INTRODUCTION

The Middle East has long been a hot bed of conflict, as at least three main religions cite it as their birthplace. While the Christians were intimately involved in the conflicts during the Crusades, the Muslims and Jews have clashed most recently regarding the former British Palestine.

The hostilities have engendered a cycle of violence that has further devolved into disparate acts, which have resulted in crimes against humanity. These include: [1] Murder, [2] Torture, [3] Deportation, and [4] Persecution. These crimes were not simply single acts, but rather they are systematic and widespread attacks that attained a certain level of mens rea. In response, both the Palestinian authorities and citizens and what are now the Israeli government and its citizens have grown more intransigent in their beliefs and more desperate...
in their responses. Peace negotiations have failed repeatedly in the midst of rising humanitarian costs.⁵

Further, a peace process that would help address the perpetration of crimes against humanity in Israel and the Occupied Territories has not been achieved due to a lack of commitment by the parties and the lack of a specific proposal that both sides can agree upon. The commission of crimes against humanity has not slowed since the first Intifada.⁶ And, putting a stop to these crimes rests on the possibility of creating a lasting peace, a lasting peace, which may only be brought about with a holistic approach that addresses the peace process, security issues, and system-wide justice for crimes against humanity. The processes used in Northern Ireland can serve as a model in realizing peace under these circumstances.

Northern Ireland has been involved in analogous conflicts for much of recent history. The Northern Irish Catholics have fought what they term as British and Protestant aggression and occupation, while the British and the Protestants have fought what they see as terrorism.⁷ The recent successes with the Belfast Agreement⁸ can be applied loosely to the Israeli/Palestinian situation as a remedy and answer to these crimes against humanity.

Part I of this paper discusses the background of each situation, which led to the humanitarian dilemmas in both Northern Ireland and Israel. Part II discusses the basis for international and crimes against humanity law. In addition, it describes the crimes that potentially could be proven in a situation arguably wrought with terrorism and governmental aggression, such as the Northern Ireland and Israel experiences. In Part III, this article discusses the breakdown of the peace process in Northern Ireland and in Israel, their similarities, and how these breakdowns have hindered recourse for past crimes against humanity and created new ones. Part IV suggests a solution to address crimes against humanity by preventing further crimes, by providing recourse and remedy for past crimes and by permitting reconciliation between the Israeli and

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⁶ In Arabic, "Intifada" (قضیة فتنة) is defined as “abrupt and sudden waking up from sleep or uninterested status.” The Intifada in Palestine: Introduction, INTIFADA.COM, available at http://intifada.com/palestine.html (last visited April 30, 2004). In terms of its political meaning, it has come to be associated with the Palestinian uprising against Israeli occupation. Id. As an uprising, it began in 1987. Mitchell Bard, The Intifada, AMERICAN-ISRAELI COOPERATIVE ENTERPRISE, available at www.us-israel.org/jsource/History/intifada.html (last visited April 30, 2004).


⁸ Remarks by David Trimble, First Minister, Northern Ireland Assembly, to the New Atlantic Initiative, FED. NEWS SERV. (Nov. 19, 2002).