

KIDNAPPING OF THREE ISRAELI TEENS

On Monday, June 30, 2014—just over two weeks after they had been kidnapped—the bodies of three murdered Israeli teens were discovered near Hebron.¹ Naftali Frenkel, 16, (who had dual American-Israeli citizenship),² Gilad Sha'er, 16, and Eyal Yifrah, 19, had been abducted when they were hitchhiking home from their school in Gush Etzion, a West Bank Jewish community adjacent to the Green Line.³ Israel immediately launched a massive search, "Operation Brother's Keeper."⁴ Hamas, the Palestinian terrorist group that rules Gaza, orchestrated the abduction, according to the Israeli government.⁵ Since Hamas and the Palestinian Authority (PA) healed their seven year rift with a unity pact in April 2014, Israel has held the PA responsible for the tragedy.⁶

The kidnapping and murder of the three students is one of the most serious terrorist attacks carried out in Judea and Samaria in recent years.⁷

The three Israeli students were innocent civilian victims of terrorism. The students had not provoked anyone or violated any laws.

- Some suggest that the students endangered themselves by hitchhiking, but it is a common form of transportation in Israel, unlike in the U.S. where hitchhiking is dangerous.⁸
- Some claim that the students invited their fate because their school is in the West Bank, but nothing justifies kidnapping. Furthermore, they were in Area C where Israel has legal jurisdiction according to the Oslo Accords.⁹
- Some have drawn false parallels between the abduction and Israel's detention of Palestinian minors. In stark contrast to the fate of the three Israeli teens, the IDF only detains minors suspected of committing criminal acts, and all are protected by Israeli law, their families are informed, their whereabouts are known, and they receive a lawyer who represents them in a fair trial.¹⁰

Israel detained and questioned Hamas operatives in the West Bank because the abduction was a pre-planned terrorist attack similar to other thwarted efforts.

- Israel thwarted 49 terrorist attempts to kidnap Israelis between Jan. 2013 and June 2014.¹¹
- Terrorist groups like Hamas and Palestinian Islamic Jihad often hope to exchange the intended abductees for Palestinian prisoners convicted of crimes and serving time in Israeli jails.¹²

Palestinians celebrated this criminal act, and developed a symbol—holding up three fingers—to show their endorsement of the abductions.¹³ "Women and children took to the streets of Gaza City in several celebratory demonstrations, congratulating the kidnapers and urging more such acts."¹⁴

From the outset, international leaders, including PA President Mahmoud Abbas,¹⁵ the Canadian Foreign Minister,¹⁶ the British Foreign Secretary,¹⁷ and President Obama¹⁸ condemned the kidnapping.¹⁹

Though some accused Israel of collective punishment, Operation Brother's Keeper used practices similar to those of other liberal democracies.

- "Rounding up suspects, or potential witnesses, is not punishment, but rather rudimentary investigative process... Especially when the crime is thought to be committed by a complex terror organization, the number of potential witnesses is high." —*Eugene Kontorovich*, Northwestern University professor of international law
- "In searching for kidnapped civilians, apprehending members affiliated with the organization responsible for the kidnapping is legitimate." —*Robbie Sabel*, former Israeli Foreign Ministry legal advisor

Many Palestinians rioted during Operation Brother's Keeper and attempted to impede Israel's search effort, causing the unfortunate deaths of four Palestinians.

- Some Palestinians violently resisted Israel's efforts to find the teens, imperiling the lives of the Israeli searchers; two Palestinians were killed in clashes with Israeli soldiers.²⁰
- Palestinians in Judea and Samaria [West Bank] were urged by leaders of terrorist groups to impede Israeli efforts to find the missing boys."²¹

A "revenge" killing by six Israelis, who murdered innocent 16-year-old Palestinian Mohammed Abu Khdeir, horrified Israel, in stark contrast to Palestinians' reaction following the Israeli teens' abduction. Israel sought and found the suspected killers in four days.

- Israelis across the political spectrum, from Prime Minister Netanyahu to opposition leaders, all religious leaders, and the general public, castigated the killing of an innocent Palestinian teen.
- The IDF court-martialed and promptly imprisoned soldiers who posted Facebook photos that were deemed to create incitement.²²
- Prime Minister Netanyahu denounced this attack as terrorism and declared, "I would like to send my condolences to the Abu Khdeir family. I pledge that the perpetrators of this horrific crime will face the full weight of the law. I know that in our society, the society of Israel, there is no place for such murderers."²³

¹ Wedeman, Ben, and Dana Ford. "Missing Israeli teens found dead in West Bank." *CNN*. Cable News Network, 30 June 2014. Web. 3 July 2014. www.cnn.com/2014/06/30/world/meast/israel-missing-teenagers/.

² Booth, William, and Ruth Eglash. "Israel says 3 missing teens were kidnapped by a terrorist group." *Washington Post*. The Washington Post, 14 June 2014. Web. 3 July 2014. http://www.washingtonpost.com/world/middle_east/israel-searches-for-teens-who-went-missing-in-the-west-bank-on-thursday/2014/06/14/d60a0778-f3df-11e3-a4a8-8ac203a4c406_story.html>.

³ Goldman, Paul, F. Brinley Bruton, and With the Associated Press. "Teens Kidnapped In West Bank Probably Alive: Israel Official - NBC News." *NBC News*. NBC News, 14 June 2014. Web. 3 July 2014. <http://www.nbcnews.com/storyline/west-bank-kidnappings/teens-kidnapped-west-bank-probably-alive-israel-official-n131166>.

⁴ Krass, Major Eran. "War diary: A first-hand account of Operation Brother's Keeper." *Israel Hayom*, 22 June 2014. Web. 3 July 2014. http://www.israelhayom.com/site/newsletter_article.php?id=18315.

⁵ "Murdered Israeli teens mourned in joint funeral, as Israel launches strike against Hamas." *Fox News*. FOX News Network, 1 July 2014. Web. 3 July 2014. <http://www.foxnews.com/world/2014/07/01/israeli-teens-found-dead/>.

⁶ Lynfield, Ben. "Israel lays blame for abduction of teenagers on Fatah-Hamas pact." *The Independent*. Independent Digital News and Media, 15 June 2014. Web. 3 July 2014. <http://www.independent.co.uk/news/world/middle-east/israel-lays-blame-for-abduction-of-teenagers-on-fatahhamas-pact-9539185.html>>.

⁷ "Three Teenage Youths Abducted from the Gush Etzion Junction in Judea (The situation as of June 15, 2014, 1400 hours)." *terrorism-info*. The Meir Amit Intelligence and Terrorism Information Center, 15 June 2014. Web. 30 June 2014. <http://www.terrorism-info.org.il/en/article/20658>.

⁸ Bryant, Christa. "Why were kidnapped Israeli teens hitchhiking in the West Bank?" *Yahoo! News*. Yahoo!, 14 June 2014. Web. 3 July 2014. <https://news.yahoo.com/why-were-kidnapped-israeli-teens-hitchhiking-west-bank-130604875.html>.

⁹ "West Bank: Area C - OCHA map." *West Bank: Area C - OCHA map (22 February 2011)*. United Nations Office for the Coordination of Humanitarian Affairs, 22 Feb. 2011. Web. 30 June 2014. <http://unispal.un.org/UNISPAL.NSF/0/6B9EABA6D3EA5CE2852578410058A8C6>.

¹⁰ "Criminal Justice and Due Process Rights." Elga Cegla Clinical Legal Education Programs at Tel Aviv University Faculty of Law, 1 May 2011. Web. 30 June 2014. <http://www.law.tau.ac.il/Heb/Uploads/dbsAttachedFiles/CJC-factsheet-A4.pdf>.

¹¹ "Three Teenage Youths Abducted from the Gush Etzion Junction in Judea (The situation as of June 15, 2014, 1400 hours)." *terrorism-info*. The Meir Amit Intelligence and Terrorism Information Center, 15 June 2014. Web. 30 June 2014. <http://www.terrorism-info.org.il/en/article/20658>.

¹² "Latest news." Israel to release 1,027 prisoners for its lone soldier, *IBN Live News*. IBN Live, 12 Oct. 2011. Web. 30 June 2014. <http://ibnlive.in.com/generalnewsfeed/news/israel-to-release-1027-prisoners-for-its-lone-soldier/854824.html>>.

¹³ Rose, Thomas. "Palestinians Celebrate Hamas Kidnappings of Three Israeli Children." *Breitbart News Network*. Breitbart, 16 June 2014. Web. 30 June 2014. <http://www.breitbart.com/Big-Peace/2014/06/15/Palestinians-Celebrate-Hamas-Kidnappings-of-Three-Israeli-Children>.

¹⁴ Rose, Thomas. "Palestinians Celebrate Hamas Kidnappings of Three Israeli Children." *Breitbart News Network*. Breitbart, 16 June 2014. Web. 30 June 2014. <http://www.breitbart.com/Big-Peace/2014/06/15/Palestinians-Celebrate-Hamas-Kidnappings-of-Three-Israeli-Children>.

¹⁵ Booth, William. "Palestinian President Abbas condemns abduction of teens and Israeli response." *Washington Post*. The Washington Post, 17 June 2014. Web. 30 June 2014. http://www.washingtonpost.com/world/middle_east/palestinian-president-abbas-condemns-kidnapping-of-israeli-teens/2014/06/16/477fa638-f557-11e3-a606-946fd632f9f1_story.html>.

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- ¹⁶ Levi Julian, Hana. "Canada Condemns PA Terror Kidnapping, But Obama's Silent." The Jewish Press RSS. Jewish Press , 15 June 2014. Web. 30 June 2014. <http://www.jewishpress.com/news/breaking-news/canada-condemns-pa-terror-kidnapping-but-obamas-silent/2014/06/15/>.
- ¹⁷ "US, UK condemn kidnapping; Kerry points finger at Hamas." BICOM. British Israel Communications & Research Center , 16 June 2014. Web. 30 June 2014. <http://www.bicom.org.uk/news-article/20714/>.
- ¹⁸ Wilner , Michael . "Obama condemns 'senseless act of terror against innocent' Israeli youths." *www.JPost.com*. Jerusalem Post , 30 June 2014. Web. 3 July 2014. <http://www.jpost.com/Operation-Brothers-Keeper/US-prepares-difficult-response-to-the-death-of-Israelis-boys-balancing-sympathy-and-restraint-361066>.
- ¹⁹ Booth, William. "Palestinian President Abbas condemns abduction of teens and Israeli response." *Washington Post*. The Washington Post, 17 June 2014. Web. 30 June 2014. http://www.washingtonpost.com/world/middle_east/palestinian-president-abbas-condemns-kidnapping-of-israeli-teens/2014/06/16/477fa638-f557-11e3-a606-946fd632f9f1_story.html>.
- ²⁰ AFP, "Two More Palestinians Killed in 'Brother's Keeper,'" *Israel National News*, June 22, 2014 at <http://www.israelnationalnews.com/News/News.aspx/182046#.U7FwjZtOVjo>.
- ²¹ Rose, Thomas. "Palestinians Celebrate Hamas Kidnappings of Three Israeli Children." *Breitbart News Network*. Breitbart, 16 June 2014. Web. 30 June 2014. <http://www.breitbart.com/Big-Peace/2014/06/15/Palestinians-Celebrate-Hamas-Kidnappings-of-Three-Israeli-Children>.
- ²² Newman, Marissa . "7 IDF soldiers imprisoned for calling for revenge on Facebook." *The Times of Israel*. Times of Israel, 3 July 2014. Web. 15 July 2014. <http://www.timesofisrael.com/idf-soldiers-imprisoned-for-10-days-for-facebook-post/>.
- ²² Peter Beaumont, "Israeli police arrest six over Mohamed Abu Khdeir killing," *The Guardian*, July 6, 2014 at <http://www.theguardian.com/world/2014/jul/06/israel-arrests-abu-khdeir-killing>.
- ²³ Peter Beaumont, "Israeli police arrest six over Mohamed Abu Khdeir killing," *The Guardian*, July 6, 2014 at <http://www.theguardian.com/world/2014/jul/06/israel-arrests-abu-khdeir-killing>.