



Update on Settler Violence in the West Bank, including East Jerusalem

October 2013

This update is issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR) as coordinator of the Protection Cluster in the occupied Palestinian territory. It has been jointly prepared by members of the Protection Cluster Working Group in the West Bank, including JLAC, MDM-France, NRC, OCHA, PU-ANII, UNICEF, UNRWA and Yesh Din, and also draws upon information from FAO and the Food Security Sector.

Violence by Israeli settlers against Palestinians and the property in the West Bank, including East Jerusalem, remains a key issue of protection concern for the humanitarian community. This ad hoc update provides an overview of ongoing protection concerns related to settler violence, highlighting in particular the lack of law enforcement and accountability by Israeli authorities.

1. Introduction and legal framework

Violence by Israeli settlers against Palestinians and their property is directly linked to the existence and expansion of illegal Israeli settlements in the West Bank, including East Jerusalem. Since 1967, Israel has established an estimated 150 settlements in the West Bank, including East Jerusalem, in addition to some 100 "outposts" erected by settlers in contravention of Israeli law.¹ The expansion of settlements continues: during the first three months of 2013, the construction of 865 settlement housing units commenced in the West Bank, excluding East Jerusalem, marking a 355% increase compared to the last quarter of 2012.² The estimated settler population in the West Bank, including East Jerusalem ranges between 500,000 and 650,000, and has almost tripled in the 20 years since the Oslo accords were signed in 1993.³

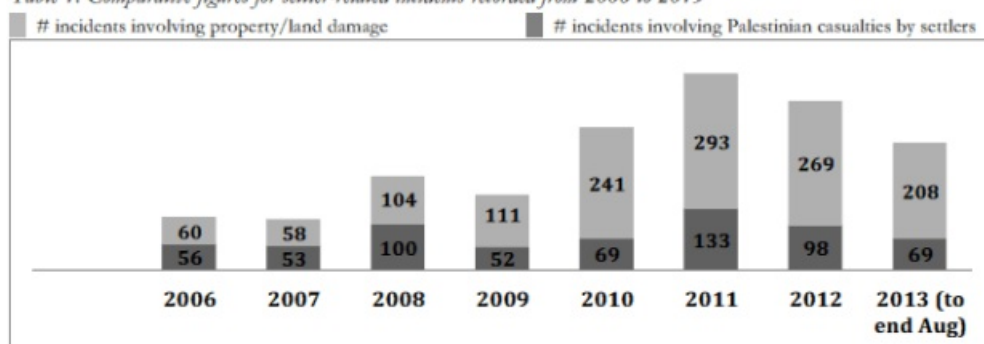
The establishment and expansion of Israeli settlements in the West Bank, including East Jerusalem, violate Article 49 of the Fourth Geneva Convention, which prohibits the transfer of parts of the Occupying Power's own civilian population into territory it occupies. The illegality of these settlements has been repeatedly reaffirmed by the High Contracting Parties to the Geneva Conventions, the United Nations Secretary-General, the United Nations Security Council and General Assembly, and the International Court of Justice.

Israeli authorities are under an obligation to protect Palestinians and their property from acts of violence by settlers, and to ensure accountability for crimes committed. As the Occupying Power, Israel has the obligation to maintain public order, safeguard protected persons from all acts of violence or threats thereof, and ensure the basic needs and welfare of the Palestinian civilian population under its control.⁴ In addition, pursuant to international human rights treaties ratified by Israel that apply in occupied territory,⁵ Israel has the obligation to ensure the rights, *inter alia*, to an effective remedy and equal protection before the law, and to an adequate standard of living.⁶

2. Overview: figures and trends

From 2006 to the end of August 2013, in the West Bank, including East Jerusalem, the Office for the Coordination of Humanitarian Affairs (OCHA) has recorded 630 settler-related incidents resulting in Palestinian casualties (deaths or injuries), and 1,344 settler-related incidents resulting in damage to Palestinian property or land (including trees). During this period, such incidents have resulted in the deaths of 10 Palestinians (including 4 children), and injury of 1,040 people (including 267 children). During the same period, 29 Israeli civilians were killed and 368 injured by Palestinians in the West Bank.⁷ From 2009 to the end of August 2013, 38,532 trees were destroyed or damaged in such incidents. From 2009 to the end of June 2013, 14 attacks on schools by Israeli settlers were reported, affecting 1,611 children; in addition, 41 instances of denial of access to education by Israeli settlers were reported, affecting 3,397 children.⁸

Table 1: Comparative figures for settler-related incidents recorded from 2006 to 2013⁹



From January to the end of August 2013, 277 settler-related incidents were recorded, including 69 incidents resulting in casualties, and 208 incidents resulting in property damage. During these incidents, 110 Palestinians (including 30 children) were injured by Israeli settlers, and 143 Palestinians (including 25 children) were injured by Israeli security forces. In addition, 7,714 trees were destroyed or damaged.⁷ During the first six months of 2013, 7 incidents of attacks on schools and 11 incidents of denial of access to education were recorded, affecting 6,316 children.⁸

Comparing figures recorded during the same period (January to August) in previous years, since 2009, the number of settler-related incidents resulting in casualties has more than doubled, and the number of casualties caused by settlers has increased by 30%; whilst the number of settler-related incidents resulting in property damage has more than tripled, and the number of trees destroyed or damaged has increased almost four-fold. From January to August 2013, compared to the same period in 2012, the number of casualties caused by Israeli security forces increased more than four-fold, as security forces intervene in settler attacks or resulting clashes between settlers and Palestinians to disperse Palestinians, rather than to protect them from attacks by settlers.¹²

Table 2: Comparative figures for injuries and damage to trees from 2009 to 2013 (January to August)¹³

	Jan-Aug 2013	Jan-Aug 2012	Jan-Aug 2011	Jan-Aug 2010	Jan-Aug 2009
Incidents resulting in casualties	70	63	87	49	33
Injuries caused by	110 (incl. 30 children)	102 (incl. 30 children)	122 (incl. 18 children) +	70 (incl. 22 children) + 1	84 (incl. 23 children)

settlers			1 adult & 1 child killed	child killed	
Injuries caused by Israeli security forces	143 (incl. 25 children)	34 (incl. 13 children)			
Incidents resulting in property damage	208	167	183	127	63
Trees/saplings destroyed or damaged	7,714	6,094	5,593	1,790	1,950

From January to the end of August 2013, governorates where the highest numbers of settler-related incidents have been recorded are Nablus (96 incidents) (in particular, communities near Yitzhar and Bracha settlements), Hebron (48 incidents) (in particular, communities near Tel Rumeida, Kiryat Arba and Ma'on settlements), Ramallah (40 incidents) (in particular, near Beit El settlement), and Jerusalem (34 incidents). An estimated 315,000 people in 110 communities are at high or moderate risk of settler violence.¹⁴ See Annex I for a map of Palestinian communities at risk of Israeli settler violence.

Other trends in settler-related violence observed by Protection Cluster members include: increasing settler attacks closer to and in Palestinian communities, including in Area B, due to the lack of effective law enforcement by Israeli authorities; organisation and mobilisation of settler violence through settler websites and the provision of training and information; and an increase in "price tag"¹⁵ and racist attacks in East Jerusalem, which has also been highlighted by the Israeli police.¹⁶

3. Impacts of settler violence

The impacts of settler violence on communities, families and individuals include physical injuries and insecurity; psychosocial distress; impeded access to education and services; loss of land, resources, assets and livelihoods; and risk of displacement.

Psychosocial and mental health impacts: Settler violence, and the environment of fear and intimidation that repeated violence and harassment creates, has a serious psychological impact on victims of and witnesses to violent attacks, and affects the psychosocial well-being of women, men, girls and boys in affected communities. The types of impacts recorded by a Protection Cluster member providing mental health responses to victims of settler violence include strong feelings of frustration (particularly for men), constant feelings of fear and insecurity, eating disorders, sleep disturbances (particularly for children), anxiety (particularly for women), depression and behavioural problems. These symptoms lead to aggressiveness, violence, social withdrawal, and academic deterioration and poor school performance for children.¹⁷

Attacks on schools and denial of access to education: Violence and harassment by settlers targeting schools and children impedes access to education. Fear of settler-related violence has been reported as one of the reasons why girls are prevented from accessing school, particularly in Area C.¹⁸ In Urif village (Nablus governorate), which is in close proximity to Yitzhar settlement, settlers regularly attack the secondary boys' school, primary boys' school and primary girls' school: these attacks are often followed by interventions by Israeli security force using tear gas, rubber-coated metal bullets and live ammunition to disperse Palestinians. In the first six months of 2013, 5 such attacks were recorded on schools in Urif. The communities of At-Tuwani and Hebron Old City are also the target of recurrent settler-related incidents. From 2009 to the end of June 2013, 10 incidents involving settler harassment or settlers throwing objects at children were documented in At-Tuwani, and 12 incidents, including settler attacks on children and vandalising of schools, were reported in Hebron Old City.¹⁹

Access to land and livelihoods: The destruction and damage to productive trees by settlers, in particular olive trees, have a cumulative and detrimental impact on the livelihoods of Palestinian families and communities. It is estimated that more than 100,000 households rely on agriculture as a source of income: this includes households who own olive groves, those who work under share-cropping agreements, and wage workers employed mostly during the olive picking season. Olive owning households report that income from olive cultivation represents the main source of savings for large expenditure such as education tuition and marriage expenses. Damage inflicted by settlers to productive olive trees is associated with significant economic cost for olive owning households. For example, a damaged 50 year old olive tree requires 5 years to bear fruit again and 20 years to produce a significant level of production: the associated average cost is US\$750 for a damaged 50 year old tree.²⁰

In addition, lack of access to land restricts the ability of Palestinian farmers to prune and maintain trees, and impacts on the yield and productivity of olive trees. Access to land in areas close to settlements is restricted for Palestinians, and farmers require prior coordination to access their land. In July 2013, more than 1,150 olive trees belonging to Palestinian farmers in Awarta (Nablus governorate) were cut down on land within the perimeter fence of Itamar settlement where prior coordination with Israeli authorities is required for access. Further, settlement expansion, including settler agricultural activity, continues to increase, using Palestinian land and water resources. From 1997 to 2013, the area used for Israeli settler agriculture in the West Bank grew by 35% (with 40% of this growth in areas around ideological settlements, and largely on private Palestinian land), and now totals 93,000 dunums of land. The total area cultivated by Israeli settlers in the West Bank is 1.5 times greater than the total built-up area of settlements and outposts (around 60,000 dunums); and the majority of land cultivated by settlers is located outside official settlement boundaries.²¹ Restrictions of farmers' access to land—including restricted areas and buffer zones around settlements, and settlement roads that impede access—facilitate the dispossession of Palestinians of their land, as under the Ottoman Land Code often invoked by Israeli authorities, possession reverts to the State if cultivation of unregistered land is interrupted for 10 years.²²

Risk of displacement: All of these cumulative impacts are factors that increase the risk of displacement. Numerous victims of repeated settler violence have reported to Protection Cluster members that they

believe the intention of settlers is to use violence and harassment to force them to leave their land, so that it can be taken over for settlement expansion. For example, in the area surrounding Adei Ad outpost, the Jalud village council reports that some 40% of the population has left the village since the Shilo settlement and surrounding outposts progressively took over most of their lands.²³

Gender-specific impacts: Settler violence directly and indirectly impacts upon the lives of women and girls in various ways: continued exposure to settler violence has a psychological impact on women, who report suffering from anxiety and constant fear for themselves and their children; the increased pressure adds further stress and tensions to family life, and can increase the risk of violence within families; and women and girls may be restricted from working or studying outside the home because of the threat of settler violence.²⁴ The experiences of men are exacerbated by a perceived failure to provide a safe haven for their families in accordance with traditional gender roles.

Case study—Yitzhar settlement (Nablus governorate)

Continued and regular violence by settlers from Yitzhar settlement, with a population of around 900, has a serious impact on the lives and livelihoods of six surrounding Palestinian communities (Burin, Madama, Asira al Qibliya, Urif, Einabus and Huwwara), with a combined population of over 18,700 (including 3,000 refugees).²⁵ Residents of these six communities experience regular attacks by settlers on olive trees, schools and property, and physical violence. From January to the end of August 2013, 46 incidents of settler violence were recorded in the six communities surrounding Yitzhar settlement, with 6 incidents resulting in casualties and 40 incidents resulting in the destruction of land or property (including trees). This is a marked increase compared to the same period in 2012, during which 20 incidents of settler violence were recorded, with 6 incidents resulting in casualties and 14 incidents resulting in the destruction of land or property (including trees). Despite recurrent attacks by settlers from Yitzhar, Israeli security forces have failed to ensure effective law enforcement to prevent and protect Palestinians and their property from such attacks.

4. Lack of law enforcement and accountability for settler violence

Israeli security forces have failed to effectively fulfil their obligations under international law to maintain public order in the occupied territory and ensure that protected persons are safeguarded against all acts of violence or threats thereof.²⁶ In numerous cases documented by Protection Cluster members, Israeli security forces have failed to protect Palestinians from acts of violence committed by Israeli settlers, even when these acts occur in their presence. Further, despite identified "hotspots" around particular settlements where there are recurrent settler attacks, Israeli security forces have not taken effective action to protect these Palestinian communities and their property: this is illustrated by the increase in settler violence incidents in the six communities surrounding Yitzhar settlement (see the case study above). This raises questions about the willingness of Israeli security forces to undertake law enforcement in a non-discriminatory manner? As noted previously, there has been a four-fold increase in the number of Palestinian injuries caused by Israeli security forces in incidents of settler-related violence to date in 2013 (compared to the same period in 2012).

From 2005 to July 2013, only 8.5% of Israeli police investigations into suspected offences committed by Israeli settlers against Palestinians led to an indictment. Some 84% of investigations were closed due to investigatory failures on the part of police, such as the failure to locate and identify suspects, or to collect and consolidate sufficient evidence to prosecute suspects (including collecting evidence at the crime scene, and interviewing eyewitnesses and suspects).²⁷ These figures are almost identical to those collected and published by Yesh Din since 2005, illustrating the lack of meaningful action taken to address identified flaws in the investigation of offences committed by Israeli settlers against Palestinians.²⁸ Further, Palestinians face various obstacles or disincentives in filing complaints with Israeli police, including: mistrust or lack of confidence in Israeli law enforcement authorities; fear of reprisals; difficulties in accessing Israeli police stations within settlements; Israeli police officers not always being present to receive complaints at Israeli District Coordination Offices; long waiting times to file a complaint; refusal of police officers to receive complaints; and failure to inform complainants of the outcome of their complaint and of a decision not to investigate or file an indictment.

Israeli authorities have taken a number of actions in response to settler violence, such as the creation of a special Israeli police unit to address nationalistic hate crimes and "price tag" attacks in October 2012,²⁹ and the reported issuance of military orders that prevent settlers' access to Palestinian land in certain areas. However, these measures appear to have been ineffective in curbing and preventing violence by settlers and protecting Palestinians and their property, as indicated by the increasing figures of settler-related violence presented in section 2 above.

The lack of effective law enforcement action by Israeli security forces to prevent settler violence and protect Palestinians, coupled with the lack of effective investigations by Israeli police and accountability for crimes committed, serve to encourage further violence and takeover of land by settlers.

Case study — Adei Ad outpost¹

The Adei Ad outpost was created in 1998, next to the Palestinian villages of Turmusaya, al-Mughayer, Jalud and Qaryut. Over the past 14 years, the outpost has expanded to cover an area of over 465,331m², taking over large expanses of public land and privately-owned Palestinian land through construction of buildings, agricultural cultivation, and building roads. From 1998 to July 2012, Yesh Din documented 96 incidents of criminal offences by settlers against Palestinians and their property (including physical violence, property offences and takeover of land). Yet Israeli authorities have failed to enforce the law, and investigate and prosecute criminal offences. Of 49 criminal complaints where investigation and prosecution bodies had completed their work, 92% of these files were closed because the investigators failed in their investigations. From 1998 to 2011, the Israeli Civil Administration issued 81 demolition orders against structures and work in Adei Ad, but the vast majority of the orders were not enforced. The failure of law enforcement in Adei Ad has enabled the outpost "to steadily take over more land and increase the area of its control through criminal activity".

5. Recommendations

Law enforcement and accountability

As the Occupying Power, Israel must take all necessary measures to effectively protect Palestinians and their property in the West Bank, including East Jerusalem, from acts of violence by Israeli settlers, and to ensure public order and accountability in a non-discriminatory manner.

Israeli security forces — both the Israel Defense Forces and Israel Police — have the obligation to protect Palestinians and their property in the West Bank, and must take effective action to prevent and stop violent attacks by Israeli settlers.

Israeli authorities must ensure that all security forces receive and convey clear instructions regarding their responsibilities to protect Palestinians and their property from settler violence, and that members of security forces are held accountable for any failures in this regard.

The Israeli law enforcement system must effectively and impartially investigate acts of violence by Israeli settlers against Palestinians and their property, and hold those responsible accountable for these crimes. Settlers responsible for violent acts, including against children and school infrastructure, must be held accountable to the full extent of Israeli law.

Accountability must also be ensured for violence by Israeli security forces.

During the olive harvest, concerted action must be taken to prevent violence by settlers against Palestinians and their property, including olive trees. Sustained protective and preventive action by the Israeli security forces is required in identified "hot spots", including beyond the hours when there is a coordinated presence of security forces to ensure Palestinians' access to olive groves.

Access to land

The safe and unfettered access of Palestinian farmers to their land must be ensured all year round, beyond the coordinated access during the annual olive harvest.

Access to education

The Government of Israel must prevent all forms of attacks against schools or incidents affecting safe access to education facilities, and must take action to facilitate every child's safe and protected access to school through checkpoints and other barriers.

Endnotes

¹ OCHA, *Factsheet on the Humanitarian Impact of Israeli Settlement Policies*, December 2012.

² Source: Israel Central Bureau of Statistics.

³ Sources: Peace Now; Report by the United Nations Secretary-General on *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan*, A/67/375 (18 September 2012), para. 7.

⁴ Article 43, Hague Regulations; Articles 4, 27 and 55, Fourth Geneva Convention.

⁵ As confirmed by the International Court of Justice in its Advisory Opinion on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004.

⁶ Article 26, International Covenant on Civil and Political Rights; Article 11, International Covenant on Economic, Social and Cultural Rights.

⁷ Number of Israeli civilians killed per year: 2006: 7; 2007: 4; 2008: 3; 2009: 2; 2010: 4; 2011: 8; 2012: 0; 2013 (to end August): 1. Number of Israeli civilians injured per year: 2006: 54; 2007: 45; 2008: 45; 2009: 34; 2010: 44; 2011: 32; 2012: 59; 2013 (to end August): 55.

⁸ Source: MRM (1612) Working Group and database. Attacks on schools include the total or partial destruction of educational facilities, and interferences to the normal operation of educational facilities such as military use of schools, or causing harm to schools or school staff. Incidents of denial of access to education include lost school time as a result of violence by settlers en route to and from school, and instances of raw sewage from Israeli settlements flooding school yards.

⁹ Source: OCHA.

¹⁰ Source: OCHA database.

¹¹ Source: MRM (1612) Working Group and database.

¹² The majority of these injuries are cases of tear gas inhalation.

¹³ Source: OCHA database.

¹⁴ Source: OCHA. See *OCHA Monthly Humanitarian Monitor, August 2012*.

¹⁵ The "price tag" strategy refers to attacks carried out by settlers in response to or to prevent the evacuation of outposts by Israeli authorities.

¹⁶ In March 2013, the Jerusalem District Police reported that 56 "price tag" incidents involving vandalism and property damage were recorded in Jerusalem in 2012, which is double the figure (28) recorded in 2011: see <http://www.ynetnews.com/articles/0,7340,4361760,00.html>. These "price tag" incidents are increasingly acts of vandalism accompanied by racist graffiti, which are not related to the evacuation of outposts.

¹⁷ Source: Medecins du Monde-France, based on its work in 18 villages in Nablus governorate that were affected by settler violence from January to August 2013.

¹⁸ Kaima tilli Kaima, *Inequalities facing women living in Area C of the occupied Palestinian territories*, October 2012.

¹⁹ Source: MRM (1612) Working Group and database.

²⁰ Source: FAO, Food Security Unit, 2013.

²¹ Kerem Navot, *Israeli settlers' agriculture as a means of land takeover in the West Bank*, August 2013.

²² See Appendix II to Kerem Navot, *Israeli settlers' agriculture as a means of land takeover in the West Bank*, August 2013.

²³ Source: Yesh Din, *The road to dispossession: a case study - the outpost of Adei Ad*, April 2013.

²⁴ Women's Centre for Legal Aid and Counselling (WCLAC), *Women's voices in the shadow of settlements*, 2010. See also *WCLAC Submission to UN Special Rapporteur on Violence Against Women on Israeli settler violence in the West Bank and East Jerusalem*, 16 September 2013.

²⁵ OCHA, *Map of Palestinian villages affected by violence from Yitzhar settlement and outposts*, February 2012.

²⁶ Report by the United Nations Secretary-General on *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan*, A/67/375 (18 September 2012), paras. 30 to 36.

²⁷ See Report by the United Nations Secretary-General, *ibid* para. 35 which raises "serious concern that the Israel Defense Forces are placing more importance on safeguarding settlers and their freedom of movement than on the legal obligation of the Forces to protect the local Palestinian population".

²⁸ See Yesh Din, *Law enforcement on Israeli civilians in the West Bank*, July 2013. These figures are based on the monitoring of Israeli police investigations into complaints filed by Palestinian victims with the assistance of Yesh Din.

²⁹ See also Yesh Din, *Sentience of law: law enforcement on Israeli civilians in the West Bank*, June 2006, in relation to the failures of Israeli police investigations into incidents of settler violence; and Reports by the United Nations Secretary-General on *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan*, 2012 (A/67/375) paras. 37-39, and 2011 (A/66/364) para. 22.

³⁰ See <http://www.ynetnews.com/articles/0,7340,4279447,00.html>.

³¹ Source: Yesh Din, *The road to dispossession: a case study - the outpost of Adei Ad*, April 2013.

Annex I: Map of Palestinian communities at risk of Israeli settler violence (September 2012)



Risk of Settler Violence *

● Moderate

● High

● Road Junction at risk of closure due to settler violence

*Source: OCHA's 2012 Settler Violence assessment

■ Israeli settlements, outposts and land cultivated by settlers

Border

--- International Border

--- Armistice Line (Green Line)

Barrier

--- Constructed / Under Construction

--- Planned

Oslo Agreement

■ Area A / B

■ Area C & "Wye River"

■ Nature Reserves

Oslo Interim Agreement

Area A: Full Palestinian civil and security control

Area B: Full Palestinian civil control and joint Israeli-Palestinian security control

Area C: Full Israeli control over security, planning and construction

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ID	Name
1	Ya'bad/ Mevo Dotan
2	'Ein al Hilwe/ Maskiyot Junction
3	Bizzaria Junction
4	Enav Junction
5	Jlt Junction
6	Kafr Lagif Junction
7	Bait Furik Junction
8	Huwara Junction
9	Yitzhar Junction
10	Kiri Havis Junction
11	Za'tara Junction
12	Shilo Junction
13	An Nabi Salih/ Halamish Junction
14	Bait El Junction
15	Jericho Entrance
16	Al Nashash Junction
17	Gush Etzion Junction
18	Telam Entrance
19	Adora Entrance
20	Kiryat arba Entrance
21	Hagay Entrance
22	Karmel Junction
23	Suseya Entrance
24	Eshkol Junction

