



**Women's Centre for Legal Aid and Counselling
(WCLAC)**

**Israeli settler violence
in the
West Bank and East Jerusalem**

Submission

Date: 2 September 2015

Submitted to:

- UN Special Rapporteur on Violence against Women.
- UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

Copied to:

- The UN independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem.

1. Introduction

- 1.1 On 31 January 2013, a report investigating the impact of Israeli settlements on the rights of Palestinians living in the West Bank and East Jerusalem was released by an independent fact finding mission appointed by the UN (UN Report).¹ In preparing the UN Report, the mission consulted widely with all interested parties and made five requests for cooperation to the Israeli Government. The Government of Israel did not respond to these requests.
- 1.2 Six months after the publication of the UN Report, the Women's Centre for Legal Aid and Counselling (WCLAC) lodged a submission (first submission) with the UN Special Rapporteur on Violence against Women providing an update on the situation relating to the impact of settler violence on women in the West Bank and East Jerusalem.² A copy of WCLAC's first submission was also provided to the mission.
- 1.3 The purpose of this submission (second submission) is to provide an update on the situation on the ground relating to the impact of settler violence on women since the publication of the UN Report and WCLAC's first submission in 2013.

2. Background

- 2.1 The UN Report identified the applicable legal principles which can be briefly summarised as follows:
 - (i) The West Bank and East Jerusalem are under Israeli military occupation;
 - (ii) Occupying powers are not permitted to allow their citizens to live in occupied territory;
 - (iii) All Israeli settlements, settlement blocks and outposts in the West Bank and East Jerusalem are illegal under international law; and
 - (iv) All legal obligations undertaken by the Government of Israel apply equally, and without discrimination, to all persons under its control, including Palestinians living in the West Bank and East Jerusalem.
- 2.2 After reviewing the relevant legal framework, the UN Report provided a brief history of Israel's settlement project since 1967. The UN Report found that at the time of publication there were around 250 settlements in the West Bank and East Jerusalem with

a population of 520,000. The Report makes it clear that this mass illegal influx of Israeli citizens into occupied territory has been sanctioned by the Israeli State, through planning, construction, encouragement and financial incentives. This was confirmed by a US Congressional report which estimated that in 2005, the Israeli Government invested \$795 million in the settlements.

- 2.3 The UN Report found that the establishment of the settlements has fragmented the West Bank placing at risk the possibility of a Palestinian State, and by implication, a viable two state solution – a stated policy goal of the US, EU and UN. Whilst the fenced areas of the settlements cover three per cent of the West Bank, in total 43 per cent of the territory is allocated to settlement local and regional councils.
- 2.4 The UN Report noted that distinct legal systems exist in the West Bank and are applied separately to Israeli settlers and Palestinians. Broadly speaking, Israeli settlers are subject to Israeli civilian law, with all the rights and protections this entails, whereas Palestinians are subjected to Israeli military law and prosecution in military courts. These military courts regularly fail to comply with international fair trial standards and reports of abuse within the system are commonplace.³
- 2.5 The UN Report also highlighted violence between settlers and Palestinians in the West Bank and expressed the view that the intention behind settler attacks is to pressure Palestinians to leave the land. Numerous testimonies received by the mission referred to the presence of the Israeli police and army during these attacks suggesting an element of coordination, collusion and complicity by the State.
- 2.6 The UN Report referred to a lack of accountability for settler attacks and noted that complaints by Palestinians against settlers have a 91 per cent chance of being dismissed without effective action, whereas in cases involving settler complaints against Palestinians, up to 95 per cent of cases proceed to court. The UN Report concluded that women alone in their homes are easy targets for settler violence, creating a sense of insecurity amongst the wider Palestinian society.

3. Rome Statute of the International Criminal Court

- 3.1 Since the publication of the UN Report, the Rome Statute of the International Criminal Court (Rome Statute) has entered into force in Palestine with retro-active effect from 13 June 2014. The Office of the Prosecutor has announced the opening of a preliminary examination into the situation in Palestine in order to establish whether the Rome Statute criteria for opening an investigation are met.⁴ Specifically, the Prosecutor will consider

issues of jurisdiction, admissibility and the interests of justice in making this determination.

- 3.2 The International Criminal Court (ICC) has jurisdiction over, *inter alia*, war crimes, including:

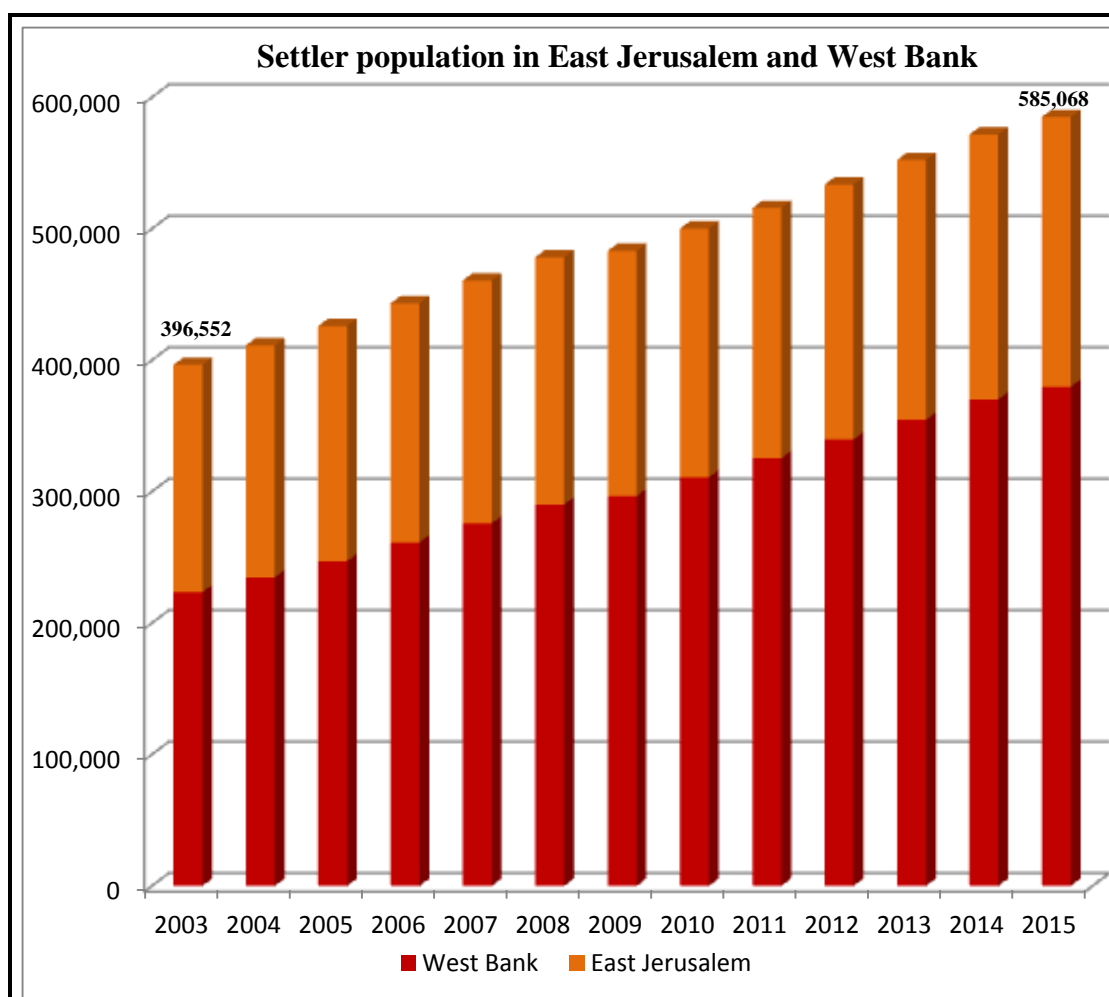
Article 8 2(b)(viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory.

- 3.3 It is also important to note that in relation to settlement construction in East Jerusalem and the West Bank there is no relevant dispute of fact and as the conflict resolution moves away from a failed political process towards legal accountability the focus of attention is likely to be on the legal consequences of the settlement policies of successive Israeli governments and on identifying individual culpability.

4. Update

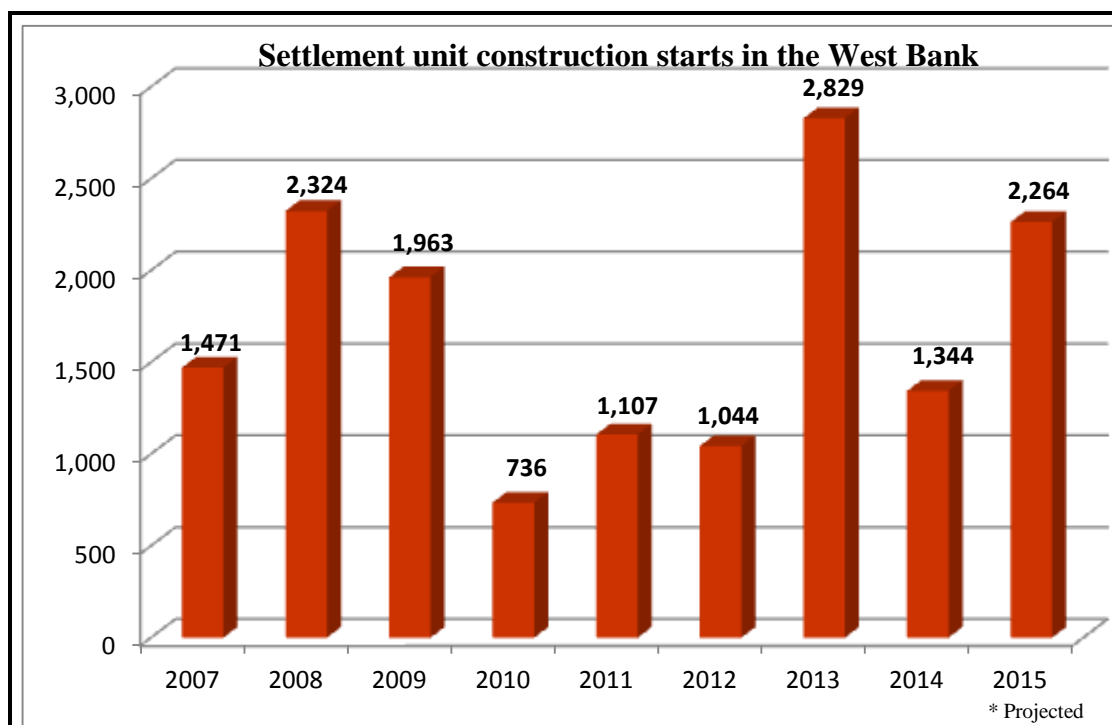
Settler population

- 4.1 By the end of July 2015, the settler population in the West Bank (379,755) and East Jerusalem (205,313) stands at approximately 585,068. This represents an increase of 65,000 since the release of the UN Report, or 12.5 per cent. The settler population in the West Bank is growing at around two-and-a-half times faster than the population inside Israel with a growth rate of 4.9 per cent per annum. At current rates the settler population in the West Bank and East Jerusalem will exceed 600,000 in 2016.⁵
- 4.2 The growth in the settler population has increased at a relatively constant pace for many years even during periods when Israeli and Palestinian officials were ostensibly negotiating an end to the conflict. This evidence calls into question the notion that Israeli governments have negotiated in good faith or desire a resolution to the conflict based on a two state solution.
- 4.3 According to a recent study the settler population in the West Bank includes 60,000 U.S. citizens, or around 15 per cent of the settler population.⁶ It remains to be seen whether this group of settlers is also violating U.S. domestic law.



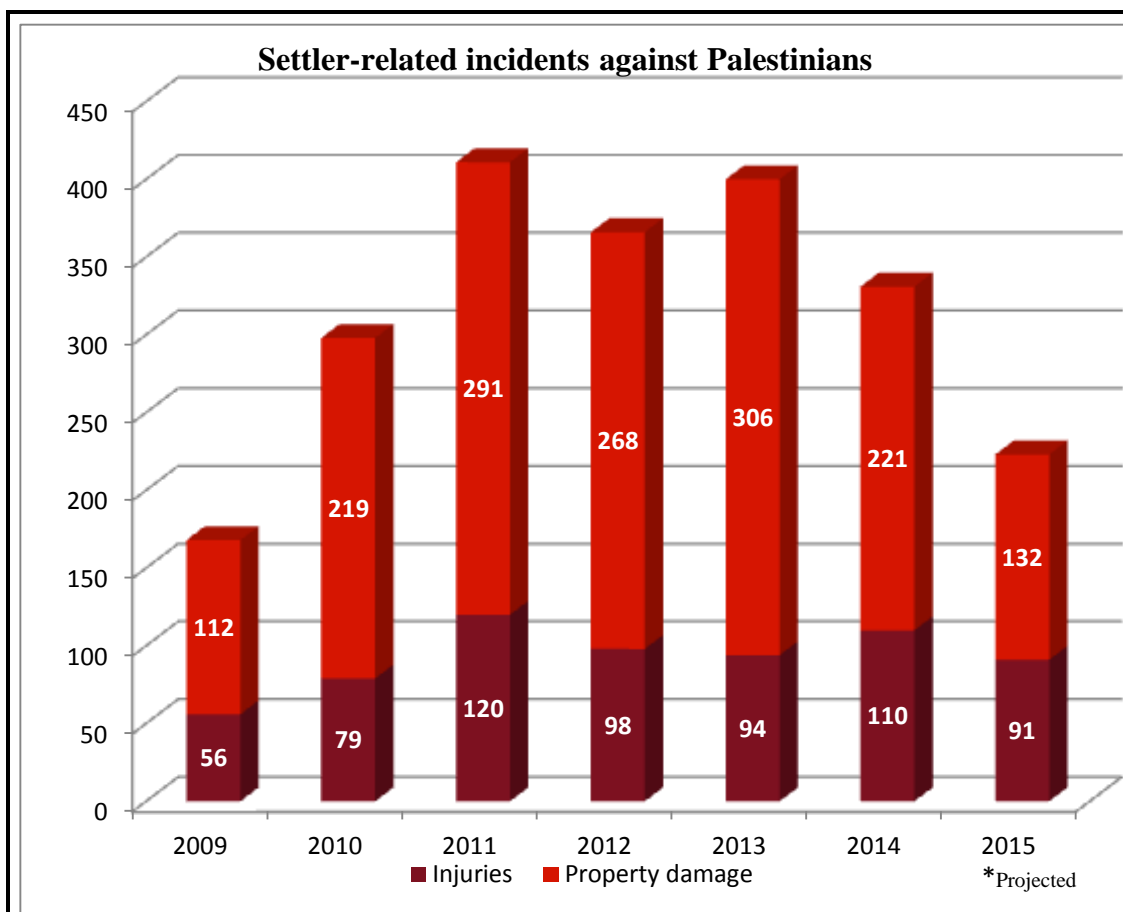
4.4 **Settlement construction:-** According to data released by the Israeli Central Bureau of Statistics (ICBS) in June, there were 566 new housing starts in the settlements during the first quarter of 2015. If this rate continues then it is projected that there will be 2,264 housing starts in 2015, representing an increase of 68 per cent compared with 2014. This follows a record year in 2013 when 2,829 housing units were constructed in the settlements which represented a 171 per cent increase compared with 2012.⁷

4.5 On 29 July 2015, Prime Minister Netanyahu announced the construction of a further 300 new housing units in Beit El settlement as well as 500 new units in East Jerusalem. The announcement was immediately condemned by the Obama administration and the UN Secretary General Ban Ki-moon who reiterated that “settlements are illegal under international law, an impediment to peace, and cannot be reconciled with the Government of Israel’s stated intention to pursue a two-state solution”.⁸

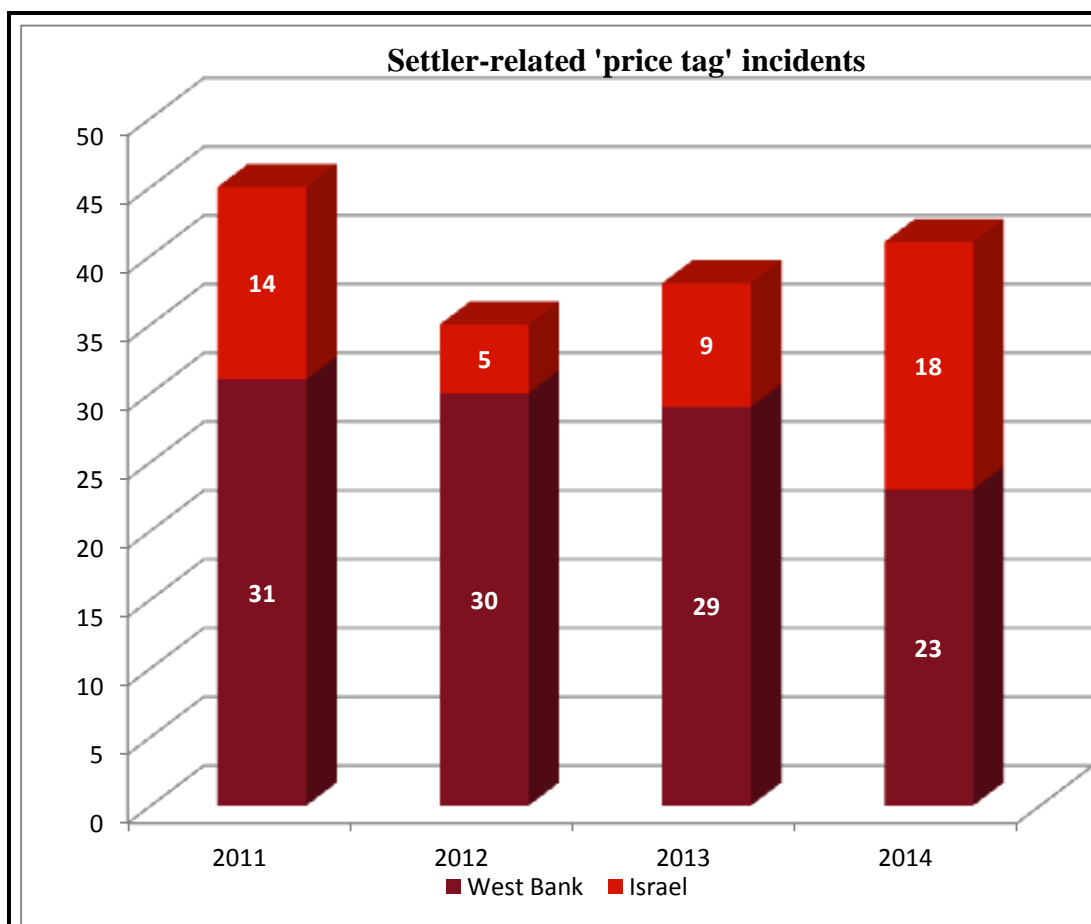


- 4.6 **Settler violence:-** According to figures compiled by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), in the first four months of 2015, the UN agency recorded a total of 72 Israeli settler attacks on Palestinians and their property across the West Bank, including East Jerusalem, of which 26 resulted in Palestinian injuries and 46 in damage to Palestinian property. On a monthly average, this represents a 33 per cent decrease compared to the monthly average for 2014 (18 vs. 27 incidents).⁹
- 4.7 On 31 July 2015, settlers conducted an arson attack on a home in the West Bank village of Duma which left one Palestinian infant dead and the rest of the family severely injured. The infant's father later died of his injuries in hospital. Following the attack the UN Security Council issued a statement condemning "in the strongest terms the vicious terrorist attack and underlining the need to bring the perpetrators of this deplorable act to justice".¹⁰
- 4.8 The nature of the attack that occurred in Duma in July bears a chilling similarity to two cases documented by WCLAC in March 2015 (see section 6 below) and illustrates that settlement construction in occupied territory makes violence of this nature virtually inevitable raising questions about the personal responsibility of Israeli officials who

encourage and facilitate continued settlement activity in the West Bank and East Jerusalem.



4.9 Although the above data projects a fall in settler violence in 2015, there is evidence of an escalation in the number of “price tag” attacks in recent years including inside Israel. It should be noted that the data below only represents the major “price-tag” attacks reported by Israeli sources and understates the full extent of the issue.¹¹



5. A link between the settlements and night raids

- 5.1 In June 2015, WCLAC lodged a submission with the UN concerning the widespread and systematic use of night raids by the Israeli military on Palestinian family homes in the West Bank and East Jerusalem. The submission details the devastating impact that repeated night raids have on affected communities and is supported by 100 testimonies collected from women in 34 locations who experienced raids in 2014 and 2015.¹²
- 5.2 The submission conservatively estimates that the Israeli military is currently conducting over 1,300 night raids on Palestinian communities each year, which equates to over 65,000 night raids since Israeli martial law was imposed on the West Bank in June 1967.
- 5.3 The submission also notes that Palestinian communities affected most by night raids are located on average within two kilometres of an Israeli settlement built in violation of international law. Many of these communities are located even closer to roads used by

settlers or the Israeli military highlighting the inevitable friction that is caused by the mass influx of illegal settlers.

- 5.4 The submission concludes that the mass intimidation of the Palestinian civilian population by the military is an essential element in maintaining Israel's settlement project in occupied territory.

6. Case examples

- 6.1 As part of WCLAC's mandate, the organisation collects testimonies from women on a whole range of issues including settler violence. There follows a sample of recent cases collected by WCLAC's fieldworkers in 2015.

- (i) On 20 June 2015, a Palestinian woman ([Nahida A.](#)) who lives in Ramallah near the entrance to Pesagot settlement witnessed a small grass fire break out near the entrance to the settlement and two children running away towards Ramallah. A group of settlers gathered near the entrance shortly afterwards. Around 45 minutes later a 14-year-old Palestinian boy was shot as he passed the settlement on his way to play football. The boy was shot once in his knee and once in his upper thigh.
- (ii) On 20 June 2015, a 61-year-old Palestinian woman ([Rahimeh S.](#)) was driving home in the West Bank with her son at 10:00 p.m. when they encountered a group of 20 settlers on the side of the road. Israeli soldiers were also present. A large stone was thrown at the vehicle by a settler smashing the window and striking Rahimeh on the head rendering her unconscious. Rahimeh later woke up in hospital in Ramallah suffering from concussion and a fractured skull.
- (iii) On 16 May 2015, a Palestinian woman ([Jalileh N.](#)) and her family, including her grandchildren, were travelling in a taxi van in the West Bank to visit her daughter. As they passed through the Etzion road junction near Bethlehem at 1:00 p.m. a settler threw a stone at their vehicle smashing a window. Jalileh's husband suffered a number of cuts and was bleeding while the rest of the family were terrified and screaming. They were later transferred to hospital in Ramallah for treatment.
- (iv) On 5 March 2015, a Palestinian woman ([Abeer A.](#)) from the village of Al Mughayyir in the West Bank woke at 3:00 a.m. when she heard the family car's window being smashed. When Abeer looked out of the window she saw two

settlers standing by the vehicle. The settlers then firebombed the family home. Abeer and her husband hurried to evacuate their young children from the house. Once outside the family noticed that “Death to the Arabs” had been painted on their house. The family was left terrified and feeling insecure.

- (v) On 5 March 2015, a Palestinian woman ([Thamina M.](#)) from the village of Al Mughayyir in the West Bank woke at 3:00 a.m. when the family car alarm went off. When Thamina looked out of the window she saw that their car was on fire. When her husband turned on the outside lights they saw two settlers run to a waiting car which then drove off. The family was terrified that the settlers might return and firebomb their house. Later the family discovered that Hebrew language graffiti had been painted on the outside of their house.

7. Accountability

- 7.1 According to one organisation, acts of settler violence are not isolated incidents motivated by anger or hatred, but rather part of a sophisticated, wider strategy designed to assert territorial dominance over Palestinians in the West Bank. One manifestation of this strategy is the establishment of “no go zones” around settlements where Palestinians often face armed settlers who exclude them from their farm land. This technique ensures that the land is virtually abandoned by its fearful owners.¹³
- 7.2 Evidence that this strategy is tacitly supported by the State can be found in the absence of effective military intervention to prevent settler violence or accountability measures in accordance with Israel’s international legal obligations. This is perhaps unsurprising given that the State is actively engaged in encouraging settlers to move into occupied territory in the first place. According to one recent report the chance that a complaint submitted to the Israel Police by a Palestinian victim of settler violence will lead to an effective investigation, the location of a suspect, prosecution, and ultimate conviction is just 1.9 per cent.¹⁴
- 7.3 Similarly, there is ample evidence available to conclude that contrary to Israel’s international legal obligations, Israeli military forces in the West Bank have been directed not to take concerted action against settlers engaged in violent attacks on Palestinians. This position was explained in a testimony included in a recent report that considers situations where soldiers stand idly by while settler attacks take place.¹⁵ In the report, a soldier described the military directives as follows:¹⁶

Question: *“What are you supposed to do when Jews harm Palestinians or their property?”*

Answer: *“What we’re supposed to do is call the [Israeli] police. They told us in advance that there is no ability and no right under the law. You can’t handcuff a settler who defaces property belonging to a Palestinian. You can’t handcuff him if you’re the soldier. You call the police. The police handles it, if it arrives and handles it. A Jew throws rocks – the soldiers will call the police. The soldiers won’t point their guns at him. They will not arrest him. They won’t do anything to him. The police likely won’t either, except for telling him off. They told us this in briefings before going on patrol. They reminded us we weren’t allowed to.”*

7.4 The above account corresponds closely with a report of a settler mob attack on a Palestinian village in the northern West Bank that took place on 18 November 2014:¹⁷

“A group of some fifty Israelis left the settlement of Yitzhar, walking to the edge of the Palestinian village of Urif. The Israeli civilians, most of whom were masked, attacked the residents of the village with stones, iron bars, and burning tires. Soldiers who arrived on the scene several minutes after the incident began did nothing to stop or detain the Israeli civilians, and effectively guarded them as they continued their attack. The soldiers fired crowd-dispersal means at young Palestinians who gathered on the edge of the village. A 13-year-old student from the village school was lightly injured in the incident: the boy was struck on the head by a stone and received medical treatment at Rafidiya Hospital in Nablus.”

7.5 According to the US State Department, Israeli forces injured approximately 96 Palestinians during settler-related incidents in 2014. The same source also reported that many Palestinians are reluctant to report incidents due to fears of settler retaliation or because they were discouraged by the lack of accountability in most cases.¹⁸

8. Concluding remarks

8.1 In the two-and-a-half years since the publication of the UN Report, a further 65,000 Israeli citizens have crossed the Green Line to live in East Jerusalem and the West Bank in violation of international law. This process, as in the past, has been encouraged and facilitated at the highest levels of the Israeli civil and military administrations and forms part of a national policy to settle occupied territory in violation of Article 2 of the UN Charter.

8.2 Although this process and its legal consequences are well known, there continues to be an absence of any significant political will to mount an effective challenge to what effectively amounts to a *de facto* annexation of the West Bank. This absence of any serious political will is likely to figure in any decision by the prosecutor of the International Criminal Court to initiate an investigation in Israel's policy of settling occupied territory.

¹ Report of the independent international fact-finding mission to investigate the implications of Israeli settlement on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, Human Rights Council, 2013 – Available at: <http://is.gd/SziEDa>

² WCLAC submission to the UN Special Rapporteur on Violence against Women, September 2013 (first submission). Available at: <http://is.gd/Wbs8Q5>

³ Children in Military Custody (June 2012) – Available at: <http://is.gd/zLzlxQ> . UNICEF, Children in Israeli Military Detention (February 2013) – Available at: <http://is.gd/Yu59IN>

⁴ International Criminal Court, Office of the Prosecutor – Available at: <http://is.gd/1ytaRw>

⁵ B'Tselem, Statistics on Settlements and Settler Population. Available at: <http://is.gd/SXlpEt>

⁶ Haaretz, “60,000 American Jews Live in the West Bank, New Study Reveals” (27 August 2015). Available at: <http://is.gd/yMYIpH>

⁷ Israel Central Bureau of Statistics. Available at: <http://is.gd/raeCgS> . See also: Americans for Peace Now - So How Much was Built in the Settlements? ICBS and Peace Now Data Discrepancy Explained, 12 March 2015 - Available at: <http://is.gd/SX632Q> . See also: The Jerusalem Post, CBS: Housing finishes in West Bank settlements up 219% in 2015's first quarter, 10 June 2015. Available at: <http://is.gd/tToBIR>

⁸ UN News Centre: Ban condemns Israel's approval of new settlement construction in West Bank, 29 July 2015. Available at: <http://is.gd/3qwZFU>

⁹ UNOCHA – Humanitarian Monitor (April 2015), available at: <http://is.gd/BWV23X>

¹⁰ UN News Centre, Senior UN officials condemn West Bank arson attack that killed Palestinian child, 31 July 2015. Available at: <http://is.gd/F1udj2>

¹¹ Americans for Peace Now. Available at: <http://is.gd/vpQAVM>

¹² WCLAC, Israeli military night-raids on Palestinian residences in the West Bank and East Jerusalem, submission to the UN (June 2015). Available at: <http://is.gd/rJ2kJp>

¹³ Yesh Din

¹⁴ Yesh Din, Mock Enforcement (May 2015). Available at: <http://is.gd/4zdZE2>

¹⁵ Yesh Din, Standing Idly By (June 2015). Available at: <http://is.gd/ryoczF>

¹⁶ Ibid at page 61.

¹⁷ Yesh Din. Available at: <http://is.gd/cj21PH>

¹⁸ US State Department, Human Rights Report (2014).