The "Blue Shield" Project.

Practical Experiences Concerning the Protection of Palestinian Cultural Property

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1. Introduction

The ongoing warfare of the past few years confirm that horrendous and criminal ballistic strategies are used by different factions in order to mutilate children, to execute mass rapes or to destroy the cultural heritage of the enemy. These strategies have been aimed, not only at destroying the enemy's future, but also in order to cancel every trace of its past.

In order to deter future episodes of this kind of *damnatio memoriae* of civilization, the protection of cultural heritage in conflict zones should be considered as an absolute priority, such as the respect of human rights. This, because it aims to preserve the roots and the identity of entire populations, as well as the conservation of their dignity and their pride. This is why a populace deprived of its own "history" cannot exist.¹

Violations of human rights and attacks against humanity are recurrent in the Middle East,² especially after the failure of the Oslo Accords in the ongoing Israeli-Palestinian conflict.³ The accords were a predictable failure, considered that in International Law a successful outcome of an agreement is only achieved if there are equal norms and if there is a real willingness of the contracting parties to consider the text as binding. So actually, the Oslo Accords have amplified the rivalry between the conflicting parties.

Firstly, because 90% of the water resources in the region are under Israeli control. Secondly, the contention increased because of the territorial fragmentation that Palestinians had to undergo; in fact its two separated territories, the West Bank and Gaza, have been subdivided into three different areas:⁴

- Area A. The Palestinian Authority (PA) has sole jurisdiction and security control, but Israel still retains authority over movements into and out of the areas. This comprises 8 cities (Ramallah, Nablus, Jenin, Tulkarem, Qalqilya, Jericho, Betlehem and partly Hebron) with their boroughs.
- Area B, the PA has civil authority and responsibility for public order, while Israel maintains a security presence and "overriding security responsibility".
- Area C, is still under complete Israeli civil and military control.

This kind of division has generated over 200 enclaves. People are forced to live a secluded life because there is no possibility to maintain contact with the "outer world",

Secret negotiations in order to resolve the Palestinian-Israeli conflict were conducted already in 1993 in Norway between members of the PLO and representatives of the Israeli Government.

¹ On the protection of cultural heritage in the event of armed conflict see Maniscalco 1999, with bibliography; see also, Boylan 1993; Toman 1994; Stavraki 1996; Maniscalco 2002.

² On the situation of the cultural patrimony in Palestine see Ilan, Dahari, Gidon 1989, 38-42; Oyediran 1997; Sadeq 2002, 243-264; Taha 2002a, 265-269; Piccirillo 2002, 271-276; Maniscalco 2004, 76-81.

³ The Oslo Agreements I, also *Accords of Cairo* or *Accords on the Autonomy of Gaza and Jericho*, were signed in Cairo on 4th May 1994 (by Rabin and Arafat). They define the first period of the Palestinian autonomy in the West Bank and Gaza, the transfer, the dismantlement and the freeze of the settlements in the West Bank and Gaza and the creation of a National Palestinian Authority. Based on these accords, on 4th May 1999 a Palestinian State should have been created.

The Oslo Accords II, also *Accords of Taba or Accords of Transition on the West Bank and the Gaza Strip*, were concluded in Taba on 26th September 1995 and were signed in Washington two days later. They define the second period of the Palestinian Authority, extending it to other zones of the West Bank.

⁴ Based on the Accords of Oslo II, Chapter 2 "Redeployment and Security Arrangements" and passim.

since the Israeli Army has blocked all roads of access to Palestinian cities, villages and boroughs. In addition, the current construction of a high separation wall has an important environmental impact and it also ignores the possible presence of archaeological material or sites along its path (Figs 1-7).

The necessary costs of such huge reinforced concrete blocks barriers (about 2.5 Million \$ per km) is so high that if this expenditure was designated for other scopes such as the creation of new infrastructure and/or water wells for Palestinians, maybe this could have relaxed the contention between the parties. The entire road network in the West Bank is only accessible for Israelis, settlers, foreigners, international workers and very few authorized Palestinians (often collective taxis or buses). These Palestinians however, are stopped and checked thoroughly at every single checkpoint along the road (Figs 8-9). This is the reason why most Palestinians can only move on foot, maybe using sometimes authorized collective taxis or buses. The representatives of International Organizations and NGOs have been able to access freely to Palestinian centres until little time ago. Lately though, in order to enter certain regions, like Nablus for instance, it is necessary to get accredited previously and on a daily bases by the local District Coordination Liaison Office (DCL). This Office is depending from the Israeli Ministry of Defence and is headed by a superior officer (often Lieutenant Colonel).

The evocative landscape of the West Bank, rich with hilltops and vegetation, is always more disfigured by the savage construction of new settlements. Almost contemporarily with the settlements and with their own little military bases -which are erected very close to Palestinian villages- are planned carefully along the Israeli road network (10-11).

In the cities under Palestinian authority the boroughs which are not occupied by Israeli soldiers are full of life, above all the souks and bazaars in town. The sectors which are under constant Israeli vigilance, like the centre of Hebron, are like "phantom quarters" where not even small commercial activities subsist (Figs 12-15). In all areas though, one perceives from the population and from the local administrators a profound state of fear and frustration for this state of poverty, for the imminent and humiliating incursions by the Israeli army and above all for the lack of confidence in the own political leaders and in the international political community.

Even though the settlers, who live in the cities or in Palestinian areas, are surveilied by the army and they have to live in constant fear and isolation.

The local regular forces, which were created by the Oslo Accords II,⁶ dispose only of short individual arms and they appear particularly unmotivated and underpaid.

There are several buildings which represent the cultural identity of the enemy which have been destroyed, put on fire or vandalized by civilians or by soldiers, who sometimes use the houses or the monuments as temporary lodgings.

Moreover, since the Palestinian historical centres are characterized by houses that are often interconnected by narrow and dark alleys, the kasbah is more apt for urban guerrilla actions. In the past few years the Israeli army has been using bulldozers, tanks and helicopter-gunfire to defeat the guerrilla groups. In this way, numerous cultural monuments have been bombed or even razed completely to the ground.

In order to avoid ambushes by Palestinian militias in the narrow alleys of the Old City (especially in Nablus), the Israeli soldiers have started to "create" alternative paths by knocking down entire walls between houses for passage (Figs 16-18).

⁵ In order to avoid the hard and meticulous checks by the Israeli soldiers, just before the checkpoint the people have to get out of the vehicles and are obliged to pass the checkpoint on foot, after being searched and interrogated by the soldiers. Once passed, they have to get into a new vehicle and pay for another ride. Such a situation implies among other things to the impossibility to transport wounded and sick people to hospital.

⁶ Annex I, "Protocol Concerning Redeployment and Security Arrangements", in particular, art. IV.

Apart from the physical and mechanical threats,⁷ provoked by rain, by thermic excursions or by vibrations produced when heavy vehicles pass in the proximity of historical buildings, the immobile cultural heritage in Palestine is sometimes also subject to damaging restorations and/or improper consolidation which have been made with inadequate techniques, erroneous methodologies or with wrong means.⁸

In Palestine, illegal trafficking of archaeological material destined for the international market is also particularly booming.

This phenomenon is known as "archeomafia", 9 it is made possible by a series of different factors.

Firstly, because the PA has not been able to create or to promulgate an adequate legislation for the tutelage of cultural heritage ¹⁰ and because the Department of the Antiquities has no possibility to control the actual state of the sites.

Secondly, the poverty struck population is forced to survive in one way or the other. Also the shortage of qualified personnel, both Israeli and Palestinian, which could disseminate knowledge linked to the protection of the Palestinian cultural heritage contributes to this phenomenon of "archeomafia".

2. The Hague Convention of 1954 and the "Blue Shield" symbol

Already in the First Geneva Convention of 1864 regarding the norms regulating the protection of victims of war, the Red Cross was created and its universal emblem was used to distinguish the neutrality of all types of sanitary structure.

The same symbol has become the emblem of the most important international humanitarian organization.

Even though the protection of cultural heritage is part of international humanitarian law, the question of distinguishing and identifying cultural heritage under tutelage in times of war, has never been considered as a priority.

On the other hand, the treaties following the Regulation on laws and use of warfare attached to the IV Hague Convention of 1907,¹¹ different symbols have been presented one by one. The latest being contemplated in the 1954 Hague Convention on the protection of cultural patrimony in the event of armed conflict.¹²

It foresees the so called "Blue Shield" emblem.¹³ When it is displayed alone, the individuals and cultural property are under general protection. This means that the persons in charge of functions of control, the personnel designated for the tutelage of cultural property and the identity cards of the personnel are protected.¹⁴

According to paragraph 1 of Art. 17, the emblem, when represented three times in a triangular formation with a symbol at the bottom, it indicates exclusively cultural property under special protection; included the transport of cultural property and

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⁷ On the protection of cultural heritage in the event of armed conflict see Maniscalco, Mengozzi 2002, 73-82.

⁸ The problem of damaging of immobile cultural heritage due to post war restorations is well documented. On this theme see Maniscalco 2000, *passim*, and Maniscalco 2002, 154.

⁹ On the phenomenon of "archeomafia" there is an ample bibliography. However, see Maniscalco 2000 (with bibliography) and Conforti, Maniscalco, 2002, 121-133..

¹⁰ See Fabio Maniscalco, *La legge n. 51/1929...*, in this book.

¹¹ Proceeded by the 2nd Hague Convention 1899, "Laws and costumes on territorial warfare". See Fabio Maniscalco, *La Convenzione de L'Aja del 1954*..., in this book.

¹² The complete texts on the Hague Convention of 1954, in English and French, can be consulted on the UNESCO site http://www.unesco.org. On the Hague Convention of 1954 see Boylan 1993; Maniscalco 1999 and Maniscalco 2002, *passim*.

¹³ This symbol has been adopted also in the 2nd Additional Protocol of 1999 of the 1954 Hague Convention. On the 2nd Protocol see Leanza 2002, 25-40; Boylan 2002, 41-52.

¹⁴ Art. 17, paragraph 2.

improvised shelters. 15

The norms on the use of the distinctive sign are outlined in Art. 20 of the Regulation Act of the 1954 Hague Convention. It is not binding for the ratifying states to use the sign already in times of peace, but only in the event of armed conflicts and on cultural property under special protection.

Also for this reason, during the conflicts after 1954, the emblem has only been used rarely for notifying the presence of cultural heritage. 16

Moreover, as it has happened in Ex-Yugoslavia, the combatants have opened fire on the emblem itself, which was probably mistaken with one of the enemies's or one of the peace force's emblems. 17

Hence, the ignorance of the Blue Shield derives from the insufficient dissemination which could be guaranteed by making its use compulsory even in times of peace. The inadequate use also derives from the extremely expansive and complex modalities of its use. 18 Confusion also derives from the existence of the distinctive sign for the different categories of protected cultural property. 19

Among the ratifying states of the 1954 Hague Convention is also Israel, ²⁰ who has disrespected the most basic principles during the long lasting conflict against Palestine. In fact, since this latter is not recognized as a state and therefore cannot ratify international treaties, it should be Israel's responsibility to:

- identify the cultural property to be put under special protection,
- display the Blue Shield on main Palestinian monuments not used for military purposes,
- prevent and stop any act of theft, pillage or destruction of cultural property,
- refrain from any form of retaliation against cultural property,
- inculcate a spirit of "respect for the cultural property of all people" within the army,
- prepare specialized personnel and services within the armed forces in order to guarantee the respect of cultural property and to collaborate with the civil authority responsible for its safeguarding.²¹

The above-mentioned argumentation has motivated the writer to plan and implement a pilot project, named "A Blue Shield for Palestine".

3. Pilot project "A Blue Shield for Palestine"

The pilot project "A Blue Shield for Palestine" has been realized in May 2004, in collaboration with 'Al Quds University in Jerusalem, the University of Naples "L'Orientale" and the Observatory for the Protection of Cultural Heritage in areas of Crisis I.S.Fo.R.M.

On the field, Prof. Marwan Abu Khalaf, Prof. Arch. Osama Hamdan from 'Al Quds University, Dr. Carla Benelli, representative of the NGO "CISS", the "Hebron Rehabilitation Committee" and the "Old City Department" of the Municipality of Nablus have collaborated.

Before the apposition of the symbol on the pre-selected monuments, careful and accurate

¹⁵ The transports though have to be effectuated as cited in artt. 12 e 13 of the Convention.

¹⁶ See Maniscalco 1999, 38-40; Maniscalco 2002a, 149-153.

¹⁷ See Maniscalco 1997, 80.

¹⁸ On the limits of the Hague Convention of 1954 see Boylan 1993; Maniscalco 2002a, 149-153, and Fabio Maniscalco, La Convenzione de L'Aja del 1954..., in this book.

¹⁹ See also Carcione 1999, 121-130; Maniscalco 1999, 38-40.

²⁰ On 3rd October 1957. The State of Israel has also adhered, on the 1st April 1958, to the 1st Additional Protocol of the Convention.

²¹ See Fabio Maniscalco, *La Convenzione de L'Aja del 1954...*, in this book.

inspections have been made in order to assure that no arms were inside and that the monuments were not used for military purposes.

Moreover, a thorough briefing has been organized for all the Palestinian counterparts in order to explain the international norms in matters of tutelage of cultural heritage in the event of armed conflict and obviously to illustrate the significance of the emblem "Blue Shield".

3.1. The objectives

The objectives of the project were as follows:

- 1. To experiment the problems linked to the use of the Blue Shield in areas of crisis.
- 2. Disseminate, both in civilian and military sphere, the significance of the symbol defined by the 1954 Hague Convention.²²
- 3. Disseminate in academic ambient and in the sector of tutelage of the cultural property, be it Palestinian, be it Israeli, the principles of international conventions in matters of protection of the cultural property.
- 4. Make the army, the Israeli Government and the PA sensitive to the safeguard of the historical memory of the counterpart.
- 5. Instruct the Palestinian personnel responsible for the protection of the local cultural heritage, in order to put into force the reigning international norms.
- 6. Individuate loopholes of the 1954 Hague Convention.

3.2. Materials

In order to implement the project, following materials were necessary to prepare beforehand in Italy:

- Cloths in synthetic waterproof materials (1.40 x 1.20 m) with the symbol of the 1954 Hague Convention and displaying the clause "cultural heritage" in English and in French. The emblem has to be visible by earth, air and along the perimeter of the area and monuments under tutelage.²³
- Tables (21x29 cm) displaying the symbol of the 1954 Hague Convention and having the words "cultural heritage" in English and French. The tables have then been exhibited next to the entries of the selected monuments for the project.
- T-shirt with the symbols of the 1954 Hague Convention with written "Cultural Heritage", in order to identify the personnel involved in the tutelage of cultural property. During the apposition of the signs and drapes, one or more workers were wearing this T-shirt.²⁴
- Entire texts of the 1954 Hague Convention and some specific publications in matters of protection of cultural property in the event of armed conflicts, were donated to centres of tutelage of cultural patrimony in Palestine.

3.3. Monuments and areas used for the apposition of the Blue Shield

Once decided to limit the project to areas, which were mainly hit by the conflict, the attention of the writer concentrated on the cities of Hebron, Nablus and Ramallah:

 $^{^{22}}$ A analogue activity, limited only to the NATO Forces, has been carried out by the writer in 1998 in Shape (Belgium) see Maniscalco 1998a.

²³ In reality one has always referred to Art. 20 of the "Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict".

²⁴ Some T-shirts have been donated to the personnel of the "Hebron Rehabilitation Committee", of the "Old City Department" of Nablus, of the UNESCO and of the 'Al Quds University of Jerusalem.

- 1. Hebron: This city is ca. 30 km S-W from Jerusalem and it is a sacred place for Christians, Jews and Muslims, since apparently Abraham, Sarah, Isaac, Rebecca, Jacob and Lea were buried in the cave of Macpel (situated in the complex of the Haram Al-Khalil, containing a mosque, a synagogue and a basilica). This is the main cause of the attrition between the two people living face to face, in the two sectors of Hebron, H1 (Palestinian) and H2 (Settlers) based on the Hebron Protocols.²⁵ One of the areas most at risk of destruction is the historical quarter called "Hart Dar Daan", with its buildings from the XVIII century, some of them have been bombed, some have been destroyed and some have been hit badly, but they are still inhabited. It was decided to include this area in the project and to put the signs along its perimeter, not only for the precarity of the sites but also because the recent decision of the Israeli authorities to clear the still inhabited houses in order to create a passage linking the Haram Al-Khalil with one of the five settlements in the city. All this notwithstanding the cultural value of the borough, albeit some houses were still inhabited by local Palestinians and although an even more convenient connecting path already exists between Harem Al-Khalil and the settlement (Figs 19-24).²⁶
- 2. Nablus: Situated in a strategic position of Samarra, at the crossroad of the main communication streams leading to Jordan, to Galilee, to the Mediterranean and to Jerusalem, this city was put under Palestinian administration, even though the roads of access are blocked by road blocks or manned check-points. Nablus is one of the most damaged cities by the conflict, since apparently most rebels come from there. The monuments selected for the project were:
 - The palace "Abd Al Hadi". It is an important complex of monuments of the XIX century; systematically it was subjugated to repeated Israeli raids (Figs 25-28).²⁷
 - The "Khan Al Wakala". It is an important enclave for caravans, of the first quarter of the XVII century. It was destroyed by bulldozer Israeli in April 2002²⁸ and periodically submitted to incursions of Israeli soldiers (Figs 29-31).
- 3. Ramallah: The emblem of "Blue Shield" has been exhibited in the archaeological site of Khirbat Shuwayka, during the archaeological research realized by the Institute of Islamic Archaeology of 'Al Quds University (Figs 32-33).²⁹

3.4. Problems met during the project

The operative problems encountered during the implementations of the projects were the following:

 Risk of immediate repatriation if the finality of the project had been known beforehand and if the personnel at Tel Aviv airport would have discovered the significance of the tables, the T-shirts and the signs in the luggage.³⁰

²⁶ It is evident that there is a political will to use this type of solution in order to separate in two sectors the Palestinian H1.

²⁵ Signed on 15th November 1997.

²⁷ The latest aggressions against this monument date back to March 2004, when a missile was launched by a helicopter and it destroyed the pavement of one of the courtyards of the palace, which has been immediately restored by the Municipality of Nablus. In April and May of the same year, the monument was used as a temporary shelter by Israeli soldiers after having chased its inhabitants. Moreover some areas have been damaged by explosives and some have come under gunfire.

²⁸ The area has been searched immediately by the Municipality of Nablus in order to individuate possible bodies trapped under the rubble.

²⁹ See Marwan Abu Khalaf, *Khirbat Shuwayka Excavations*, in this book.

³⁰ Seen the impossibility to send the necessary material for the project beforehand, the writer was forced to carry the material in his own luggage.

- Difficulties of movement from one city to the other and the necessity in some cases to get a preventive permit from the DCL for accessing some Palestinian cities. The DCL can arbitrarily refuse the authorization without any particular reason.
- Risk of being stopped or other sanctions on behalf of the Israeli army.
- Risk of being involved in any kind of attacks or acts of aggression.

4. Conclusions

In the past years different types of warfare have been named, because of the current political strategies, with new and fanaticized locutions, such as: "international police operation", during the war in the Federal Republic of Yugoslavia, and "preventive war", in occasion of the occupation in Afghanistan and in Iraq.³¹

Paradoxically though, the failing of the objectives of such conflicts have put light on the need of an univocal and unequivocal discipline in matters of tutelage of human rights.

Also the necessity of a transformation of the UN and its specialized Agencies, which should not anymore be subaltern to the most powerful groups in the world but above all to be able to manage possible situations of crisis in an independent and autonomous way. Regarding the protection of cultural heritage, the "International Committee of the Blue Shield" (ICBS) was created in 1996.³² Then in 1999, it was proclaimed -in the final declaration of the International Congress of the UNESCO³³ on cultural heritage in danger-, the international credible referent for warfare and situations of natural calamities.

On April 14th 2000, ICBS has adopted its own Charter in Strasbourg, fixing six fundamental principles of the Blue Shield: co-ordination, independence, neutrality, professionalism, respect of the cultural identity and voluntarism.

On March 9th 2004, when the 2nd Protocol entered into force,³⁴ the role of the ICBS was recognized officially.

Currently though, although the numerous institutions of the National Committees, the ICBS has difficulties to affirm itself as a real referent for the protection of cultural heritage in areas of crisis.³⁵

³¹ On the concept of cultural heritage and war see Maniscalco 2003, 107-109.

For the cultural heritage during the war in the Federal Republic of Yugoslavia see AA.VV. 1999; Maniscalco 1999, 109-119; Maniscalco 2000a; Maniscalco 2002, *passim*.

For cultural patrimony in Afghanistan, see Hatch Dupree 1996, 42-52; Hatch Dupree 1997-1998, 114-119; Hatch Dupree 1998; Hatch Dupree 1998a, 33-51; Maniscalco 2001, 8; Maniscalco 2002b, 7; Hatch Dupree 2002, 291-302; Van Krieken Pieters 2002, 305-316. News on the cultural patrimony of Afghanistan can be consulted on UNESCO website (web page http://www.unesco.org/opi2/afghan-crisis).

For the cultural patrimony in Iraq and on the pillage of the Museum of Baghdad see Saporetti, Vidale 2003; AA.VV. 2003a; Baker, Matthews, Postgate 1993; ICOM 2003; Maniscalco 2003a, 84-85; Fales 2004.

There are numerous web pages on cultural heritage in Iraq: UNESCO (http://portal.unesco.org/en/ev.php-URL_ID=11178&URL_DO=DO_TOPIC&URL_SECTION=201.html); British Museum (http://www.thebritishmuseum.ac.uk/iraqcrisis/index.html); University of Missouri (http://cctr.umkc.edu/user/fdeblauwe/iraq.html); Interpol

⁽http://www.interpol.int/Public/WorkOfArt/Default.asp); McDonald Institute for Archaeological Research of the University of Cambridge (http://www.mcdonald.cam.ac.uk/IARC/iarc/iraq.htm) and the ICOM (http://icom.museum/redlist); Oriental Institute of The University of Chicago (http://oi.uchicago.edu/OI/IRAQ/Iraqdatabasehome.htm). The latter one has created a forum where one can register through the web http://listhost.uchicago.edu/mailman/listinfo/iraqcrisis.

³² See the "Declaration of Radenci" (Slovenia) of 16th November 1998.

³³ Held in Paris in 1999.

³⁴ See *supra*, to note 13.

³⁵ The role and the possible developments of the ICBS were discussed during the recent "Blue Shield International Meeting", held in Turin on 23-24th July 2004, organised by the Italian Committee of the Blue Shield.

Seen the continuous disrespect of the principles of international conventions in matters of protection of the cultural property, the project "A Blue Shield for Palestine" has meant to pledge the international political Community and the different national Governments to stimulate and to institute and/or render operational organisms which could guarantee the protection of cultural heritage in war zones and in natural disaster areas.

Anyhow, one is conscious about the still very long way to go in order to complete the creation of a rigorous and universal discipline in matters of international tutelage of cultural heritage. Also the establishment of specialized, operative and autonomous organisms in the sector of protection of cultural patrimony in areas of crisis remains difficult undertaking.

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- Figs. 1-4. Jerusalem. The construction of the high separation wall.
- Figs. 5-7. All roads of access to Palestinian cities, villages and boroughs have been destroyed and/or are garrisoned by the Israeli Army.
- Fig. 8. Map of IDF Checkpoints and Roadblocks.
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- Fig. 11. Destruction of Abu Ghnaim Forest, august 1997. (photo Applied Research Institute Jerusalem, www.arij.org).
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- Figs. 29-31. Project "A Blue Shield for Palestine". Nablus, the "Khan Al Wakala" (first quarter of the XVII century) was destroyed by bulldozer Israeli and periodically submitted to incursions of Israeli soldiers.
- Figs. 32-33. Ramallah. The emblem of the "Blue Shield" has been displayed on the archaeological site of Khirbat Shuwayka.