



United Nations Office for the Coordination of Humanitarian Affairs

OCHA SPECIAL FOCUS occupied Palestinian territory

Dec 2008

Unprotected: Israeli settler violence against Palestinian civilians and their property

On 16 November, after a protracted legal battle, the Israeli High Court of Justice ruled that Israeli settlers must leave the Al Rajabi House settlement in the Israeli-controlled area of Hebron (H2). The HCJ declared that the State of Israel will be named temporary custodian of the property until a separate ruling on the ownership is issued. On 4 December 2008, Israeli security forces evacuated these settlers by force. During the course of the evacuation, clashes took place between Israeli settlers and Israeli security forces, causing injuries to both sides.

In the aftermath of the eviction, violence continued in Hebron city. Groups of settlers threw stones at Palestinian houses and set fire to vehicles, agricultural fields, houses and the contents of one mosque. Settlers also attempted to force entry into Palestinian homes. In the hours following the eviction, Israeli settlers injured six Palestinians, including two with live ammunition. In spite of IDF efforts, settler attacks were difficult to contain. In areas, clashes erupted between Israeli settlers, Palestinians and the IDF. Some Israeli settlers were injured as a result. Additional settlers attempted to enter Hebron by various routes to assist those already in the city. With a few exceptions, they were prevented from doing so by the IDF.

Settler violence quickly spread to other West Bank areas in protest of the evacuation: groups of settlers threw stones at Palestinian vehicles in more than 12 locations on the day of the evacuation and attacked Palestinian communities, setting fire to Palestinian property and land, cutting down olive trees, slashing vehicle tires and vandalizing other property. The IDF responded by staffing checkpoints and placing jeeps at strategic points to prevent settlers from entering Palestinian communities.

Settler actions during and after the Al Rajabi house evacuation highlight trends in settler behavior identified through OCHA's monitoring of settler-related activity in the West Bank. As this Special Focus indicates, settler violence is a regular occurrence, targeting primarily Palestinian civilians and their property, but also IDF soldiers.

Key Points

- **Increasing Palestinian Casualties:** In the first 10 months of 2008, OCHA recorded 290 settler-related incidents targeting Palestinians and their property. This figure, while not comprehensive, reflects a worrying trend, since it surpasses the total recorded by OCHA in each of the previous two years (182 and 243 in 2006 and 2007, respectively). Similarly, Palestinian deaths and injuries resulting from settler-related incidents in 2008 exceed the number of Palestinian casualties in each of the previous two years (131 in 2008, compared to 74 in 2006 and 92 in 2007). Since 2006, OCHA has recorded more Israelis killed by Palestinians in the West Bank than vice-versa (10, compared to 4). The number of Israelis injured by Palestinians during that period is less than half those of Palestinians injured by Israeli settlers (116, compared to 293).
- **Group violence:** Since 2006, a significant majority of settler incidents recorded by OCHA are carried out by groups of Israeli settlers, rather than lone individuals.
- **Vulnerable groups injured:** Approximately half of all Palestinian injuries from settler violence each year since 2006 have been made up of children, women, and the elderly over 70 years of age.
- **Nablus and Hebron most affected areas:** Some areas of the West Bank suffer far higher levels of settler violence and related activity than others. While incidents were recorded by OCHA in all governorates during the first 10 months of 2008, they were more frequent in the Hebron and Nablus governorates, with 42% and 21% of all incidents, respectively. This trend was also witnessed in the preceding two years.
- **Settlements, settler violence and the lack of law enforcement:**
 - » A root cause of the phenomenon is Israel's decades-long policy of facilitating and encouraging the settling of its citizens inside occupied Palestinian territory (oPt), defined as transfer of population and prohibited by international humanitarian law (IHL).
 - » Under IHL and international human rights law, Israel is responsible for ensuring public order and safety and protecting the civilian population in the occupied territory. As the occupying force in the West Bank, responsibility for implementing this obligation falls to the IDF.
 - » In spite of clearly defined legal responsibilities and some recent efforts undertaken by the IDF and Israeli police, the relevant Israeli authorities have failed to adequately enforce the rule of law when it comes to Israeli settlers carrying out acts of violence against Palestinians and their property in the West Bank. For example, according to the Israeli human rights group Yesh Din, over 90% of investigations into settler violence are closed without an indictment being filed. By contrast, when Israeli civilians are the target of Palestinian violence, the IDF actively pursues Palestinian suspects; thousands of Palestinians are arrested and prosecuted through Israel's military court system each year.
- **Triggers:** Settler violence occurs throughout the year, with increases in property and land damage often observed during periods of intensive agricultural activity for Palestinians (e.g. olive harvest). Settler attacks are also linked to attempts to dismantle settlement outposts. According to settler statements, settlers are now implementing a strategy wherein there will be a high "price" to pay for each attempt to dismantle settlement outposts.

- **Humanitarian impact:** The humanitarian impact of settler violence is significant. Although not the most significant result in terms of numbers, the gravest outcome is the killing and injury of Palestinian men, women and children. Settler violence also harms Palestinians by damaging livelihoods. In some cases, settler attacks have been so systematic as to directly contribute to the displacement of Palestinian residents. Examples include the H2 area of Hebron, Palestinian hamlets in Massafer Yatta, and the village of Yanun, in the northern West Bank (whose residents subsequently returned). Addressing the impact of settler violence on Palestinian civilians has been identified by humanitarian agencies as a key humanitarian need in the 2009 Consolidated Appeal.
- **Humanitarian concern:** In the absence of effective Israeli law enforcement, along with increasingly aggressive settler activity, there is concern that the situation may deteriorate further. In particular, there is concern that settler violence may result in far greater numbers of Palestinian casualties, related damage and further displacement.

1. Introduction

Israeli settler violence against Palestinian civilians is increasing; during the first 10 months of 2008, OCHA recorded more Palestinian casualties caused by settlers than in each of the previous two years. Settler violence is not random criminal activity; in most cases, it is ideology-driven, organized violence, the goal of which is to assert settler dominance over an area. IDF Commander of the Central Command Major General Gadi Shamni, responsible for the West Bank, recently argued that the increase is due to the “encouragement [the settlers] receive from the settler leadership, rabbis and [the] public.”¹

A root cause of the phenomenon is Israel’s settlement activity. Over the course of its prolonged military occupation, Israel has facilitated and encouraged the settling of nearly 470,000 Israelis into the occupied Palestinian territory (oPt),² resulting in the takeover of Palestinian land, natural resources and transportation routes.³ This transfer of citizens into occupied territory is strictly prohibited under international humanitarian law (IHL).⁴ In 2004, the International Court of Justice concluded that Israeli settlements in the oPt are in breach of international law, while Israel’s settlement activity has been condemned by the UN Security Council.⁵

The prohibition on the transfer of civilian population into occupied territory stems from a number of humanitarian concerns, including that civilians living under occupation are vulnerable to abuse and exploitation by the military occupying power and that civilians of the occupying power’s own state will receive privileged status at the expense of the occupied population. Indeed, this has happened in the oPt as Israel’s settlement enterprise has created two separate systems of rights and privileges, favoring, for the most part, Israeli citizens, at the expense of the over two million Palestinian residents of the West Bank.

The privileges accorded to Israelis for movement and access, along with the use of two different sets of laws for each population (Israeli domestic law for Israelis and military orders for Palestinians) constitute the most pronounced elements of this institutionalized discrimination.⁶

Additionally, because military occupation is supposed to be a temporary situation, IHL prohibits the occupying power from making any permanent changes to the occupied territory, except as strictly required by military necessity.⁷ Such changes make ending an occupation much more difficult. This is also proving to be the case in the oPt. Israeli media reports credit the recent increase in settler violence to more radicalized settler youth, impacted by Israel’s 2005 “disengagement” from the Gaza Strip and parts of the northern West Bank and strenuously opposed to further evacuations of settlements.⁸ Settlers report that they intend to exact a “price” for every attempt to dismantle a settlement “outpost” – small satellite settlements established without official Israeli authorization.⁹ The implementation of this technique has been seen recently with settlers mobilizing large groups of other settlers to attack Palestinians following attempts to dismantle settlement outposts in Hebron. As a result, after paying the price of Israel’s settlement policy for decades, Palestinian from all walks of life are now paying the price for the limited efforts undertaken to remove settlement outposts.¹⁰

The majority of settler incidents recorded by OCHA since 2006 have been undertaken by groups of Israeli settlers against Palestinian civilians as they performed their daily tasks – walking to school or the market, grazing their livestock, tending their fields or harvesting their crops. Children as young as eight-years-old and the elderly as old as 95 years have been the targets of attack.

The full extent of settler violence is difficult to capture, in part, because settler harassment has become such a routine part of life for some Palestinians. Many incidents

go unreported unless they have a significant result. In some areas, such as in the part of Hebron city under Israeli control (H2) or in the villages surrounding Yitzhar settlement in the Nablus governorate, OCHA has recorded routine settler harassment and intimidation of Palestinian civilians, via a variety of techniques from the threat of force to its actual use.

The humanitarian impact of settler violence is significant. Although not the most significant result in terms of numbers, the gravest outcome is the killing and injury of Palestinian men, women and children. However, settler violence also harms Palestinians by damaging livelihoods through the destruction of, or access denied to, Palestinian agricultural or grazing land and damage to Palestinian crops and livestock. In certain cases, it affects Palestinians’ ability to access basic services – one such example is children in the southern West Bank who face regular attack or harassment by settlers as they walk to school. Damage is not limited to attacks on people and property alone; it also occurs from attacks that create an environment of fear and intimidation. In a number of areas, systematic settler violence has led to displacement of Palestinians.

The recent upsurge in settler attacks on Palestinians, as well as IDF soldiers, has prompted a flurry of condemnations from across the political spectrum and calls for effective law enforcement activities in the West Bank.¹¹ Yet, while settler violence has been officially acknowledged as a problem since the early 1980s, and though a number of official Israeli commissions and individuals have made recommendations to tackle the issue, successive Israeli governments have failed to take the measures necessary to halt the phenomenon. Commentators have noted that this failure has created an atmosphere of impunity that contributes to ongoing settler attacks.¹² Israeli advocate Talia Sasson, author of the 2005 official report on the construction of unauthorized settlement outposts has recently argued that the problem of continued settler violence is not one of law enforcement, but of political will.¹³ In this context, along with increasingly aggressive settler activity, there is concern that the situation may deteriorate further and result in increasing damage to civilians’ lives and livelihoods.

This Special Focus draws upon data recorded by OCHA since 2006, along with field observations, to identify the most common characteristics of settler-related incidents as they affect Palestinians. It also includes an overview of key problems in law enforcement and identifies the main responses currently offered by civil society and others for Palestinian victims of settler violence.

2. Settler-related incidents affecting Palestinians, 2006 – 2008

Since 2006, OCHA oPt has regularly recorded settler-related incidents taking place in the West Bank. After confirmation, OCHA integrates this data into its Protection of Civilians database. Included in this category is any event involving an aggressive action perpetrated by either Israeli settlers or Palestinians towards each other or others (such as international observers).¹⁴ The category also includes incidents wherein the IDF takes action in response to a specific incident involving Israeli settlers (e.g. restricting Palestinian movement as hundreds of settlers attempt to re-occupy a settlement). The majority of the incidents recorded by OCHA involve settler aggression against Palestinian civilians.

OCHA’s settler-related data provides one means of monitoring the humanitarian impact of Israel’s settlement policy on Palestinian civilians. The recorded events are not comprehensive. As this report will make clear, some areas of the West Bank suffer far higher levels of settler violence and related activity than others. In areas where settler harassment is routine, many incidents are not reported unless they have a significant result, simply because harassment has become a regular aspect of daily life or because those affected do not believe that reporting an incident will result in any change. In other cases, OCHA has been unable to confirm details of a particular incident and, therefore, has not included it in the database. However, while the incidents recorded do not reflect the full extent of settler violence towards Palestinians, they are indicative of related trends.

The total number of OCHA-recorded settler incidents affecting Palestinians has steadily increased each year since 2006. Likewise, the total number of incidents in the first 10 months of 2008 surpassed the total number of incidents recorded by OCHA in 2006 and 2007. A total of 182 incidents were recorded in 2006. This increased to 243 in 2007 and 290 in the first ten months of 2008.

This section is based on events recorded by OCHA during the period 1 January 2006 – 31 October 2008, along with field observations during that period. It analyzes OCHA data in terms of location, results and timing of settler-related incidents.

a. Location of Incidents

Settler-related incidents recorded by OCHA occur primarily in areas adjacent to Israeli settlements in the West Bank. While incidents were recorded in all governorates during the first 10 months of 2008, they were more frequent in the Hebron and Nablus governorates, with 42% and 21% of incidents, respectively (see Map).

Thirty-one percent (31%) of total incidents in 2008 occurred in the H2 area of Hebron city; 11% took place near the settlements of Yitzhar and Bracha (Har Bracha) in the Nablus governorate; 9% took place in the south Hebron area, from Adh Dhariya in the west to Masafer Yatta in the east; and 10% involved settlers from Nablus settlements other than Yitzhar and Bracha.

This trend was also witnessed in the preceding two years. In 2007, 42% of recorded incidents occurred in the Hebron governorate, while 27% took place in the Nablus governorate. In 2006, Hebron governorate accounted for 54% of incidents, while Nablus governorate accounted for 23%.

b. Results of Incidents

OCHA records settler-related incidents based on the result of the event, i.e. whether it caused casualties or property damage, denied Palestinian access to an area, etc. While incidents may have multiple results, a hierarchy based on the severity of the result is employed so that each incident is counted only once. For example, one attack might result in a Palestinian casualty as well as in damage to Palestinian property. In this case, the incident is recorded as a "casualty" incident and not as a "property damage" incident.¹⁶

Since 2006, the majority of settler-related incidents (77%) recorded by OCHA resulted either in Palestinian deaths and injuries (26%); caused damage to Palestinian property (28%); or denied Palestinians access to a particular place, road or area (23%). These three categories also constituted the majority of events recorded each year.

Attacks on children in south Hebron

One of the most serious instances of settler violence takes place in south Hebron. Children who attend At Tuwani village elementary school in south Hebron face regular attack and harassment by Israeli settlers, including being verbally abused, physically assaulted, chased and having stones thrown at them. Though the Israeli authorities have failed to bring an end to these attacks, the IDF has committed to escorting these children to school. However, IDF soldiers often abandon the children partway along the route, leaving them vulnerable to settler attack.¹⁵



UN Office for the Coordination of Humanitarian Affairs

***Distribution of Settler-related Incidents affecting Palestinians by Governorate,
1 January - 31 October 2008***

December 2008

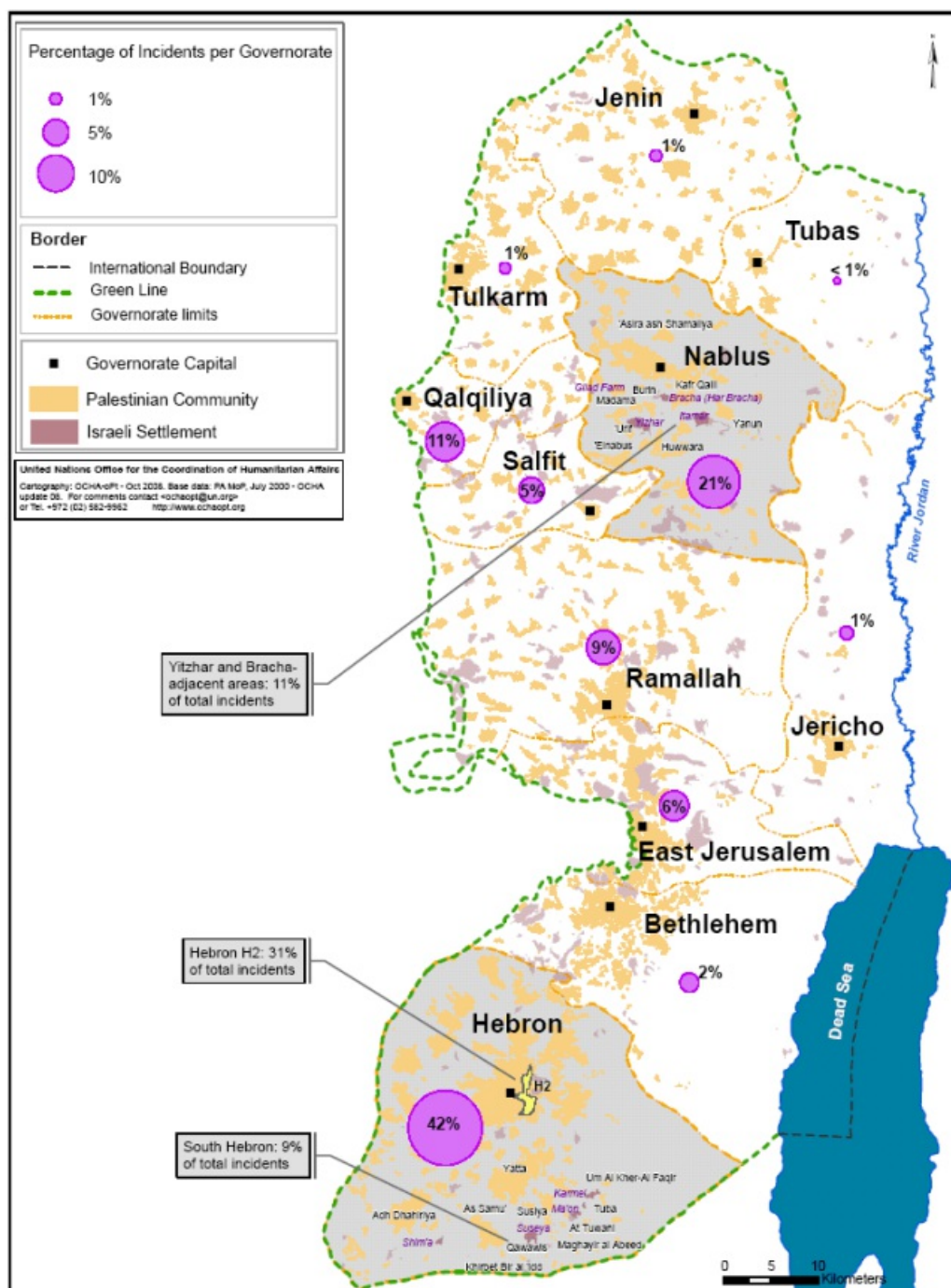


Table I: Results of Settler-related Incidents affecting Palestinians, 2006 - 2008

| Number of incidents resulting in: | 2006 | 2007 | 2008 (10 months only) |
|-----------------------------------|------------|------------|-----------------------|
| Casualties | 56 | 60 | 71 |
| Property damage | 60 | 58 | 79 |
| Preventing access | 28 | 76 | 62 |
| Trespass | 12 | 20 | 38 |
| "Intimidation" | 20 | 15 | 36 |
| Casualty indirect ¹⁷ | 6 | 14 | 4 |
| Total | 182 | 243 | 290 |

i

i. Palestinian Casualties

Of the 290 settler-related incidents affecting Palestinian civilians recorded by OCHA in the first ten months of 2008, 24% resulted in Palestinian casualties: three Palestinian males, including one child, were killed and 128 injured (including 28 women and 21 children). These surpassed the total number of settler-related Palestinian casualties in 2006 (92 – 1 death, 91 injuries) and 2007 (74, all injuries). Approximately half of all Palestinian injuries from settler violence each year since 2006 have been inflicted on children, women, and men 70 years and older.¹⁸

The majority of incidents that resulted in Palestinian casualties occurred in the Hebron governorate, 39 incidents. Of these, 30 incidents occurred in the H2 area of Hebron City. This represents 42% of all incidents resulting in casualties. Seven of the remaining nine incidents occurred in the south Hebron area. Other incidents resulting in casualties occurred in the Ramallah governorate (4%) and the Nablus governorate, where six of the eight total incidents

involved settlers from Yitzhar and Bracha.

The majority of Palestinian injuries caused by Israeli settlers each year since 2006 have been the result of unnamed physical assaults. In the first 10 months of 2008, these injuries represented 65% of all injuries caused by Israeli settlers. The number of such injuries, 83, surpassed the parallel figure for 2006 and 2007, when 61 and 53 injuries were caused by physical assault, respectively.

The second-largest category of injuries in 2008 was those caused by stone-throwing by settlers. These incidents accounted for 27% of all Palestinian injuries in 2008. There were twice as many stone-throwing-related injuries – 35 – in the first ten months of 2008 as in 2007, when 16 of all injuries were caused by stone-throwing.¹⁹ In 2006, 15% of all cases, or 14 injuries, were caused by stone-throwing. The same year, an almost equal number of injuries, 15, were caused by live ammunition fired by Israeli settlers. Such injuries were considerably fewer in 2007 and 2008, with five and two injuries, respectively.

Displacement caused by Settler Violence

OCHA, along with a number of human rights organizations, has observed that, in some cases, settler attacks have been so systematic – and the response of the relevant Israeli authorities so absent – as to directly contribute to the displacement of Palestinian residents from the targeted area.

In Autumn 2002, the residents of the Palestinian village of Yanoun in the northern West Bank evacuated en masse in order to escape years of regular attack from area settlers.²⁰ They returned only after international peace activists established an active presence in the village in an attempt to protect residents from settler violence. This protective presence is ongoing as a result of the work of the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI).²¹

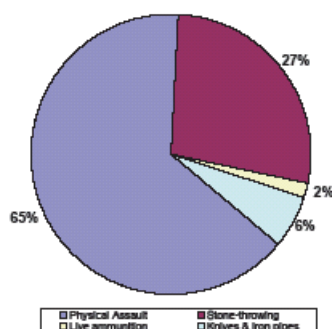
In the southern West Bank city of Hebron, the Israeli human rights groups B'Tselem and the Association for Civil Rights in Israel found in late 2006 that more than 40% of Palestinian apartments in the City Center had been vacated and over 75% of Palestinian businesses had closed due to difficult living conditions caused by settler harassment and restrictive IDF policies.²²

In November 2005, OCHA conducted a survey of Palestinian families in the area of Masafer Yatta in south Hebron. The findings showed that 75 families (837 people) residing in 11 hamlets had been internally displaced from the area between 1998 and 2002. These communities were all located in close proximity to Israeli settlements and their displacement resulted from security concerns and economic difficulties arising from the actions of area settlers. Most displaced residents had experienced violent attacks from settlers directly or as witnesses. Settlers reportedly had targeted the Palestinian residents that were most reluctant to leave. Residents reported that settlers employed various techniques, including setting dogs onto children and women and poisoning livestock. The displacement had pushed the majority of the families into poverty, with nearly half of them becoming recipients of humanitarian aid.²³

Settler killings of Palestinians: In 2008, one Palestinian male child (17-years-old) was killed by Israeli settlers in the West Bank. Two other Palestinian males (aged 19 and 22 years) were killed by Israeli settlers in contexts that were disputed: one died after being shot by a settler who alleged that the Palestinian tried to stab him; and another died while bird hunting with a group of Palestinians after he was shot by an off-duty IDF soldier, who claimed that he was responding to fire from the group of Palestinians.²⁰

In 2007, OCHA recorded no Palestinian deaths due to settler violence. In 2006, one death was recorded: a 48 year-old Palestinian man was shot dead when an Israeli settler opened fire at his vehicle.

Palestinian Injuries caused by Israeli Settlers, 1 January - 31 October 2008



Examples of incidents resulting in injuries in 2008:

- 30 March: A 39-year-old Palestinian man from Kafr Qaddum in the Qalqiliya governorate was physically assaulted by Israeli settlers from Qedumim settlement while he was working on his land.
- 8 June: A 70-year-old Palestinian man, his 68-year-old wife, and 32-year-old relative from Khirbet Susiya, located south of Yatta in the Hebron governorate were injured, the wife seriously, when four settlers attacked them with iron pipes and sharp objects, while grazing their sheep on land rented out to them near the settlement.
- 13 August: A 13-year-old Palestinian boy from the H2 area of Hebron city was injured in the head when Israeli settlers threw stones at him in the vicinity of the Ibrahimi Mosque.
- 4 September: A 9-year old Palestinian boy from the Wadi Al Hussein neighbourhood in the H2 area of Hebron city was hospitalized after a group of settlers from the settlements of Kiryat Arba and Al Rajabi House beat him while en route to his home.
- 11 October: A woman (aged 20) and two men (aged 24 and 47) from Burin were injured by stones thrown by settlers from Yitzhar settlement while they were picking olives on their land. The settlers cut down 18 olive trees before they attacked the farmers.
- 19 October: A 45-year-old Palestinian man from 'Arraba in the Jenin governorate was physically assaulted when settlers from Mevo Dotan settlement attacked Palestinian farmers picking olives in their fields. Settlers stole the farmer's harvest and prevented them from harvesting any more olives.

ii. Property Damage

In the first 10 months of 2008, the single largest category of settler-related incidents was made up of incidents that caused property damage, without resulting in any casualties. There were 79 such cases, some 27% of total incidents. In 2007, 24% of recorded incidents resulted in damage to Palestinian property, down from 33% in 2006.

The value of settler-related property damage is significant and has a direct impact on Palestinian livelihoods. Incidents resulting in property damage recorded in 2008 included:

Palestinian attacks on Israelis in the West Bank

OCHA also records incidents wherein Israeli civilians in the West Bank are the victims of Palestinian violence. As with incidents targeting Palestinians, OCHA's data is not comprehensive and, thus, does not fully reflect the extent to which Israelis are targeted by such violence.

Key Trends: Since 2006, OCHA has recorded more Israelis killed by Palestinians in the West Bank than vice-versa (10, compared to 4). However, the number of Israelis injured by Palestinians recorded during that period is less than half those of Palestinians injured by Israeli settlers (116, compared to 293). Moreover, the number of settler-related incidents recorded affecting Israelis is equivalent to only some 20% of the total affecting Palestinians (155, compared to 715).²⁵

During 2008, 78 settler-related incidents were recorded affecting Israeli civilians in the West Bank.²⁶ This is up significantly from 40 incidents in 2006, and 37 in 2007. The increase is largely due to a significant increase in Palestinian stone-throwing incidents recorded by OCHA during the first ten months of 2008; of 78 recorded incidents, 55 involved stone-throwing by Palestinians. By comparison, in 2007 there only 24 such incidents.

In the first ten months of 2008, three Israeli civilians were killed by Palestinians. An additional 25 were injured: 20 in stone-throwing incidents, three in stabbings, one shot with live ammunition and one physically assaulted. This was down from 2007, when there were 44 Israeli casualties in the West Bank from Palestinian violence: two Israeli civilians were killed and 42 were injured.²⁷ In 2006, there were 54 Israeli casualties from Palestinian violence in the West Bank: five Israelis were killed and 49 injured.

- 1 January: Israeli settlers from the settlements of Efrat and El'eazar set fire to a 700-year-old mosque located on the lands of the village of Al Khader near the settlements (Bethlehem).
- 4 February: Israeli settlers from Havat Gilad outpost uprooted about 200 newly planted olive trees from land belonging to Palestinian farmers from Jit village (Qalqiliya).
- 16 June: A group of Israeli settlers from Yitzhar settlement attempted to physically assault three Palestinian shepherds, including a 12-year-old boy and a 14-year-old boy, in Burin village. After the three Palestinians managed to escape, the settlers stabbed and killed three donkeys.
- 19 June: Israeli settlers from Yitzhar settlement set fire to agricultural land belonging to farmers from Burin, 'Asira al Qibliya and 'Urif villages. More than 800 dunums of olive groves were burnt (Nablus).
- 14 July: Israeli settlers from Beit El settlement threatened a Palestinian herder from Beitin village and stole his 25 sheep (Ramallah).
- 14 September: A group of Israeli settlers from Itamar settlement burnt about 400 olive trees on land belonging to Palestinians from 'Awarta village (Nablus).

iii. Preventing Access

In 2008, the third-largest category of incidents (21%) recorded by OCHA were those that denied Palestinians access to a particular place, road or area due to Israeli settlers. These incidents are separate from incidents related to the hundreds of Israeli checkpoints and other movement obstacles that restrict Palestinian access to the primary road network in the West Bank, which is largely for the exclusive use of Israelis.

Included in "preventing access" incidents are cases where the IDF denied Palestinian access due to specific settler acts in an area. Examples include the closure of a school in the H2 area of Hebron to allow for settler celebrations during a Jewish holiday, a curfew imposed on a Palestinian town so that a settler's wedding could take place, or Palestinian movement in an area denied due to a settler march.

In 2008, OCHA recorded 62 "preventing access" incidents. Of the total, 60% involved incidents wherein Palestinian access was denied to the Prayers Road leading to the Ibrahim Mosque in the H2 area of Hebron City. These incidents generally involve settlers using physical force or the threat of violence to prevent Palestinians from accessing the road. Other related incidents included Palestinians denied access to grazing land or their agricultural fields by settlers or Palestinians barred free movement within a particular area so that Israeli settlers could visit or reach an area.

In 2007, 3.1% (76) of total recorded incidents involved the denial of access. This was double the number and percentage of such incidents in 2006, when 28 incidents – 15% – resulted in denied access. The increase is due primarily to the large number of incidents, 36, in which Palestinian access to areas of the northern West Bank was restricted by the IDF due to Israeli settlers' repeated attempts to re-occupy Homesh settlement, which was evacuated during Israel's 2005 "disengagement".

Paying the Price: One Israeli settler describes the "price tag" technique currently being employed in response to attempts to dismantle settlement outposts:

"Like thieves in the night [Israeli security forces] came. With a bulldozer, a tow truck and some jeeps, they loaded the bus and fled. The whole thing took five minutes. As far as they are concerned, the evacuation was over, for us, the evacuation had just begun. We notified hundreds of activists, and within minutes, we were in the field. We went to more than ten spots in Samaria and in Binyamin to intersections, Arab villages, agricultural areas. We demonstrated, we protested, we threw stones, we blocked roads, we burned fields and we clashed with the security forces. The days are over when the police fought us and we sat down and took it lying down. A new era has come to Judea and Samaria. For every evacuation, for every demolition and destruction, for every stone moved, they will get war. We call this 'mutual responsibility,' because this time, we are not talking about a handful of activists in one or another settlement. We also aren't talking about the residents who live on the hill where the destruction took place. For every act of destruction in the southern Hebron hills we will set fire to Samaria, and for a container destroyed near Har Bracha we will exact a price in the southern Hebron hills."

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CASE STUDY I: The village of Burin, Nablus Governorate

Burin, with a population of approximately 3,400 Palestinians, sits in a valley south of Nablus. It is encircled to the north and south by the Yitzhar and Bracha settlements (combined population of approximately 1,600), along with a number of settlement outposts on the surrounding hilltops. Since the early 1980s, residents of Burin have been the victims of repeated settler violence, which has resulted in injury to village residents and damage to their livelihoods. OCHA has recorded numerous instances of settler violence against the residents of Burin.²⁹

According to the head of the Burin Village Council, the nature of settler attacks against the village has changed over the years. In the 1980s, settler violence was limited in nature and consisted of ad-hoc criminal acts taken by individuals or small groups of people. Following the Oslo agreement of 1993, attacks by groups of settlers increased and focused on attacks on land. For example, in 1995, settlers uprooted 500 olive trees and 1,500 apple trees. After 2000, settler violence against Palestinian villages escalated. According to the Village Council, more than 10,500 trees were either burned, cut or uprooted by settlers between 1995 and 2008. Of these, 8,000 were destroyed after 2000.

Burin reports a sharp rise and intensification in attacks in 2008. Settlers have started to gather in bigger groups, including calling upon people from other settlements to join them. Since mid-June 2008, villagers in Burin have been attacked nine times. For example, on 19 June, after Israeli security forces arrived to remove a mobile home in the Havat Shaked settlement outpost, settlers threw stones at villagers in Burin and set fire to Palestinian-owned fields, burning more than 12,000 olive trees. Settlers prevented the Palestinian fire brigade from putting out the fire. On 9 July, a group of settlers from Bracha fired six improvised rockets towards Burin. Likewise, on 24 July, a group of settlers from Yitzhar threw stones at Palestinian houses and vehicles. They then cut down an electricity post which cut off the electricity in Burin, set fire to about 3,000 olive trees and closed the segment of road 60 near the village for four hours.³⁰

Settlement construction has resulted in decreased access of Burin residents to village land. As settlers' attacks have come progressively closer to the village, access to land has become further restricted. According to the Village Council, prior to settlement construction, village land covered some 18,000 dunums; villagers now have access to only 11,000 dunums. Due to the loss of grazing land, Burin farmers have been forced to sell their livestock: while Burin farmers owned approximately 6,000 animals in the early 1980s, they now own about 400.

Incidents recorded in 2008 included:

- 21 January: IDF soldiers imposed movement restrictions on Palestinians in the Old Souq (market) of the Old City of Hebron, located in the H2 area of Hebron City, due to the presence of Israeli settlers visiting the Souq.

- 8 May: The IDF closed Enav checkpoint for 12 hours to facilitate the movement of Israeli settlers to the evacuated settlements of Sanur and Homesh (Tulkarm).
- 26 July: Five settlers from the settlement of Suseya prevented two Palestinian tractors from plowing land near the fence of the settlement (Hebron).
- 16 August: Seven masked settlers from the outpost of Asa'el, located south of the town of As Samu' prevented four Palestinian farmers from accessing their lands located close to the outpost (Hebron).

iv. Other Attacks

Twelve percent (12%) of incidents recorded by OCHA in the first ten months of 2008 were "intimidation" attacks that, while not resulting in casualties or damage to property, were nevertheless violent. Examples include opening fire on Palestinians; kidnapping two boy shepherds, and firing homemade shells or improvised rockets in the direction of Palestinian villages, among other incidents. A striking example of an "intimidation" attack occurred on 19 October, during this year's olive harvest, when approximately 100 Israeli settlers from Qedumim settlement attacked Palestinian farmers from Kafr Qaddum with stones while they were picking olives. The IDF evacuated the settlers from the area.

c. Group vs. Individual Attack

Since 2006, a significant majority of settler incidents recorded by OCHA have been carried out by groups of Israeli settlers, rather than by lone individuals. The size of group ranged from two settlers upwards to over 100. The number of such incidents has steadily increased since 2006: there were 156 recorded incidents carried out by groups of Israeli settlers in 2006. This number increased to 181 in 2007 and to 252 in 2008. Also, these incidents have consistently comprised a majority of recorded incidents: In 2006, 86% of total incidents recorded were carried out by groups of settlers; in 2007, they constituted 74%; and in the first 10 months of 2008, they were 87%.

Settler Violence during the 2008 Olive Harvest

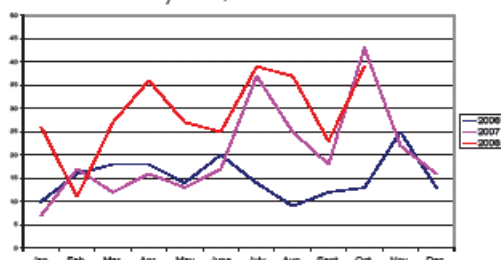
This year's olive harvest began officially in the West Bank on 10 October³² and is expected to be a peak, high-yield harvest. As in previous years, harvesting in olive groves located in the vicinity of some Israeli settlements and settlement outposts was affected by acts of provocation and physical violence from settlers. This occurred despite the deployment of the IDF and international and Israeli solidarity groups at friction points for designated periods. Incidents involving settler violence against harvesters were reported throughout the West Bank: in the north, friction was particularly high around Qedumim, Elon Moreh, Yitzhar and Shilo settlements and Shevut Ami and Havat Gilad settlement outposts, while in the south this occurred in the vicinity of Tel Rumeida (in the Israeli-controlled area of Hebron City, H2), Kiryat Arba' and Otni'el settlements, as well as in the Palestinian villages of Nahhalin and Tuqu. In general, the IDF took significant steps this year to improve coordination of the olive harvest and to minimize settler violence.

As with the overall trend, the majority of incidents that resulted in casualties in 2008 were carried out by groups of settlers: of the 71 incidents recorded by OCHA that resulted in Palestinian casualties, 80% were carried out by a group of Israeli settlers. All but three of the incidents recorded in the H2 area of Hebron city in 2008 were carried out by groups of settlers.

d. Timing of Incidents

Incidents occur throughout the year: since January 2006, OCHA has recorded settler-related incidents every month. Within each year, however, there are peaks and ebbs recorded. In 2006 and 2007, the annual peak of monthly incidents recorded took place during the period of the olive harvest (October and November). In 2008, there was a spike in recorded incidents following the start of the olive harvest in October 2008 (39 in October, up from 23 in September). This makes October one of the two highest monthly totals in 2008; there were also 39 incidents recorded in July. OCHA field observations also indicate that settler-related property and land damage sometimes increases in specific locations during other periods of intensive agricultural activity for Palestinians, e.g. preparing land or sowing crops, as farmers are active in settlement-adjacent areas.

Settler-related incidents by Month, 2006-2008



OCHA data indicates that Palestinian civilians also become the target of settler violence as they pay the "price" for the Israeli authorities attempt to dismantle settlement outposts. This occurred in late October 2008 when the IDF and Border Police removed a settlement outpost (the "Federman Farm") south of the settlement of Harsina, next to Hebron city. Following the removal, Israeli settlers living in the Al Rajabi House settlement, slashed the tyres of 22 Palestinian cars parked in the vicinity of the settlement as well as removed twenty gravestones from a nearby cemetery. Israeli settlers also attacked a nearby Palestinian house with rocks for two hours. Within days, settlers twice re-established the settlement outpost; the new structures were subsequently removed by Israeli security forces. Again, Palestinians in the area paid the "price" of settler fury, as masked settlers attacked two Palestinian homes in the area, leading to the injury of seven Palestinians, including three journalists, a 95-year old woman, along with damage to the homes.³³

Likewise, in November 2008, after the Israeli High Court of Justice ruled that the Al Rajabi settlement in the H2 area of Hebron city should be evacuated, some 20,000 settler-supporters entered Hebron city.³⁴ During the week following the ruling, settlers threw stones at a Palestinian building, desecrated tombstones at an Islamic cemetery and scribbled offensive words on the walls and door of a local mosque. When Israeli security forces evacuated the Al Rajabi settlement in early December, settlers in Hebron and throughout the West Bank carried out reprisal attacks on Palestinians and their property.

3. Law Enforcement

a. Responsibility

As an occupying power, Israel is responsible for ensuring public order and safety in the territory under its authority.³⁵ Article 43 of the annex to the Hague Regulations of 1907 specify that: "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety ...". The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War offers a number of protections for the occupied population. Of note, article 27 outlines that: "protected persons ... shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity." Israel's obligation to protect Palestinians and their property from attacks stems not only from IHL but also from international human rights law.³⁶

Additionally, while the Oslo agreements transferred a number of security responsibilities to the Palestinian Authority in areas of the West Bank, the agreements denied PA security forces law enforcement powers vis-à-vis Israeli citizens.³⁷ These powers remained with Israel.

In its response to a report by the Israeli human rights group Yesh Din³⁸ on the lack of law enforcement against Israelis in the West Bank, the IDF Spokesperson Unit noted that, whereas settler violence in the oPt is concerned, law enforcement tasks have been operationally divided between the IDF and the Israeli police as follows: in cases where there is advance information of an event (e.g. a public demonstration), "the main responsibility will be that of the Israeli Police, while the IDF will only assist in securing the perimeter." In those cases where there is no advance information of an event:

Inasmuch as IDF forces arrive first at the scene, they will handle law enforcement pending arrival of the Israeli police. Thus, in the absence of Police presence, soldiers of the IDF are responsible, yet they must, to the extent that it is possible, refrain from entering the scene and must disperse all

parties present in order to preserve the evidence intact until the Police arrive ... if necessary, IDF forces are authorized, as well as obligated, to detain and even arrest those suspected of criminal activity.³⁹

Irrespective of arrangements regarding the division of functions, as the occupying force in the West Bank, responsibility for ensuring public order and safety and protecting the civilian population falls to the IDF.⁴⁰ Echoing the provisions outlined above, Israel's own High Court of Justice found, in 2004, that "protecting the safety and property of the local residents is among the most basic obligations imposed on the military commander in the field."⁴¹ Therefore, while the Israeli Police have been empowered to carry-out policing duties in the West Bank, responsibility remains with the IDF, while ultimate responsibility for the actions of all official Israeli entities (including the IDF and the police) lies with the Government of Israel.

Background

Since at least the early 1980s, Israeli settler violence against Palestinian civilians has been identified as a problem by the Israeli authorities. In 1981, the Israeli Ministry of Justice established a commission that investigated allegations of serious crimes committed by Israeli settlers against Palestinians in the West Bank. Among the conclusions of the Karp Commission, named after the then Deputy Attorney General, were that the Israeli police force and the IDF failed to act to prevent or intervene to stop attacks against Palestinians and their property and failed to thoroughly investigate complaints of such actions.⁴²

The Shamgar Commission, established following the 1994 massacre of 29 Palestinian worshippers by Israeli settler Baruch Goldstein at the Tomb of the Patriarchs in Hebron, noted the failure of law enforcement agencies to reform their practices following the Karp Commission report and noted that there had been no real improvement in the situation since its findings were released.⁴³

The absence of law enforcement against settlers was again raised in 2005 by Advocate Talia Sasson in her report on the construction of unauthorized settlement outposts that was commissioned by the Israeli Prime Minister. Sasson's report makes clear that there is a problem in terms of enforcing the law on Israeli settlers in the West Bank. According to Sasson, IDF soldiers are ignorant of their law enforcement responsibilities in this regard. Moreover, they are not interested in assuming such roles. In the Executive Summary of the opinion, she notes: "The attitude towards law breaking settlers is mostly forgiving. The result is a large increase in law violations."⁴⁴

CASE STUDY II: The Al Jabari Family, Hebron

Abdel Karim Al Jabari (52 years) and his family are one of the few Palestinian families living between the settlements of Kiryat Arba and Givat Havot in the city of Hebron. Due to their location, Al Jabari and his 13 children have been the frequent target of Israeli settler attacks. This violence has had a significant impact on the family's daily life. According to Al Jabari, the message conveyed by the settlers is clear: Move out. This is our land.

Repeated Settler Attacks

Since the beginning of the second Intifada in September 2000, attacks have included: two shooting incidents, being stoned numerous times, attacks on Al Jabari's three physically-challenged children as they walk to school, being prevented from harvesting the family's olive trees and cases of breaking and entering into the family's home.

In April 2006, two settlers attacked Al Jabari's 19-year-old son while he was collecting wood outside the house. When Al Jabari ran to help his son, the settlers opened fire, firing around 20 shots. In August 2008, settlers again opened fire, this time towards a group of internationals, accompanied by the Israeli human rights group B'Tselem, who were gathered in front of the house. Despite the latter incident happening in the presence of the IDF, the soldiers did not intervene.

Even family celebrations have been the target of attacks: in August 2008, Al Jabari's son married a Palestinian woman in the neighborhood. When the groom's family arrived at the home of the bride, settlers from the nearby Al Rajabi House and Kiryat Arba settlements pelted the wedding party with stones, eggs and tomatoes. A seven-month pregnant woman was reportedly injured and another guest had his nose broken. A field researcher for B'Tselem filmed the incident and was also injured.⁴⁵

Lack of Law Enforcement

Al Jabari reports that both the IDF and the Israeli police have failed to protect his family or to hold settlers' accountable for their attacks. He notes that, although he lives a two-minute walk away from an Israeli police station, the police never come when he calls for protection against the almost nightly stone-throwing from settlers; only if an organization calls on his behalf do the police react.

Though he has filed 15 complaints in 2008, Al Jabari says that he has never been informed of any subsequent indictment or arrest of settlers. Only one of the approximately 75 complaints he filed with the Israeli Police since the attacks began in 2000 has made it to the court system: following the April 2006 shooting incident, Al Jabari and his son attempted to file a complaint, but they were accused of stone-throwing and later sentenced to 13 days in jail and a fine of NIS 2,000 each. Al Jabari authorized B'Tselem to file a case against the two settlers, but it was closed by the police. A lawyer provided by B'Tselem is now trying to re-open the case. After being postponed five times, it is due to be heard in court in January 2009.

Following an October 2008 settler attack on volunteers helping Al Jabari harvest his olive crop, a representative of the Israeli DCL visited the house and asked about the difficulties his family faces from settler violence. A meeting with the IDF District Commander was supposed to follow. However, even in those situations where the IDF or the police have taken some action, it has been inadequate to stop settler activity. On a regular basis, settlers are attempting to take over part of Al Jabari's land by erecting a tent, which they use as a synagogue. The synagogue has been removed by the IDF and Israeli Police a number of times, only to be re-erected by settlers the following day.

b. Failure to Secure Public Order and Safety of Palestinians

Despite some recent efforts on the part of Israeli security forces, particularly during the 2007 and 2008 olive harvests, the relevant Israeli authorities have generally failed to adequately enforce the rule of law when it comes to Israeli settlers carrying out acts of violence against Palestinians and their property in the West Bank. Human rights organizations monitoring settler violence against Palestinian civilians have identified a number of law-enforcement-related problems:

1. *The IDF or police fail to intervene to stop settler attacks when they are happening:* While the obligation of the IDF to ensure public law and order and to protect the occupied population is clearly defined, there are clear indications that most IDF soldiers in the field understand that their role is mainly to provide security for settlers. As recent Israeli media reports indicate, orders to protect Palestinians have been strenuously opposed by some soldiers, in many cases because the soldiers identify with the settlers' actions.⁴⁶ In her 2005 report on the construction of unauthorized settlement outposts, advocate Talia Sasson highlighted this phenomenon:

So it seems that the soldiers are not interested to provide the police with any statements regarding criminal felonies committed in their presence; they seem to be uninterested to report about the uprooting of 600 olive trees near Yitzhar, an activity that has been going on for three days in proximity of their duty station nearby; when an IDF officer was asked to send his soldiers who were at the site to the police station to submit their statements / testimonies, he asked the Israeli police to let him know in advance what questions will his soldiers be asked as a pre-condition for his consent to have them interrogated (!); ... As a rule, the IDF soldiers do not want to act as policemen; even more so they do not want to take part in the confrontations between the settlers and the Palestinians related to land and the control of the area.⁴⁷

The failure of the IDF to intervene in real time was made clear in September 2008 when video footage of a settler rampage on the Palestinian village of Asira al Qibliya showed IDF soldiers present at the scene failing to intervene to stop the settlers' attack.⁴⁸ The phenomenon was further underlined by Israeli media reports in October 2008 citing that the Israeli police had misinformed the IDF about the IDF's role in an operation to evacuate the "Federman Farm" settlement outpost, reportedly because they feared disobedience on the part of the IDF.⁴⁹

2. *Filing complaints is made difficult:* Palestinians face difficulty reaching Israeli police stations in the West Bank to file complaints, given their location inside Israeli settlements. Complaints can also be filed at an Israeli District Coordination Office, but, as Yesh Din reports, IDF restrictions on

Palestinian movement have made this difficult at times. In other cases, police officers have refused to receive complaints.⁵⁰ Other obstacles to filing a complaint are requirements for supporting documents that Palestinians may be unable to provide. For example, Yesh Din monitoring discovered cases whereby Palestinians were required to submit land registration documents, which are often not available, or a surveyor's map, before being allowed to file a complaint regarding settlers' seizure of their land.⁵¹ As a result of these difficulties some Palestinians are either unable or choose not to file complaints. Some Palestinians also fear increased harassment if they file a complaint.

3. *Follow-up to complaints is inadequate or poorly conducted:* According to Yesh Din, investigations into settler violence incidents are made difficult by insufficient human and financial resources allocated to the Israeli police⁵² and the unknown identity of assailants, among other factors. One disturbing trend that makes prosecuting settler attacks on Palestinians difficult is the settlers' intentional use of their children under 12 in perpetrating attacks against Palestinians. These children are reportedly encouraged to carry out attacks as they fall below the age of criminal responsibility; the Israeli authorities then report that they have limited means for holding them accountable.⁵³ According to Israeli human rights groups this technique is used primarily in the H2 area of Hebron, but has been reported in other areas as well.

Of particular concern, Yesh Din notes that there is a lack of sufficient follow-up by the Israeli police in investigating complaints that are filed. For example, the police rarely collect evidence from crime scenes, conduct live lineups of suspects or attempt to verify alibi claims offered by suspects. In other cases, Yesh Din found that investigation files were closed before all available leads had been followed-up.⁵⁴ Yesh Din reports that more than 90% of closed investigation files related to settler attacks and monitored by the organization were shut by the Israeli police without filing indictments against the suspects.⁵⁵ According to the 2005 OCHA survey of displaced families from Masafer Yatta, half of the families interviewed reported filing complaints with the IDF or with the Israeli Police following settler violence. None, however, resulted in punitive action against settlers. The high percentage of cases closed without prosecution, undoubtedly influences Palestinians willingness to file additional complaints.

In contrast to the above, the IDF takes a number of wide-ranging actions when Israelis are the victims of Palestinian aggression. For example, IDF soldiers in the West Bank routinely carry out search and arrest campaigns in Palestinian residential areas in search of Palestinians accused of security offenses against Israeli targets. In the first ten months of 2008, OCHA recorded over 4,000 IDF search operations and more than 3,300 arrests of Palestinians in the West Bank. Most of those arrested will go on to be tried through the Israeli military court system operating in the West Bank, which prosecutes thousands of Palestinians each year.⁵⁶ Additionally, the IDF frequently imposes measures against entire Palestinian communities when acts of violence are perpetrated by Palestinians against Israelis in an area. In the first nine months of 2008, some 29,000 Palestinians in five West Bank locales spent a total of 600 hours under IDF-imposed curfew after some Palestinians threw stones at Israeli vehicles in nearby locales.⁵⁷ These responses fall far short of the standard of model law enforcement, as do the measures taken in response to settler violence.

Moreover, since the beginning of the second Intifada, the IDF has imposed hundreds of obstacles to Palestinian movement in the West Bank, with 630 as of September 2008. Nearly all of the physical obstacles and checkpoints that make up this closure regime are located along primary and secondary roads used by Israelis in the West Bank and are designed to prevent Palestinians from using this road network.⁵⁸ The Government of Israel has indicated that these measures are necessary, *inter alia*, to protect Israelis in the West Bank from Palestinian attack.

4. Civil Society Responses to Israeli Settler Violence

In the absence of effective law enforcement by the Israeli authorities, a number of Israeli, Palestinian and international non-governmental organizations are working to fill the gap by protecting Palestinians from settler violence. Indeed, addressing the impact of settler violence on Palestinian civilians has been identified by humanitarian agencies as a key humanitarian need in the 2009 Consolidated Appeal. An informal assessment conducted by OCHA identified the following activities or forms of assistance that are currently being undertaken. Some of the key organizations carrying-out this work have been identified below.

Monitoring and Reporting: Many organizations monitor settler violence, document specific settler attacks, and produce related reports and more in-depth research studies. Also monitored is the Israeli law enforcement agencies' processing of complaints filed by

victims of settler violence. Of note, since 2005, the Israeli organization Yesh Din –Volunteers for Human Rights has monitored the results of investigation files opened by the Israeli police in cases of settler violence. In 2007, B'Tselem launched a new initiative that distributes video cameras to Palestinians so that they can document (among other things) settler attacks against them. The video footage that has been generated as a result has been key to raising the issue of settler violence prominently in the Israeli media.⁵⁹ This video documentation can also be used as evidence to support legal claims. Audiences targeted by monitoring and reporting activities include: UN human rights treaty monitoring bodies, UN Security Council, UN Special Rapporteurs, member states, media outlets, and the general public.

Advocacy and Lobbying: Monitoring and reporting activities form the basis for a range of advocacy and lobbying initiatives by local and international NGOs and target audiences are often the same. A key target of advocacy and lobbying activities are the Israeli authorities responsible for law enforcement against Israeli settlers.

Legal Assistance: Forms of legal assistance range from the filing of complaints in the wake of settler attacks, following-up those complaints, filing an appeal if an investigation is closed with unsatisfactory results, petitioning the Israeli High Court on policy issues, raising civil suits against individual settlers and the Israeli government for damage caused by settler violence, and referring victims of settler violence to legal aid resources.

Accompaniment: A number of organizations and individuals accompany Palestinians in specific situations where settler violence is expected. Examples include accompanying Palestinians as they harvest olives or tend their fields in settlement-adjacent areas or accompanying Palestinian children on their way to school in south Hebron. Some organizations also accompany Palestinians to Israeli police stations in the West Bank so that they can file complaints concerning settler attacks.

Psycho-social support: One additional type of assistance being provided in response to settler violence is psycho-social assistance to people who have suffered or witnessed attacks.

Implementing organizations and agencies: Al-Haq, Alternative Tourism Group, Association for Civil Rights in Israel, B'Tselem, Christian Peacemaker Teams, Defence for Children International / Palestine Section, Hamoked – Center for the Defense of the Individual, International Committee of the Red Cross, International Solidarity Movement, International Women's Peace Service, Land Defense Committee, Medecins sans Frontieres, Operation Dove, Palestinian Monitoring Group, Rabbis for Human Rights, Save the Children UK, Temporary International Presence in Hebron, Union of Agricultural Work Committees, Yesh Din – Volunteers for Human Rights, YMCA and Zaytoun.

5. Conclusion

For decades, Israeli settler violence has had a significant humanitarian impact on Palestinian civilians in the oPt. It has led to the death and injury of Palestinian civilians, caused displacement in targeted areas, and resulted in extensive damage to Palestinian property and livelihoods. Additionally, it has had a significant psychological impact on victims and witnesses to violence.

As this report indicates, settler violence is not random criminal activity carried out by rogue settlers acting independently across the West Bank. For the most part, it is organized violence, encouraged by extremist elements of Israeli society and carried out by groups. While some Palestinians experience greater levels of violence than others, due to their proximity to particular settlements, Palestinian communities throughout the West Bank, including East Jerusalem, are affected. Of particular concern is that roughly half of those Palestinians that OCHA has recorded as injured by settler violence have been children, women and the elderly.

A root cause of the phenomenon is Israel's settlement of the oPt, in contravention of IHL. The key failure of law enforcement vis-à-vis the settler violence phenomenon is that illegal settlement activity has continued for decades in spite of the international legal prohibition. This expansion has continued into 2008: the Israeli Central Bureau of Statistics (ICBS) reported that during the first half of 2008 there was a 42% increase in the number of 'building starts' of new housing units in Israeli settlements (excluding East Jerusalem), compared to the same period in 2007 (1,010 vs. 709).⁶⁰ Moreover, according to ICBS's estimates, during the first six months of the year, the population in West Bank settlements (excluding East Jerusalem) grew by 4.6%, compared to a 1.6% growth in Israel.⁶¹ The Israeli organisation Peace Now reported that during this period no settlement outpost was evacuated and 125 new structures, including 30 permanent houses, were added to existing ones.⁶²

The ongoing expansion of Israeli settlements, both in terms of area and population, exacerbates the problem of settler violence by increasing the level of friction between settlers and the Palestinian population. This is particularly problematic, given that, over the course of the past several years, part of the settler population in the West Bank has become increasingly aggressive. Media reports credit this to some settlers' opposition to Israel's 2005

“disengagement” and the impact of confrontations

between settlers and the IDF during the 2006 demolitions at Amona settlement. Some settlers acknowledge that they are employing new techniques, particularly in response to attempts to dismantle settlement outposts. Through mobilizing hundreds of settlers and exacting a heavy “price” from Palestinian civilians and, increasingly, Israeli security officers they hope to stop any attempt to evacuate outposts.

Under IHL, Israel, as the occupying power, is responsible for ensuring public order and safety in the oPt and for protecting Palestinians from settler attacks. The lack of adequate law enforcement by the Israeli authorities is a key factor contributing to the persistence of the settler violence phenomenon over the years. Recent statements by Israeli leaders condemning settler lawlessness and calling for the perpetrators to be held accountable constitute a positive first step. The fact that settler violence is now targeting IDF soldiers to a larger degree may garner a more effective response from the Israeli authorities than seen previously.⁶³

However, it bears mentioning that similar condemnations have been issued in the past and as far back as the early 1980s, recommendations have been made to the Israeli government on measures that could, and should, be taken to address the problem. The absence of action points to a lack of will, a point underscored by Talia Sasson, who noted that it was unrealistic to expect the Israeli state and its organs to enforce law upon the settlers, when those very entities are responsible for unlawful settlement activity on a daily basis.⁶⁴

The Israeli authorities’ history of lax law enforcement has engendered an environment of lawlessness for Israeli settlers in the West Bank. This, along with the increase in settler incidents and new settler techniques, raises a concern that settler violence may further escalate, thus increasing the humanitarian impact on Palestinians. In order to eradicate the problem of settler violence, Israel’s settlement activity must cease and existing settlements must be addressed within the context of a comprehensive political agreement, in accordance with IHL and UN Security Council resolutions. Until that happens, there can be no substitute for the immediate enforcement of the law against Israeli settlers in the West Bank and for the protection of the occupied Palestinian population, as required by IHL and international human rights law.

End Notes:

1. See Amos Harel, “IDF West Bank commander: Rightist violence encouraged by settler leader,” *Ha’aretz*, 2 October 2008. Underscoring the intensity of recent settler attacks, some Israeli commentators liken the current climate to the period immediately preceding the assassination of Israeli Prime Minister Yitzhak Rabin in 1995 and raise the specter of the possibility of another ideologically motivated murder of an Israeli leader. See for example, Alex Fishman, Ammunition Hills, *Yedioth Ahronoth*, pB14, 14 November 2008.

2. Source: Israel Central Bureau of Statistics (CBS), 2007, and Jerusalem Institute for Israel Studies.

3. See B’Tselem, *Land Grab: Israel’s Settlement Policy in the West Bank*, May 2002.

4. Article 49, paragraph 6, of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War states that the occupying power “shall not deport or transfer parts of its own civilian population into the territory it occupies.”

5. International Court of Justice, Advisory Opinion on The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004. Also see, Annex I of OCHA report, *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank*, July 2007, p.68.

6. IDF checkpoints and other movement obstacles in the West Bank force Palestinians onto an inferior road network, reserving the main roads for primarily Israeli-only use. When charged with an offense, the nationality of the accused determines the penal system to be used for prosecution: Israeli settlers are tried through Israel’s domestic system which provides greater protections than does the Military Court system that prosecutes West Bank Palestinians. OCHA report, *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank*, July 2007. Also see, Yesh Din, *Backyard Proceedings: The Implementation of Due Process Rights in the Military Courts in the Occupied Territories*, December 2007.

7. For example, see article 55 of the Hague Regulations of 1907.

8. Other causes credited include the impact of events in 2006 at Amona settlement, when thousands of Israeli security forces carried out multiple demolitions of unauthorized structures at the settlement. See for example, Roi Sharon, Amir Rappaport and Amit Cohen, “The Wild West Bank, No Man’s Land,” *Ma’ariv*, p. B8, 8 August 2008. Also see Amos Harel, “IDF West Bank commander: Rightist violence encouraged by settler leader,” *Ha’aretz*, 2 October 2008.

9. All Israeli settlements in the oPt are prohibited under international law, irrespective of whether the Israeli government authorized their establishment.

10. Approximately 40% of the occupied West Bank is taken up by Israeli settlements, outposts, military bases and closed military areas, Israeli-declared nature reserves or other related infrastructure that are off-limits or tightly controlled to Palestinians. See OCHA, *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank*, July 2007, p. 8.

11. For example, in its 26 September statement, the Quartet “condemned the recent rise in settler violence against Palestinian civilians” and urged “the enforcement of the rule of law without discrimination or exception.” Israeli Prime Minister Ehud Olmert characterized a September attack on the Palestinian village of Asira al Qibliya as a “pogrom” and ordered that the perpetrators be held accountable.

12. For example, see Jonathan Lis, “Israeli Professor Ze’ev Sternhell: Bomb at My Home Shows Settler Violence Spilling over Green Line,” *Ha’aretz*, 28 September 2008, and the Introduction of Yesh Din, *A Semblance of Law: Law Enforcement upon Israeli Civilians in the West Bank*, June 2006.

13. Paraphrased from statements made on the legal program Hakira Negdit with Dr. Dudi Tadmor, broadcast on IDF radio on 7 November 2008.

14. The aggressive action can be an incident that results in casualties as well as those that do not. Types of incidents include violent, physical or armed attacks, any type of harassment (such as intimidation and physical threats), chasing people, causing damage to private property (homes, land, livestock, etc) as well as trespassing onto private or prohibited property.

15. For more information on Palestinian child victims of settler attacks, see Defence for Children International / Palestine Section, *Under Attack: Settler Violence against Palestinian Children in the Occupied Territory*, November 2008.

16. Likewise, one incident may affect more than one group of people (e.g. one incident may affect Palestinians, Israelis and international peace activists). In order to avoid overlap, for the purposes of this report, unless otherwise noted, trends are based on an analysis of incidents recorded by OCHA that affected only Palestinians. Incidents that affected both Palestinians and internationals (for example, those accompanying Palestinians to an olive grove, etc.) were not analyzed, nor were those that affected both Palestinians and Israelis.

17. These include primarily hit and run incidents involving Palestinian pedestrians hit by Israeli-plated vehicles in the West Bank, whereby allegations of deliberate intention were made.

18. In 2006, 53% of injuries were of children, women and men 70 and over; in 2007, the figure decreased to 46% and, in 2008, it increased to 50%. These figures are based on injury cases where the age of the injured is known. In 2006, age was known in 90 of 91 cases; in 2007, 67 of 74, and, in 2008, 111 of 128.

19. There were 14 such incidents in 2006.

20. According to the 2007 Census of the Palestinian Central Bureau of Statistics (PCBS), Yanun had a population of 102 in 2007. Localities in the West Bank, PCBS, August 2008.

21. See *Protecting Yanoun* (4 November 2008), *Muted Eid al Fitr* (2 October 2008), and *Yanoun, One village, two descriptions* (6 October 2008), reports by members of the EAPPI presence in Yanoun village. Available online at: <http://www.eappi.org>.

22. B’tselem- The Israeli Information Center for Human Rights in the Occupied Territories and Association for Civil Rights in Israel, *Ghost Town: Israel’s Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, May 2007, p. 14.

23. Also, see B’tselem, *Ghost Town* and B’tselem report, *Means of expulsion, Violence, Harassment and Lawlessness against Palestinians in the South Hebron Hills*, July 2005.

24. For details on these killings, see OCHA’s Protection of Civilians Weekly Reports for 3 March, 31 March and 9 May 2008. Two additional Palestinians were killed by Israeli settlers on 24 January 2008, after they infiltrated into Gush Etzion settlement and stabbed and injured two Israeli settlers.

25. These totals exclude incidents wherein either Israelis were the perpetrator of violence against another Israeli or where multiple groups of people were affected by one incident. They also do not include the number of Israeli civilians injured by Palestinian civilians in attacks carried out in Israel.

26. These figures exclude incidents recorded by OCHA wherein Israelis were the perpetrators (e.g. an Israeli settler was injured by an IDF soldier). In 2006, one such incident was recorded; in 2007, there were five; and, in 2008, there have been eight, as of 31 October.

27. An additional two Israelis were killed during an exchange of gunfire with Palestinians. Neither they, nor the Palestinian killed during the exchange have been included herein as a settler-related killing.

28. Quoted in Roi Sharon, Amir Rappaport and Amit Cohen, “The Wild West Bank, No Man’s Land,” *Ma’ariv*, p. B8, 8 August 2008. In November, in an article on a recent Israeli cabinet meeting, *Ha’aretz* reported that Israel Security Agency (a.k.a. Shin Bet) Chief Yuval Diskin “warned that right-wing extremists view their “price tag” policy, in which they retaliate for every outpost evacuation with attacks on soldiers and/or Palestinians, as having been successful.” Aluf Benn, “Settlers preparing for war, says Shin Bet chief,” *Ha’aretz*, 3 November 2008. For further settler statements on this strategy, see Dina Kraft, “Radical settlers using violence against Jews,” *The Jewish Telegraph Agency*, 8 October 2008 and *Associated Press*, “Attacks by settler extremists create headache for Govt,” published in *New Zealand Herald*, 30 September 2008.

29. In the first 10 months of 2008, OCHA recorded 14 separate incidents.

30. Other incidents include: on 3 July, a group of settlers from Bracha walked into the center of Burin and opened fire at residents. On 11 October, after cutting down 18 olive trees, settlers threw stones at Burin farmers picking olives on their land, injuring a woman and two men.

31. Incidents occurred in March, April, June, July and October 2007.

32. In the Hebron district, where the Barrier gates only open during the olive season, the start of the season was postponed twice until 22 October.
33. See OCHA, Protection of Civilians Weekly Report, nos. 283 and 284. A similar incident occurred in early October when Israeli military forces evacuated the Shvut 'Ani outpost near the Qadumim settlement; settlers subsequently attacked Palestinian farmers and set fire to 10 dunums of land, burning 100 olive trees belonging to farmers from Immatin village. The settlers also stoned Palestinian vehicles on road 55 and blocked the road for one hour until they were evacuated by the Israeli military. See Protection of Civilians Weekly Report, No. 280.
34. Mobilizing settlers from other areas makes identifying the assailant more difficult for local Israeli authorities. "Perpetrator Unknown" is the main reason for closing an investigation file in those cases monitored by Yesh Din. See *A Semblance of Law*, p. 91 – 92. For settler comments on new tactics, see Roi Sharon, Amir Rappaport and Amit Cohen, "The Wild West Bank, No Man's Land," *Ma'ariv*, p. B8, 8 August 2008.
35. Hague Regulations of 1907, article 43.
36. The applicability of international human rights law vis-a-vis Israel and the West Bank was confirmed by the ICJ in its Advisory Opinion on *The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004.
37. See Annex I (Protocol Concerning Redeployment and Security Arrangements) to the 1995 *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip*.
38. Yesh Din – Volunteers for Human Rights, is an Israeli human rights organization established in March 2005. Since the group's establishment, it has monitored the Israeli authorities' law enforcement activities vis-à-vis Israeli civilians in the West Bank and made public the findings of its monitoring activities. Much of this section is drawn from their work.
39. Response of IDF Spokesperson Unit to Yesh Din report. Published in full in Yesh Din report, *A Semblance of Law, Law Enforcement Upon Israeli Citizens in the West Bank*, June 2006, p. 132-133.
40. Yesh Din, p. 29. The responsibility of the IDF for law enforcement was confirmed by the IDF Spokesperson's Office in its response to the Yesh Din report. Response published in full in report, p. 132.
41. HCJ 9593/04, *Rashed Murar v. Commander of Military Forces in the West Bank*, Judgment, Paragraph 33. Quoted in *Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, B'tselem-The Israeli Information Center for Human Rights in the Occupied Territories and Association for Civil Rights in Israel, May 2007, p. 41.
42. See B'Tselem, Handling of Complaints by Israeli Police Force, available online at: http://www.btselem.org/english/Settler_Violence/Police.asp and Yesh Din, pgs. 39 – 3 1.
43. Yesh Din, *A Semblance of Law*, pg. 34.
44. Advocate Talia Sasson, Summary of the *Opinion Concerning Unauthorized Outposts*, 31 March 2005, p. 3 1.
45. To view B'Tselem's video footage of the assault on the wedding guests, see Settler Violence Continues in Hebron, 2-3 August, available at <http://www.btselem.org>.
46. See, for example, Roi Sharon, "The Evacuation, the Deception and the Imaginary Terrorist," *Ma'ariv*, 28 October 2008, p. 8. Also see, Yagil Levy, The IDF is disintegrating, *Ha'aretz*, 5 November 2008.
47. Translated from Hebrew, Talia Sasson report, pg. 259.
48. See B'Tselem, Footage from the Field, Settlers raid 'Asira al-Qibliya and attack residents, September 2008. Available at: <http://www.btselem.org>.
49. Roi Sharon, "The Evacuation, the Deception and the Imaginary Terrorist," *Ma'ariv*, 28 October 2008, p. 8.
50. See Yesh Din, *A Semblance of Law*, pgs. 76-77 and 82.
51. Much land in the West Bank is not registered, making this an impossible task for many Palestinians. For more information, see Yesh Din, p. 78.
52. A calculation by a correspondent for the Israeli newspaper Ha'aretz, included in the Yesh Din report, estimated that the proportion of the Israeli police budget for 2004 was just 2.5% of the total budget of the Israeli Police, despite the considerable size of the region under its responsibility (some 5,000 square kilometers). Additionally, the number of police employees in the SJ District constitutes just 5.7% of the total number in the Israeli Police. See Yesh Din, pgs. 35-37.
53. See Yesh Din, *A Semblance of Law*, p. 43. Yesh Din's monitoring of cases in 2005 indicated that 50 out of 150 cases opened and closed by November of 2005 were closed because the offenders were younger than 12 years, the age of legal responsibility. All of these cases were in the Hebron region. Also, see B'tselem, *Ghost Town*, p. 45, and Breaking the Silence: Soldiers' Testimonies from Hebron, 2005 – 2007. Available at <http://www.shovrimshatika.org>.
54. Yesh Din, *A Semblance of Law*, pgs. 97 – 100.
55. See Yesh Din, "Law Enforcement upon Israeli Civilians in the OPT", Data Sheet, July 2008.
56. See Yesh Din, *Backyard Proceedings: The Implementation of Due Process Rights in the Military Courts in the Occupied Territories*, December 2007.
57. The five locales are: Al 'Arub Refugee Camp, Awarta, Huwera, Azzun and Marda. The bulk of these hours, 528, were imposed on Azzun.
58. See OCHA report, *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank*, July 2007, p. 68.
59. B'Tselem's field experience also suggests that the filming of settler attacks appears to be prompting changes in settler behavior, with more attacks being carried out at night and settlers' hiding their faces, so that their identity is concealed.
60. ICBS, *Monthly Bulletin of Statistics*, available at: http://www.cbs.gov.il/www/yarhon/o4_e.htm.
61. The estimate at the end of 2007 was 276,100, while at the end of June 2008 was 282,500. Information available at: http://www.cbs.gov.il/population/new_2009/table_1.pdf.
62. Peace Now, "Israel is Eliminating the Green Line and Continuing to Build in the Isolated Settlements", August 2008, available at http://www.peacenow.org.il/data/SIP_STORAGE/files/5/3775.pdf.
63. Following the IDF and Border Police's dismantlement of a settlement outpost near the city of Hebron in late October, during which settlers carried out reprisal attacks against Palestinian targets and an Israeli settler said he hoped IDF soldiers involved were "kidnapped", "killed" and "slaughtered", the Israeli media reported that IDF soldiers have been newly ordered to take firm action against settlers carrying out attacks. See Yossi Yehoshua, Police in Army Uniform, *Yediot Ahronoth*, 30 October 2008, p. 6.
64. Paraphrased from statements made on the legal program Hakira Negdit with Dr. Dudi Tadmor, broadcast on IDF radio on 7 November 2008.