palestinian terror groups such as the PLO, and Islamic terror groups such as Hamas and Hizbullah.

Conclusion

International validation of terror groups such as Hizbullah, Hamas, and the Palestine Liberation Organization has energized the Islamist terrorist threat to the West and Israel. Many Israelis wonder how these terror groups continue to enjoy international validation. This question has become even more critical given

similar jihadist attacks that have claimed hundreds of innocent lives in European cities such as Paris, Brussels, Berlin, Copenhagen, London and Madrid.

As this article has illustrated, similar jihadi motivation, declarations, and justification for terror against the West mirror Islamist terror against Israelis of all religious and ethnic backgrounds. The war against terror that the West has been forced to prosecute against Sunni and Shiite jihadist terrorists and Islamist terror are rooted in the same publicly declared ideology that targets Israel. This ideology espouses destroying Israel and the West and establishing Islamic sovereignty across the Middle East, and ultimately throughout the world.

To defeat this strategic threat, international condemnation of all terrorist groups must be uncompromising. Only by condemning terror equally and unequivocally, whether carried out by Palestinian terror groups, radical Islamic groups, or by global Sunni and Shiite jihadist terror organizations, can the international community unite to confront and defeat radical Islamist terror wherever it attempts to strike.

* * *

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Democracy Facing Terrorism: Human Rights and Military Ethics

Prof. Asa Kasher

The ability to successfully fight the enemies of Israel has for many decades been an essential ingredient of Israel's collective identity. This is not the only element of the collective identity: Israel has a democratic regime and is the nation-state of the Jewish people. But the necessity to put the ability to fight to frequent use against an enemy served as the natural grounds for the development of an ethics of fighting shaped by the fundamental values of the state and by the universal nature of Israel's military activity.

During periods of war and military operations, Israel has maintained a democratic regime that seeks to combine the duties of defending Israelis by military activities and of respecting human and civil rights as extensively as possible. Our starting point will be a couple of fundamental principles that guide military activities within the framework of a democratic state, be it Israel, the United States, the United Kingdom, or any other such state.

The military ethics of fighting terrorists as implemented by Israel and other democracies rests on two pillars that are of a universal nature and directly related to the life and wellbeing of all. The first principle is the *right and duty of self-defense*. The well-known right of self-defense is commonly invoked by a state when it is unjustifiably attacked by another state. It is on a par with a person's right to defend himself if unjustifiably attacked by another person or a group. The right of self-defense is well-entrenched in the morally oriented Just War Doctrine, international law, and the UN charter.¹

The *right* of self-defense is invoked on the level of international relations. The *duty* of self-defense is discharged on the level of intra-national relations. It is the duty of a democratic state to protect its citizens against every mortal jeopardy they might face. This is an essential component of the democratic state's duty to maintain the infrastructure of citizens' life of liberty and meaning.

The idea of the *duty of self-defense* represents an important extension to the set of values, norms, and laws that govern warfare in a democratic state and its society. Although war and terrorism seemingly take place in the arena of international

relationships, they actually have essential elements that play roles in the space of domestic relationships between governments and citizens.

The second pillar of military ethics of fighting terrorism, guiding warfare in Israel and other democracies, is the *duty to respect human dignity*. In a nutshell, respecting human dignity means:

(a) manifesting a special positive attitude towards individuals: you never treat individuals for your own benefit, as if they are merely your instruments; (b) manifesting this attitude towards persons qua persons, *no* matter who they are; and (c) respecting the essence of personhood by confining activity that affects individuals in a way that restricts their liberty to what is compellingly justified under the circumstances: Every bill of rights of a democracy thus restricts every power of restricting liberties.

Notice that the second principle, which pertains to *human* dignity, is by no means restricted to the case of Israel, for example, to citizens or other persons under Israel's effective control, such as inhabitants or foreign workers. It pertains to Palestinians in Gaza who are not involved in the creation of terrorist danger (so-called "innocents"), as is manifest in considerations of collateral damage and even to the terrorists themselves when kill-or-capture options are carefully considered.

In democratic states, human dignity is not only *respected* but also *protected* by a variety of means, including laws, executive agencies, and judicial decisions.

It is commonly acceptable and morally justifiable that no state shoulder responsibility for the affairs of enemy civilians that is on a par with the responsibility it shoulders to the situation of its own citizens. Special duties are parts of the essence of relationships within a family, a community, and a state.

These two pillars are meant to be applied together under all circumstances. During war or any other military activity, the principle of self-defense is what establishes the *ends*, an effective defense of people and their state, while the second principle adds restrictions imposed on the *means* used in pursuit of the ends. Generally speaking, the latter principle requires indefatigable efforts to diminish or "alleviate the calamities of war."²

By and large, our principles are shared by all democratic states. It is, however, noticeable that the IDF is the only military force that has included in its values *Human Life* and *Purity of Arms* (meaning Restraint of Force), which reflect these fundamental principles. The latter value imposes on every military action ethical restrictions beyond what is required by international law.

I suggested the inclusion of these values when I worked on the draft of the first IDF Code of Ethics in the early 1990s. When I presented the draft to Chief of Staff Lt. General Ehud Barak, the IDF General Staff, and commanders in about 100 IDF

units, I encountered no objection to that major suggestion, not even a single one among the numerous comments I heard, recorded, and later took into account. I have often been asked, what is Jewish about the Code of Ethics of the IDF, the military force of the democratic nation-state of the Jewish people? My answer included pointing out that these two values are rooted in the Jewish religious and moral traditions of the sanctity of human life and self-restraint.

Self-defense is not restricted to activities directly related to ongoing attacks by an enemy. Considerations of self-defense apply to actual jeopardy as well as to potential imminent jeopardy. Consider the example of rockets launched by Hamas into most parts of Israel. Iron Dome batteries protect Israelis against the rockets very impressively though not to a full extent. Iron Dome batteries scored over a 90 percent rocket interception rate during Operation Protective Edge, which means that an additional type of protection was required against several hundred rockets that were not intercepted. Self-defense requires destroying rocket production and warehouses – all a natural additional method of self-defense.

Considerations of possible deterrence are also involved in applying the principle of self-defense. To use the examples of Operation Protective Edge, the move from a mission of *diminishing* rocket jeopardy to a mission of *eliminating* rocket jeopardy involves the idea of creating a state of deterrence, that is a state of mind on the enemy leadership's part, in which they avoid attacking their rival based on what they expect would be the response of the rival if attacked. The enemy expects that the response is going to be devastating or at least conspicuously much more significant than anything the enemy might intend to be gained by an attack on its rival. Thus, diminishing the danger of rockets by a thorough military operation destroying rocket launchers, production sites, and warehouses, as well as of killing or capturing terrorists who are involved in producing or using them against Israelis are all expected to create a state of deterrence.

Importantly, deterrence is a byproduct of the military operation. Strictly speaking, it is not one of its ends that can be pursued on its own. Troops should not be put at risk and collateral damage should not be caused for the sake of deterrence solely; however, as a byproduct of military activity, deterrence is most desirable.

During Operation Protective Edge, I went for a meeting at the Rabin Base of the IDF General Staff in Tel Aviv. In the entry hall I saw a notice board on the operation. At the top was a message from an IDF Division commander, a major general. In regards to the current operation, the major general added a qualification I had not encountered in the media reports, namely "without escalation."

This is a very significant qualification, practically, but also morally and ethically. In Sun Tzu's classical *Art of War*, he said, "If someone is victorious in battle and succeeds in attack but does not exploit the achievements, it is disastrous." The qualification of "without escalation" does not follow Sun Tzu's saying. It manifests a highly important consequence of the principle of respecting human dignity, which

we have already encountered in passing, the *fundamental principle of minimizing damages of war and other military activities*: minimize the damages of war, to the best of your abilities, under the circumstances of effective self-defense.

Distinction and Proportionality

Two principles that Israel and other democracies adhere to under such circumstances are clearly related to this fundamental principle, namely *the principle of distinction* and *the principle of proportionality*.

The basic idea of distinction includes a clear and morally excellent method of reducing casualties among citizens, the most important type of war calamity: "You avoid attacking my non-combatant citizens, and I avoid attacking your non-combatant citizens."

Warfare for self-defense is not thereby forbidden, but it is conducted in a way that shows respect for human dignity. States have usually accepted the principle of distinction and to a significant extent complied with it mainly on the grounds of its reciprocity, which is politically prudent to adhere to.

Now, what should be our attitude towards the principle of distinction when reciprocity has disappeared, when the enemy has totally eliminated, as a matter of strategy, any trace of the distinction between combatants and noncombatants? Hamas is unscrupulous in violating every norm in the book. How should Israel react? Here again, we see the combination maintained by democracies of effective self-defense and respect for human dignity.

The Israeli reply is clear, reflecting an old Jewish tradition: we do not adjust our principles to the standards of Hamas or other enemies. All the latter rest on a single principle: Hamas' ends sanctify Hamas' means, which include violation of each and every norm at Hamas' easiest convenience. Israeli values and basic principles, including adherence to the principles of distinction and proportionality, do not vary with the circumstances. What does vary is the nature of military activity, according to doctrines, procedures, rules of engagement (ROEs), and commands that fit the nature of war on terrorists, all of which ought to be compatible with Israeli fundamental principles, IDF values and principles, and international law appropriately interpreted and extended.³

Israel faces two major problems in applying norms of distinction. The first one is the deliberate attempts of noncombatants to obstruct military activity against terrorists by being present at sites used by terrorists for attacks on Israelis. Do dozens of noncombatants on the roof of a building that is directly involved in terrorist attacks on Israelis render the building immune from Israeli attacks by their mere presence on the roof? The answer is indeed in the negative. If the mere presence of noncombatants in the vicinity of terrorists required such immunity from

attack, it would mean that Israel thereby lost its ability to protect its citizens against attacks performed by terrorists hiding behind their fellow noncombatants, which is tantamount to Israel having lost its right of self-defense, which is absurd. Generally, the IDF uses a variety of clear warning methods meant to remove noncombatants from the battlefields between combatants, including distribution of leaflets, making personal phone calls, and using the “knock on the roof” procedure. When the noncombatants refuse to move away from the terrorists, they render themselves human shields of the terrorists. Human shields may be attacked together with the terrorist, but attempts should be made to minimize damage among them, even though they are accomplices of terrorist activities. Strictly speaking, such persons should not be counted as collateral damage if hit, but still they should be shown as much compassion as possible, without aborting the mission or parts thereof and without risking combatants more than they are anyway at risk under the circumstances. Once again, activities are governed by a combination of two duties: effective self-defense and respect for human dignity.

The second problem is related to what I have called “the soldier’s question.”⁴ Recall the fact that most of the IDF combatants, in particular in the army and navy, are conscripts. A citizen in military uniform is entitled to ask the state, as well as the IDF and his commanders, why restrictions have been imposed on his activity as a citizen in military uniform. In particular, the IDF and the commanders owe him a justification of their decision to order him to participate in dangerous missions. Most of the time, answers and justifications are readily available, e.g. it is necessary to have a conscription system and reserve units. However, under some circumstances, it seems there is no compelling justification, as required by the duty to respect the human dignity of the soldier, who

is a citizen in military uniform. When a soldier participates in combat, he faces a high level of risk, which is usually justified on the grounds of the nature of the mission, the accomplishment of which is of military necessity or at least of high significance in defending the citizens and their state. If the soldier is required to face risk of a higher level

Hamas’ ends sanctify Hamas’ means, which include violation of each and every norm at Hamas’ easiest convenience, while Israeli values and basic principles do not vary with the circumstances.

in order to save the life of an enemy noncombatant who has repeatedly ignored warnings and refused to move from the area, his tacit demand for justification of raising the level of risk for the sake of an enemy who refused to evacuate the place cannot be met. A command, if there ever has been one, to prefer over a conscript combatant an enemy noncombatant who has refused to move away, let alone one who deliberately decided to serve as a human shield of terrorists, would be morally unjustifiable.

When it is impossible to accomplish a military mission without jeopardy to the life of a terrorist’s neighbors who are not involved in any terrorist activity, proportionality norms are invoked. Notice that such norms are very ancient in origin and have a

rich history of deep philosophical, theological, and legal discussions. A commander who considers the possibility of carrying out a military mission is usually best equipped to evaluate what is going to be the military advantage of accomplishing the mission, in terms of its contribution to obtaining the ends of the operation. He is also best equipped to assess the probable collateral damage expected under the circumstances.⁵

A major component of proportionality considerations requires the expected military advantage justifying the expected collateral damage, so that excessive force does not cause more collateral damage than necessary. Importantly, norms of proportionality allow collateral damage under some circumstances. Hence, claims that the very fact that neighbors of a terrorist were killed shows that the military activity was unjustified – are wrong. Comparison of numbers of casualties on both sides of the battlefield is also conceptually wrong.

An additional norm of proportionality is that even if the military advantage of a mission justifies the expected collateral damage, efforts should be made to minimize the expected collateral damage. Israeli and U.S.-targeted killing includes an OR (operations research) stage in which the best method of targeting is sought, one that involves a high probability of killing the terrorist and an optimally low number of collateral casualties. Again, effective self-defense is practically combined with showing respect to human dignity by trying to minimize collateral damage.

A claim has been made that an Israeli action against an actively dangerous terrorist in Gaza in the vicinity of his non-terrorist neighbors should not differ from an Israeli action against a terrorist in Tel Aviv, assuming he managed to infiltrate into the state, reach the city, and position himself in the vicinity of Tel Aviv residents. I cannot imagine Israel respecting such an implausible and unjustifiable demand. Israel won't attack a terrorist in Tel Aviv and cause collateral damage among its citizens, because it ought to provide its citizens with effective protection of their life. Other means will be used to neutralize the terrorist that are at the disposal of a state acting within its own territory in cooperation with its own population.

Israel won't resort to police ethics when acting against a terrorist in Gaza, since it does not shoulder responsibility to the proximity of terrorists to non-terrorists in an area not under its effective control and cannot neutralize the terrorist the same way it is expected to do it in Tel Aviv. Israel does not owe the non-terrorist neighbors more than adherence to proportionality considerations and practical efforts to minimize collateral damage. No state owes more than that to enemy citizens in the vicinity of a terrorist. It is quite amazing to hear demands that Israel be more restricted in defending its citizenry than any other democratic state under similar conditions. No democratic state is going to eliminate the distinction between military ethics and police ethics, which would mean violating the principle of the duty of self-defense, the principle of the duty to respect human dignity or both. Israel is not and should not be an exception.

Internal Security and Liberty

We have so far outlined major principles that guide a democratic state such as Israel in providing its citizens with effective military defense while always showing respect for human dignity. Our discussion has pertained to “external” cases, i.e. to military operations that involve non-combatants on both sides of the border between the state and adjacent territories such as Gaza. We turn now to a brief discussion of “internal” cases, i.e. to restrictions that are imposed on the liberties of Israeli citizens on the grounds of home security considerations.

On the most abstract level of the depiction of democracy, citizens of the state have basic rights that enable them to enjoy all the basic liberties required for a person to shape one’s life and its meaning on the grounds of one’s values and views. Such liberties are protected in a democracy by its constitution and by institutions that protect its implementation, first and foremost the Supreme Court. Each basic right to enjoy some basic liberty is always restricted, because absolute liberties, on which no restriction has been imposed, are bound to constantly clash with each other. One is not allowed to enter one’s neighbor’s home on the grounds of freedom of movement or disclose details of his medical record on grounds of freedom of speech. The restrictions imposed on a basic liberty, in the legal framework of delineating the correlated rights, are determined by the risks involved if the liberty is not restricted.

When home security problems are under consideration, restrictions may be imposed on basic liberties to secure life, health, and well-being of citizens facing enemy hostile activities. Since the danger created by an enemy varies with its practices, restrictions of basic liberties also vary with the developments of enemy’s methods. We are all accustomed to airport restrictions imposed on our privacy, and we accept them as justified as long as we believe they are necessary for our security. The details are debatable, as in every democracy when authorities restrict liberties, but the underlying principle is justifiable, enabling the state to effectively secure the citizens and constantly respect human dignity.

Here, I mention a few restrictions on liberty that have been discussed in Israel in the context of a possible introduction of new legislation. An issue that has attracted much attention in the United States and elsewhere is using methods of interrogation that count as torture, cruel, inhuman, or degrading, and which count as war crimes. Israel forbids such methods of interrogation and has not changed the ethical principles that govern interrogation since 1999, when the Supreme Court made a decision on narrow legal grounds of authority on interrogation methods.

Another issue related to fighting terrorism is administrative detention of a suspect. Holding a person in prison within this framework is done on the grounds of an administrative rather than a judicial decision, as a preventive measure against terrorism. Such decisions are made on grounds of the 1979 Emergency Authorities Law (detention) which authorizes detention under certain security-related conditions. In some occasions, the law was used to detain Jews who had

been allegedly involved in gravely unlawful activities against Palestinians. Israel has always been, legally speaking, under emergency conditions that allow such detention. Numbers of detained persons vary with the intensity of hostilities experienced.

A third method of fighting terrorism that should be mentioned is house demolition. Such actions can take place when the house was used by a person directly involved in a fatal terroristic action. Since house demolition is explained and justified as a deterrence method, every once in a while a debate emerges on the facts: does it serve deterrence or perhaps rather the opposite? Accordingly, there were periods when the policy was to avoid house demolition, but the present policy is different.

When These Methods Are Used

Torture, cruelty, inhuman or degrading treatment, administrative detention, and house demolition are all harsh measures of fighting terrorism. A democratic state, which is committed to the protection of human dignity, should not use any of them unless it can be shown to be justifiable under certain circumstances.

First of all, highly reliable intelligence is required. This is a precondition that is not difficult to properly fulfill in the Israeli context of fighting terrorism.

Secondly, the judicial involvement of an appropriate type is required when restrictions are imposed on human liberties. Adequate access to a court is usually available to the persons who are to be affected by the measures taken.

Thirdly, the actions planned or performed should be compatible with the democratic conception of protecting human dignity, not in the strict sense of what is allowed by the present law, which is a product of long and complicated historical processes, but rather in the broad sense of the moral foundations of that conception. Morally speaking, extreme policies are not justifiable. Free resort to torture is indeed immoral, because it often involves using excessive force. On the other hand, an absolute ban on, say, degrading treatment of suspects, when issues of life and death of possible victims of an action planned or performed by the suspect are at stake, is an excessive restraint.

Consequently, moral considerations are usually related to the justifiable delineation of usage. One could have assumed that such delineations would undergo constant major revisions, given the significant changes of the nature of the conflict, but actually, this has not happened, probably because the basic principles apply to all circumstances. However, in 2016, the Knesset enacted a comprehensive law of Fighting Terrorism, which not only incorporated into a unified law many previous legal arrangements but also extended the sphere of fighting terrorism and included in it many forms of support of terrorism and terrorists. The most fundamental principles have, however, been left intact.

In addition to a discussion of the above-mentioned special measures of fighting terrorism, one should consider the general situation with respect to the inhabitants of belligerently occupied territories who are not citizens of the occupying state. The military regime, presumed to be short-lived and eventually replaced by a peace accord, is not democratic, all the more so if the occupied territory had not been democratically ruled before the war. Thus, the due regime of liberties does not prevail in such territories. As long as the military regime is temporary and is about to end, this lack of fully fledged liberties is acceptable. But when the situation lasts for decades, liberties should be carefully and significantly restored, bringing the extent to which human dignity is respected as close as possible to democratic standards, without harming the security of the citizens, which is an aspect of their self-defense.

Finally, a few words about peace: without taking sides in political debates about the future of certain territories, Jerusalem, refugees and related issues, we have to emphasize the moral duty of a democracy is to pursue peace for the benefit of all populations concerned. From a military ethics perspective, peace is the ultimate “Iron Dome,” the best protection of Israeli combatants and non-combatants, as well as non-combatants on the other side of the border, from the dangers of war. Peace ought to be pursued by every government, through appropriate negotiations.

Notes

1. For a most influential modern presentation of the doctrine, see Michal Walzer's seminal *Just and Unjust War*, New York: Basic Books, 1977; 4th edition, 2006. For detailed presentation of all aspects of the doctrine, see: *Ethics of War and Conflict, Vols I-IV*, edited by Asa Kasher, Abingdon: Routledge, 2014, Vol. II.
2. This phrase appeared in the first paragraph of the 1868 Saint Petersburg Declaration Renouncing the Use, in Times of War, of Certain Explosive Projectiles.
3. For a detailed presentation, see Asa Kasher and Amos Yadlin, “Military Ethics of Fighting Terror: An Israeli Perspective”, *Journal of Military Ethics* 4(1) 3-32; reprinted in *Ethics of War and Conflict* [see footnote 2] Vol. III, chapter 51.
4. See, for example, “The Principle of Distinction,” *Journal of Military Ethics* 6(2) (2007) 152-167, accompanied by a reply by Michael Walzer.
5. Battalion commanders and more senior commanders have on their staff “population officers” whose duty involves alerting their commanders to all possibilities of collateral damage.

Familiarity Breeds Respect: Awareness of Social Mores as a Factor in the Fight against Terror

Jennifer Roskies

Among the numerous distinctions between Israel and Western countries when it comes to fighting terror, one characteristic stands out as paradoxical. It stems from the historical proximity between Jews and Arabs in Israel. The lesson of this proximity-familiarity model forms a potentially helpful approach for societies far beyond Israel's borders grappling with the threat of terror.

With the violent expressions of Palestinians' rejection of Jewish sovereignty, Israelis look at European reluctance to label the nature of the threat they face by its true name – radical Islam – with the belief that they do so at their own peril.

In Israeli eyes, the trend to bend over backwards in order to avoid being labeled Islamophobic is a politically-correct nicety the West can ill afford. Israeli security and intelligence services, in contrast, employ ethnic profiling liberally and unapologetically in the relentless effort to identify and apprehend prospective terrorists and their accomplices. Nor does Israel have the options of *banlieue* “no-go zones,” or of treating radicalized Muslim populations in their midst with kid gloves. Elite IDF units conduct targeted operations to arrest suspects, with raids extending throughout the Palestinian Authority when called for.

Yet at the same time, this situation exists within a familiarity that may seem puzzling, given the context. Jewish-Arab situational interaction takes place in the workplace, in daily commutes on buses and highways, in commerce, supermarkets, gas stations and shopping malls, on university campuses, and of course, in hospitals and medical clinics.

The Counterintuitive Reality

Such interface is remarkable in two respects. First, the ubiquitous mixing of Jews and Arabs in Israeli society is counterintuitive when taking into account the constant security threats that emanate from Palestinian towns and neighborhoods. Second,

it stands in sharp contrast to the impression rampant in many circles abroad that Arabs in Israel and the territories are treated poorly, when in fact the active concern for their sector is well documented.¹ Would Israeli health care be the destination of choice for many residents of Gaza, Judea and Samaria, including family members of the Hamas and Palestinian Authority leadership, were it not for the quality and humanity of care they receive in Israeli hospitals?

To be sure, Jewish-Arab interaction – including Israeli legislation aimed at implementing equality of care and access to public and civic services – advances a strategic interest that is distinctly Israeli, namely the wish for normalization and acceptance among its neighbors, whereas Israeli Arabs' motives for integration in Israel may stem from different interests entirely, such as the aim to amass influence in the country's decision-making process in order to advance sectarian agendas.

Abdullah Siam, who came from the Gaza Strip, is examined by Dr. Lior Sasson, in an Israeli hospital on January 28, 2009. Siam was brought to the medical center to repair a hole in his heart through Save a Child's Heart, an Israel-based project that treats children suffering from cardiac problems. (AP Photo/Tara Todras-Whitehill)



Regardless of motive, however, interaction is a fact of daily life. The longstanding contact has yielded basic knowledge of Arab and Muslim customs among virtually all Israeli Jews, with awareness of cultural differences. The result is a clear-eyed coexistence that is functional on a civic level; often cordial on a personal level. It manages to withstand complexities caused by episodes of terror and weather tensions during periods of open conflict with terror organizations. Alongside a culture that houses elements that blatantly reject Israel, whose incitement to terror is too often cloaked in the language and images of radical Islam – Jews and Arabs mix and live.

Contrast this with the uneasy inconsistency that has marked the West's counter-terror campaign, particularly within European societies in the wake of mass

migration from Mideast war zones. This inconsistency is seen in the shaky balancing act between fighting Islamic-incited terror and dodging accusations of Islamophobia.

One controversy provides an illustration: Israelis, well familiar with traditional, modest dress codes among both Muslims and Jews, followed this summer's "burkini" headlines² with bemusement.

Why make an issue of dress traditions?

Does European security rise or fall with the issue of personal attire? Can a bathing suit "convey an allegiance to terrorist movements," as claimed by a city official in Cannes?³ German Chancellor Angela Merkel's call for a ban on burkas "wherever legally

possible" months later, in a speech announcing her decision to run for a fourth term as Chancellor, received thunderous applause.⁴

The West's counter-terror campaign is a shaky balancing act between fighting Islamic-incited terror and dodging accusations of Islamophobia.

These examples indicate that European leaders apparently find burkas a convenient rallying point for their constituencies, plausibly compensating for reluctance to note the explicit jihadist features of the terror they have experienced.

Indeed, a defense of curbing any mention of Islam in connection to terror came from a non-European: Former White House Press Secretary Josh Earnest admonished,

If we respond to this situation [terror committed by radicalized Islamist migrants] by casting aspersions on millions of people that adhere to a particular religion, or if we increase our suspicion of people who practice a particular religion, we are more likely going to contribute to acts of violence than we are to prevent them.⁵

In other words, the mere mention of a link between perpetrators of terror and their ideological leanings will itself cause more terror.

In another example of politically-correct criticism of the German Chancellor's speech, a harsh *New York Times* editorial made this connection explicit,⁶ accusing Merkel of crossing the line to bigotry: "The real danger is not the veil – it poses no threat – but the bigotry of those who've made it a symbol of their own fear and hate," adding, "The rapturous applause that greeted Ms. Merkel's remarks about the ban was about Islamophobia, not a serious security concern over a rarely encountered form of dress."

Merkel's audience, on the other hand, like many concerned individuals in Europe and elsewhere, recognize a need to look at the issue head-on. Their motives may not be bigotry so much as recent spikes in migrant-related incidents that point to tangible personal and security threats. ISIS can, and has, planted terrorists within the waves of innocent refugees. France has already sustained mass casualty attacks by ISIS operatives, some of whom reportedly reached Paris via refugee transit

routes.⁷ Germany experienced its first suicide bomb attack last summer when a Syrian national detonated himself in Ansbach, Bavaria.⁸ Arguably, the failure to brand terror perpetrators as radical jihadists does injustice to law-abiding Muslims who wish to distance themselves from Islamist radicals.

Another Face of Jihad

New Year's Eve, 2015-2016, witnessed a wave of "mass sexual assaults" in major German and Austrian cities (nearly 400 that night in Cologne alone).⁹ The attacks

Israelis, cognizant of "honor" culture and its darker manifestations responded to reports of this wave of sexual assaults with revulsion but little surprise.

were perpetrated by roaming groups of men identified as migrants; subsequent increases in sex-related gang violence and physical assaults were recorded in neighboring countries as well. Officials linked the assaults to the rapid influx of refugees in 2015.¹⁰ Yet local and national media under-reported these rapes (some media routinely refuse to

name perpetrators as being Muslim or of Arab origin) until hundreds of women had opened complaint files with the police.¹¹

Certainly, sexual harassment and assaults are committed by Europeans and non-Muslims as well. But in documenting the "vastly different pattern of sexual harassment and rape in the Muslim world," author Phyllis Chesler has noted common characteristics of attacks on women targeted as "immoral." These "mass public gang rapes represent ... another face of jihad" and of Islamist terror.¹²

Israelis, cognizant of "honor" culture and its darker manifestations in Arab Israeli and Palestinian society, responded to reports of this wave of sexual assaults with revulsion but little surprise. European reticence to address threats directly tied to their Islamic context thus strikes most Israelis as absurdly irresponsible.

Israel's awareness of Arab and Muslim social and cultural mores entails a rejection of the illusions inherent in cultural relativism practiced by many in the West. It involves the clear-eyed recognition of outlooks that can breed terror. The recognition of these differences as a given provides a foundation for interaction between peoples, part of the long-term process toward coexistence. More importantly, this mindfulness forms a vital element in Israeli society's overall resilience – an invaluable component in the long fight against terror. It is among Israel's hard-won lessons, and offers the West a vital lead in the challenges it now faces.

Notes

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Israel as a Model for Coping with Terror

Dr. Irwin J. Mansdorf

Introduction

Terror, as a political and religious tool, has become more common in the West and especially in Europe over the last few decades. Moreover, it has escalated both in form and in frequency, moving from the overtly functional, such as hijacking of planes and making relatively practical demands (such as release of prisoners) to being more blithely destructive, actively seeking simply to inflict as much harm and injury as possible, with no desire for or hint of demands of any sort or of any practical value.

Clearly, terror induces “terror.” It is something people fear, revile, and often go to incredible lengths engaging in behavior that they think will help avoid it. But while there are certainly areas and situations that are more “terror-prone” than others, learning that terror is random, blind, and often without reason, the very factors that lead one to fear it, are also the factors that can help people to cope with it.

Israel is perhaps unique in that it has almost singularly experienced terror as a constant from the day of its birth. The phrase “living with terror” has no better poster child than the Israeli public. From a political and policy perspective, much can be (and is) being said about the reasons behind terror and the various thoughts of how to reduce and even eliminate it. This paper, however, will not address those issues, better left to others to discuss. The more relevant question concerning the psychological challenge posed by terror is how to take the lessons that Israelis have learned over the years and create a meaningful response system to better deal with the challenges that terror presents to a society.

Keep It Simple

While a subset of the population always seeks to analyze and look for root causes for behavior, the principle of “keep it simple” is best applied here. For the majority of the Israeli public, knowing why is rather straightforward and simply stated. There are people who do not like us, and they want to do us harm.

Just like one would not be wise to start reasoning with an armed robber, so should one seeking to improve personal coping not focus too much on the reasons a terrorist may wish to do harm. Those reasons are of course important and critical to a broader understanding of the phenomenon, but they also distract and divert attention from the most direct effect of terror, namely, disrupting the lives of the people it targets. From an individual perspective, the “us against them” model is as elegantly simple as it is shallow and superficial, but it avoids inapt self-blame and properly and without any dilution incriminates the behavior of those seeking to do harm.

What flows from this simplicity is a series of actions tied to an attitude of “survival first.” Most importantly, the understanding that terror is random peels away the curtain of retrospective self-blame for being in the wrong place at the wrong time. There is no “wrong place” and there is no “wrong time” when it comes to terror. Spending too much time in thinking which restaurant, which bus line, which concert and which street to avoid is using logic to deal with the illogical. The psychological price of being under constant attack is a vigilance that ultimately affects the ability to enjoy life and to play a functionally productive role in one’s family and community. Understanding and accepting the randomness of terror helps keep vigilance at an appropriate level and avoids the psychological paralysis that uncontrolled fear can create.

Follow Some Basic Rules

Part of the “simple” approach in personal coping is to follow some basic and direct rules when confronted with a terror attack. Unless one is a “first responder,” trained in situations involving terror, do not linger and observe, but move away and leave the area. The presence of curious onlookers presents a danger both to the first responders and security forces trying to help and to the onlookers themselves. Terror attacks are often followed by secondary attacks, the purpose of which is to inflict even more harm. Terror operatives have long realized that people’s natural curiosity often leads them towards rather than away from a perceived terror attack after it has supposedly ended. This offers an opportunity to attack again and harm again. Keeping the area free and clear by moving yourself and anyone with you away from the danger is a wise move.

The Power of Observation and Communication

One of the side effects of terror is the impact it has on people who were nowhere near an incident, but who heard about or viewed it afterward. This is especially true of incidents that involved people we know or even places we know. An attack at a familiar store, familiar transportation spot or involving a person or people we know or even people who share personal characteristics (same profession, same background, etc.) all have a direct impact on us. Seeing violence directed against

something you recognize and identify with is far more impactful than seeing something that is not connected to your daily life at all attacked. When the familiar is targeted, one reacts by realizing he/she could have been there and could have been hurt. The connection and the identification are stronger and the potential reactions more significant. Here there is little one can do except understand that a strong reaction is normal and expected, but also temporary and transient in most circumstances as normalcy returns.

Understanding and accepting the randomness of terror helps keep vigilance at an appropriate level and avoids the psychological paralysis that uncontrolled fear can create.

Today's world of instant communication can be both a boon and a burden for trying to manage psychological reactions to terror. On the one hand, the ability to call or hear from loved ones immediately after an attack quickly reduces the level of anxiety that they were involved in the attack. On the other hand, the lack of instant communication and contact raises those anxiety levels substantially, especially since societal norms now expect immediate responses and are quite used to it. While one should make all attempts to contact close family or friends, it is important to know that in times of an attack, communication is not always possible and sometimes affected by the onslaught of mobile device users overwhelming cellular networks.

The Power of Social Support

One of the more valuable, effective, and available resources for dealing with terror falls under the umbrella of "social support." Here there are valuable lessons to learn not only as to what happens or should happen after a terror attack, but what are the types of support that can be helpful in relatively "normal" times, between attacks.

One need not be a mental health professional such as a psychologist or social worker to assist someone dealing with terror. For those who have been injured or hurt, there are immediate needs to be taken care of. Someone needs to prepare food, do the laundry, pick the children up from school. In Israel, social support plays a crucial role, with so many organizations that provide help for those during a time of crisis.

During sustained rocket attacks in Israeli towns such as Sderot, people still need to earn a living and care for their families. Israelis spontaneously reacted with demonstrations of solidarity, buying merchandise from local Sderot merchants, both online and in-person. This not only provided an important economic boost to people but also allowed a psychological identification with those who were most directly affected. Patronizing those who suffered most following an attack provides great support, whether it is purchasing products in their neighborhood

or assisting with volunteer duties for those who cannot physically clean up and rebuild areas that have been damaged.

The Normality of Terror

Ultimately, the Israeli people are evidence of how individuals and society can not only cope, but also flourish and be productive despite facing the threat of terror. While it is almost grating to admit, terror has become “normalized” in Israeli society where it is an accepted, albeit begrudgingly and unhappily, as a reality of life. There are of course those that require and benefit from professional intervention, but for society as a whole, life goes on.

This reality may be difficult to grasp, especially for those for whom the threat of terror is something new. Naturally, we would like to fight this, reject it, and see it as an uninvited intrusion into our lives. Unfortunately, it may very well be that the reality of the current world order is such that this threat is constant and ever-present and will remain so for quite some time.

Resisting the Tendency to Pathologize Reactions to Terror

The assumption of inevitable pathology as a result of living under terror is understandable but is incorrect. Similarly, the notion that people “need to talk”

As a society, Israelis care for individual victims while insisting on a return to “normal” as quickly as possible following any attack.

about their experience under terror is also inaccurate. When terror situations become more frequent, it is critical to avoid churning what is arguably a deeply troubling state of affairs. It is important to understand that while some people welcome the opportunity to talk, others do not. Coping is quite individual, and many people manage to

learn to cope and adjust without any professional help. Certainly, avoid assuming that observed behaviors that are totally consistent with living through a traumatic experience mean that deeper psychological issues are present. People can expect sleeplessness, loneliness, changes in appetite and changes in cognitive skills (memory, reasoning, etc.) following exposure to a terror event. For most, these are passing symptoms, the behavioral “black and blue mark” of having been through a challenging event. For most, time to heal and time to process are imperative before assigning clinical labels and suggesting professional intervention.

It would be foolish to whitewash the serious consequences of facing a threat of terror on a regular basis. People certainly suffer, with some suffering greatly, but with individual helplessness also comes a group resilience. In other words, individuals suffer, but the group perseveres.



Friends and relatives of Danny Gonen mourn next to his body during his funeral, at the cemetery in the city of Lod, near Tel Aviv, Israel on June 20, 2015. Danny Gonen was killed by a gunman in a terror attack.
(AP Photo/Oded Balilty)

Nowhere is this clearer than in Israel, where, sometimes only a few hours after a deadly terror attack, the scene is cleaned up, and people go back to routine. When the Sarona restaurant area in Tel Aviv was attacked one evening in June of 2016, with four killed and six others wounded, the complex sprang back to full operation the following morning. In the days that followed, not only did people not avoid the area but filled it with even more customers than normal. Individuals suffered, but the group responded with determination and resilience. Resuming as much normalcy and routine as possible may not be possible for all individuals, but it is possible and indeed efficacious for the “group” as a whole.

Summary

Israelis have faced the terror of random bombs, suicide attacks, knifings, shootings, and stoned cars. They have faced rocket attacks in civilian areas of their own country and attacks on them at tourist sites out of the country. Terror has become an unwelcome ever-present force in the life of most Israelis. Children are drilled in how to respond to air raid sirens, and adults routinely carry weapons to defend themselves. While the populace has endured thousands of casualties over the years, with much individual suffering, society as a whole is marked by resilience and perseverance and a determination to deny terrorists any long term rewards for their actions. By maintaining a routine or returning to one despite being victimized by terror, society essentially is restoring predictability to an unpredictable phenomenon. It is that predictability that provides the consistency in life affairs which contributes to effective daily functioning.

Coping with terror takes place both in the individual and societal realm. As individuals, Israelis have learned to balance the threat with the need to maintain

an active and routine existence. As a society, Israelis care for individual victims while insisting on a return to “normal” as quickly as possible following any attack. Simplicity in approach, prudent use of communication and understanding what is expected in the aftermath of attacks form the core of the Israeli response to the psychological response and effects of living under this threat. While policy analysis and background understanding of the whys and hows of terror are ultimately central to governmental responses, they play a minor role in the personal and group behavior that can assist people in dealing with the challenge of maintaining a relevant and productive lifestyle in the age of terror.

Cyber Terror and Security

Brig.-Gen. (res.) Yossi Kuperwasser

The challenge of dealing with the terror threats on the Internet is becoming more complicated, as the quantity of data grows exponentially and as the terrorists make effective use of the cyber dimension for a wide variety of purposes. They take advantage of the Internet's wide reach, its complexity, the ability to use it without being identified, the emphasis by its mega-corporate operators on protecting privacy and free speech, its reliability, and its commitment to facilitate secrecy so that secured communications will be guaranteed for everybody.

New technologies have made it possible for terrorists to produce propaganda videos and disseminate messages with relative ease, reaching an incredibly wide audience that was previously beyond their reach with immediacy and intimacy. Terrorists recognized the power of social media early on and built an entire organizational network that has been very difficult for counterterrorism analysts to penetrate. By exploiting Twitter and Facebook platforms, apps such as Telegram, and content sharing sites such as JustPaste, terrorists further improved their capability to safely and rapidly extend their messages to wide audiences. Thus, the use of these new technologies by counterterrorism analysts wishing to penetrate closed forums or telegram groups must be incredibly focused. Different methods must be adopted depending on the type of information desired. If done correctly, analysts can put potential terrorists under surveillance, track every move they make, both on and off social media, in order to get secret information.

The approach for finding terrorists and/or terrorist activity online must be based on the type of content desired. For example, looking for the current jihadi chatter about a specific incident, it is vital to check jihadi forums and Twitter and then search those platforms using related keywords and hashtags. With the emergence of new media, terrorists have switched to operating on closed forums and telegram, and privacy issues have become more relevant as social media platforms established their regulations and strict usage policies. Thus, in order to get the necessary sensitive information, one has to develop methods that may enable penetrating and following any of these closed groups.

The Search for Information

Information about homemade explosives can be found through searches on Google and YouTube. Jihadi homemade explosives manuals can be collected from jihadi

forums and other platforms such as *Archive.org*. Information about improvised explosive devices (IEDs) and vehicle-borne improvised explosive devices (VBIEDs) can be found on social media accounts of explosive ordnance disposal teams, news agencies, and YouTube that are known for publishing reputable materials. Every arena has its own special sources – some countries have official interior publications or certain news agencies that provide this kind of information, so it is vital to investigate these sites as well.

In addition to knowing where to look for specific information, it is necessary to know how to find specific information in a sea of data, how to be selective and know whom to follow and monitor. The key is recognizing when something requires further investigation and where to look for further information. Successful coverage

Successful prevention of terror depends on deep understanding of the culture, vocabulary, and symbols used by terrorists.

depends on deep understanding of the culture, vocabulary, and symbols used by terrorists. A post on Facebook or a tweet on Twitter may seem benign without this deep understanding, but alarming with it. The ability to use mass databases may help in locating the terrorists on time. For example, if a

video encouraging terror – implicitly or explicitly – was posted on Facebook, the first step is to download the video in case it is removed later on.

The next step is to examine the person who uploaded it as well as all those who liked the video, commented, and shared. Then begins the selection process and further investigation into particular individuals in order to find a smoking gun. Doing this manually takes a lot of time, which is why it is imperative to invest in technology that focuses on the target group so that fewer people have to be analyzed in the first place. However, with technology comes various legal issues, including privacy and terms of use on various platforms, which put certain limitations on what information can be obtained.

The “smoking gun” on social media is the last piece of the puzzle before the terrorist goes out into the real world and carries out an attack. In Israel, attacks may be very close to home and thus finding the smoking gun quickly before a terrorist can act on it is of utmost importance. Therefore, considerable time and energy is put into locating the red flags and investigating them before anything happens in real life.

The need to have access to such information is obvious in Israel, and Israeli companies have developed tools to secure this access, while in the West this issue remains unsolved. The Israeli approach is very clear; protecting life is more important than protecting privacy and the terms of using certain technologies.

On top of locating the threats and thwarting attacks in this manner, fighting terror on the Internet also requires a determined effort to prevent the use of social media for the dissemination of incitement for terror. Israel is leading the international

effort in this respect and seeks cooperation from other liberal democracies and from the mega-consortiums that control most Internet activities. In the meanwhile, it has adopted a new law that enables it to limit the use of the Internet for incitement.

Other aspects of fighting terror on the Internet include the use of the Internet to promote de-radicalization programs so that whenever a tendency to radicalize is indicated, there is automatic sending of countering messages to the relevant person. The potential radical/terrorist is also approached by the local leadership and members of the family. The use of a wide variety of information is available on the Net to allow the identification of threats in time. For example, if somebody is considered a threat, then his picture, phone number, and car license number should be automatically shared with the security forces to prevent him from carrying out an attack.

Finally, counterterrorism on the Internet should include an effort to thwart *cyber terror* itself. This relates to preventing attempts to damage vital infrastructure (both physical and Internet, such as databases and banking systems) through cyberattacks, attempts to collect vital information by using fake identities, taking over broadcasting capabilities to terrify and misinform the public, promoting terror attacks by enticing Israeli citizens to make contact with seemingly innocent individuals, and other potential ways of abusing the Internet. In 2013, Iranian hackers were able to gain access to the controls of a dam in Rye, New York. In 2016, four Israeli hospitals were hit by Ransomware. The scope of these options is growing dramatically and the precedent set during the election campaign in the United States, where Democratic Party emails were allegedly penetrated, is the first example of how the attackers may very easily be a step ahead of the defenders.



Israeli soldiers participate in 48 hour “hackathon” – innovating new programs for Israeli defense. (IDF)

To cope with these threats, Israel employs a robust system of organizations specializing in cyber protection efforts. The protection of military assets rests with the IDF itself, whereas the responsibility to protect critical infrastructure lies with the Internal Security Service (Shabak). Israel’s cyber security industries are among

the most advanced in the world. Some 300 Israeli companies specialize in cybersecurity, accounting for \$3.5 billion worth of anti-hacking exports in 2015.

The private systems are guided in their efforts to defend themselves by the recently established National Cyber Staff. This structure facilitates an open flow of information and best practices that is necessary in this kind of war.

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Ambassador Dore Gold has served as President of the Jerusalem Center for Public Affairs since 2000. From June 2015 until October 2016 he served as Director-General of the Israel Ministry of Foreign Affairs. Previously he served as Foreign Policy Advisor to Prime Minister Benjamin Netanyahu, Israel's Ambassador to the UN (1997-1999), and as an advisor to Prime Minister Ariel Sharon.

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The Jerusalem Center for Public Affairs is a leading independent research institute specializing in public diplomacy and foreign policy. Founded in 1976, the Center has produced hundreds of studies and initiatives by leading experts on a wide range of strategic topics. The Center is headed by Amb. Dore Gold, former Israeli ambassador to the UN and director-general of the Israel Ministry of Foreign Affairs.

Jerusalem Center Programs:

Defensible Borders for Israel – A major security and public diplomacy initiative that analyzes current terror threats and Israel's corresponding territorial requirements, particularly in the strategically vital West Bank.

Jerusalem in International Diplomacy – Dore Gold analyzes the legal and historic rights of Israel in Jerusalem in *The Fight for Jerusalem: Radical Islam, the West, and the Future of the Holy City*. Veteran Israeli journalist Nadav Shragai documents nearly a century of Arab violence in *"The Al-Aksa is in Danger" Libel: The History of a Lie*.

Combating Delegitimization and BDS – A public diplomacy program exposing those forces that are questioning Israel's very legitimacy. Publications include *Israel's Rights as a Nation-State in International Diplomacy* (2011) and *Unmasking BDS: Radical Roots, Extremist Ends* (2016).

Global Law Forum – A program that undertakes studies and advances policy initiatives to protect Israel's legal rights in its conflict with the Palestinians and radical Islam.

Institute for Contemporary Affairs (ICA) – A program founded in 2002 jointly with the Wechsler Family Foundation that presents Israel's case on current issues through high-

level briefings by government and military leaders to the foreign diplomatic corps and foreign press.

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