



Policy Paper on Israeli State-sponsored Settler Terrorism

December 2023

Background:

The illegal Israeli settlement project, a cornerstone of the historic Israeli policy of displacement and replacement, began in 1967 right after the occupation of the West Bank, including Jerusalem. The settlement regime, including settler-only bypass roads, military checkpoints, and the annexation wall, continues to expand and steal more Palestinian land & resources. As of January 2023, the number of illegal Israeli settlements in the West Bank, including occupied Jerusalem, is close to 350, with around 750,000 Israeli settlers residing in them.¹

Israel's settler-colonial policy seeks to maximize the acquisition of Palestinian land with the least percentage of Palestinians on it, through three mutually reinforcing strategies; land confiscation and denial of use, illegal settlement expansion and forcible displacement of Palestinians.

Illegal Israeli settlements are strategically placed on strategic hilltops where resources and especially water are located, as well as in the heart of Palestinian neighborhoods all over the occupied West Bank, including Jerusalem.

Dual legal system in the occupied West Bank

Israel employs a dual legal system in the occupied West Bank, constituting a regime of apartheid. While Israeli settlers are considered citizens enjoying full rights under Israeli law and are subject to civil courts, Palestinians in the West Bank living under a brutal military occupation are denied their rights and tried at military courts with a conviction rate close to 100%.² On the other hand, incidents of Israeli settlers or by soldiers assaulting Palestinians are rarely investigated by Israeli authorities, let alone lead to indictments.³

¹ تقرير سنوي هيئة مقاومة الجدار والاستيطان 2022. <https://www.cwrc.ps/page-884-ar.html>

² "Non-Visit" to the occupied Palestinian territory.

<https://www.ohchr.org/sites/default/files/documents/countries/palestine/sr-selfdetermination/2023-02-27-Non-Visit-TPs.pdf>

³ Data Sheet, December 2022: Law Enforcement on Israeli Civilians in the West Bank (Settler violence) 2005-2022.

State-sponsored terrorism

State-sanctioned settler terrorism is one method the Israeli government employs to drive Palestinians out from their land to replace them with Israeli settlers; either by direct forced displacement, by Israeli occupation forces and/or armed settlers, or by creating a coercive environment.

Settler terrorism against Palestinian civilians and property is prevalent and has been on the rise over the past years. Ever since the current Israeli government took power in the beginning of 2023, with settlers being in key ministerial, governmental and security positions, settler terrorism has escalated at an alarming rate in terms of gravity and frequency, emboldened by systemic impunity.

Settler violence takes the form of psychological, physical, and verbal violence, including beating, throwing stones or sharp tools, intimidation, shooting, verbal assaults, and assaults on agricultural lands, cars, and houses. The persistence of settler violence is directly linked to the lack of accountability and prevalent impunity of Israeli settlers. For these reasons, Palestinian survivors of settler violence seldom press charges and file complaints against Israeli settlers, particularly in light of the perceived complicity of the Israeli law enforcement system.

Persistent settler attacks give rise to psychological trauma and post-traumatic stress disorder, with women and families continuously worried about their children and leaving the house themselves. This psychological trauma is part and parcel of the coercive environment imposed by Israel to decrease the resilience of Palestinians and drive them out of their land and homes towards “safer” locations to enable settler takeover. This is exacerbated by “price tag” attacks, which refers to groups of settlers, such as the “hilltop youths”, that organize themselves to systematically attack Palestinians with full impunity and support by the Israeli government and forces.

The mere presence of Israeli settlers in illegal settlements is partaking in war crimes and is a source of terror for Palestinians in the occupied West Bank, even if not directly involved in physical violence.

Our documentation: Impact on women and girls

Palestinian women and girls living under Israel's prolonged military occupation, apartheid regime and settler-colonial project face multilayered oppression and violence across historical Palestine and in exile.

Frequent attacks and harassment by Israeli settlers cause grave physical and material harm to Palestinian women and girls in particular. Most attacks happen in remote villages and agricultural lands located nearby the illegal settlements where women reside and work and while male members of the family are outside the house for work, leaving women and girls vulnerable. For this reason women are less likely to leave their homes without male accompaniment. As a result, many women end up having less economic opportunities and independence, and are discouraged from pursuing education. This directly affects the socio-economic status of women and girls, leading to further challenges in society.

In our own documentation, Palestinian women have reported that settler terrorism affects their day to day lives in a number of ways. Our findings show that 83% of Palestinian women and girls pass an illegal Israeli settlement on their way to work or school and 80% are subjected to settler assaults when they leave their home. As a result, 100% of women reported that they need accompaniment for protection purposes when they leave home. Despite the frequent attacks, 86% of women who have been assaulted by settlers decided not to submit complaints, most likely due to their belief of the ineffectiveness of submitting a complaint to a complicit Israeli legal system.⁴

Since October 7th

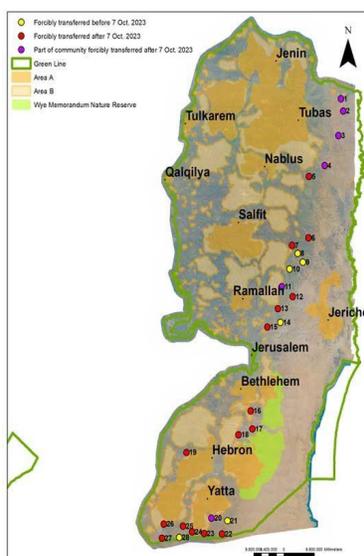
Israeli state-sanctioned settler terrorism has been on the rise at an alarming rate during the past years, but has been dangerously escalating since October 7th. The settlers and the Israeli army are using the war on Gaza to terrorize and displace more Palestinians and feel empowered to carry out pogroms in the West Bank. This increase in terror by settlers and the army, coupled with the additional movement restrictions have furthered the coercive environments for Palestinians in the occupied West Bank, especially herding communities that are now isolated. Before the war on Gaza, the rate of settler attacks averaged by 3 attacks per day, but since October 7th, this has increased to an average of 7 attacks daily. This has resulted in a 43% increase of Palestinians displaced since 2022.⁵

⁴ Analytical Report of Documented Human Rights Violations Against Palestinian Women in the West Bank including Jerusalem and Gaza Strip due to Practices of Israeli Military Occupation and Settler Violence. http://www.miftah.org/Publications/Books/Analytical_Report_of_Documented_Human_Rights_Violations_Against_Palestinian_Women.pdf

⁵ "The Other Mass Displacement: Settlers Advance on West Bank Herders." *United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory*, www.ochaopt.org/content/other-mass-displacement-while-eyes-are-gaza-settlers-advance-west-bank-herders

While 6 communities were completely ethnically cleansed in 2023 before October 7th, 16 herding communities in the West Bank have been completely displaced since the start of the war on Gaza. This includes at least 151 families comprising over 1,000 Palestinians.⁶ Six additional communities comprising 89 Palestinians have been partially transferred in this same time frame.

Beyond providing them with full impunity and protection, the Israeli government, which is now made up of settlers in key positions in government, has also been arming the settlers to commit further crimes under the watch and protection of Israeli occupation forces who often join them in the attacks. Another alarming development is the fact that armed settlers are now posing as Israeli occupation forces and raiding Palestinian areas in army uniform.⁷ In addition, they have blocked off major roads connecting Palestinian cities and villages.



Source: B'tselem⁸

Number of Palestinian communities displaced between between January 2022 - October 7th, 2023: **6**

Number of Palestinian communities fully or partially displaced between October 7th, 2023 - November 16th, 2023: **22**

⁶“Forcible Transfer of Isolated Palestinian Communities and Families in Area C under Cover of Gaza Fighting.” *B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories*, www.btselem.org/settler_violence/20231019_forcible_transfer_of_isolated_communities_and_families_in_area_c_under_the_cover_of_gaza_fighting

⁷ Colonists attack Palestinians in Masafer Yatta. <https://english.wafa.ps/Pages/Details/139380>

⁸ Forcible transfer of isolated Palestinian communities and families in Area C under cover of Gaza fighting. https://www.btselem.org/settler_violence/20231019_forcible_transfer_of_isolated_communities_and_families_in_area_c_under_the_cover_of_gaza_fighting

Legal dimension

The Israeli settlement project and settler violence are considered a violation of key principles within the applicable legal frameworks, namely international humanitarian law, international criminal law, international human rights law, as well as the women, peace, and security agenda.

Under international humanitarian law, the failure of Israel as an occupying power to protect Palestinian civilians under its military occupation from settler violence and hold Israeli settlers to account is considered a violation of its obligation to maintain public order and associated duty to protect.

In addition to being a war crime under the Rome Statute, the founding document of the International Criminal Court, illegal settlements directly violate the prohibition of colonization and Article 49 of the Fourth Geneva Convention.

Moreover, the prohibition of colonization, attacks on civilians, and attacks on civilian objects are considered grave violations of international humanitarian law that were codified as war crimes under international criminal law. Settler violence contravenes the prohibition of attacks on civilians and civilian objects and violates the right to life, freedom from torture, and right to an adequate standard of living.⁹

Additionally, settler violence restricts the right to freedom of movement among several other basic rights, which directly impacts the right to work, the right to the highest standard of physical and mental health, and the right to education. Lastly, settler violence and its persistence directly contravene state obligations under the women, peace, and security agenda to protect women from violence and to hold the occupying power to account in order to end impunity.¹⁰

⁹ Chapter 3: Israeli Settlements and International Law.

<https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-3-israeli-settlements-and-international-law/#:~:text=Article%2049%20of%20the%20Fourth,protected%20persons%20from%20occupied%20territory%E2%80%9D.>

¹⁰ S/RES/1325. Security Council Resolution on women and peace and security.

<https://peacemaker.un.org/node/105>

Conclusion

In light of the lack of international accountability, state-sanctioned settler terrorism continues unabated and is a primary source of danger for Palestinians in the occupied West Bank. It causes grave physical, psychological and material harm on Palestinian women and girls in particular.

Unless Israel is held accountable for its countless war crimes and human rights violations by the international community, it will feel emboldened to continue committing crimes with full impunity. The international community needs to uphold its moral and legal obligations and muster the courage and political will to hold Israel accountable with effective measures.

Settler violence and terror is a systematic state policy pursued by every Israeli government past and present, and the whole government apparatus is complicit and responsible for such terrorism. The international community cannot expect accountability to emerge from a complicit political and legal system. Therefore, international accountability is essential to put an end to such terror.

Recommendations

- Hold Israel accountable with effective political, legal and economic measures
- Support the ICC investigation into war crimes in Palestine and make referrals to the Court
- Implement the labeling of illegal settlement products leading to a complete ban on trade and all other relations with Israeli settlements
- Hold Israeli settlers with dual citizenships accountable by their respective states
- Hold national and/or multinational companies operating in illegal settlements accountable
- Impose a visa ban on all Israeli settlers
- Refuse the renewal of passports for Israeli settlers with dual passports through your embassies and consulates in Israel
- Blacklist Israeli settler groups on terror lists
- Freeze assets belonging to individuals and companies involved in illegal settlements.