



Defence for Children International - Palestine Section

# Under Attack:

## Settler Violence against Palestinian Children in the Occupied Palestinian Territory

UPDATE: July 2010







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***Defence for Children International – Palestine***

***Section*** is a national section of the international non-governmental child rights organisation and movement, Defence for Children International (DCI), established in 1979, with consultative status with ECOSOC. DCI-Palestine was established in 1992, and is dedicated to promoting and protecting the rights of Palestinian children in accordance with the UN Convention on the Rights of the Child (CRC), as well as other international, regional and local standards. As part of its ongoing work to uphold the rights of Palestinian children, DCI-Palestine provides free legal assistance, collects evidence, researches and drafts reports and conducts general advocacy targeting various duty-bearers.

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*The views expressed in this report do not necessarily represent the views of the financial supporters thereof.*

*Cover photo: An Israeli settler points a weapon at Palestinian demonstrators during a protest near the Jewish settlement of Bracha, south of the West Bank city of Nablus on August 7, 2009.*

*Credit: Courtesy of AFP*

This report is dedicated to Mohammad Ibrahim Abed al-Qader Ibrahim Qadous (15), killed by a live bullet in the chest fired by an Israeli soldier on 20 March 2010. Mohammad features in one of the case studies of this report, as he was also the victim of a settler stone-throwing attack in October 2009. At the time of the attack, he was grazing sheep with his friend Deeb Q., who incidentally, five months later, witnessed Mohammad being fatally shot.



*Mohammad: Source DCI-PS*



**...we live in a very difficult situation and the suffering of children and adults is huge. There will be no security as long as such settlements exist near our houses.**

*Qais S. (9)*

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# A Executive Summary

Since 1967, the Israeli government has supported the construction of settlements in the Occupied Palestinian Territory (OPT) and encouraged the relocation of Jewish nationals to these settlements in violation of international law. There are approximately 500,000<sup>1</sup> settlers living in over 200 settlements<sup>2</sup> on Palestinian land in the West Bank and East Jerusalem.

Settlements have a profound impact on the lives of Palestinians throughout the West Bank, including East Jerusalem. Apart from the loss of land taken for the settlements and their related infrastructure, settler violence, such as beatings, shootings and destruction of property are a common occurrence in the lives of Palestinians, including children. These violent acts serve a political and strategic goal, and are carried out by ideological settlers, who believe that the West Bank is part of Greater Israel, and it is their duty to claim this land and establish a Jewish presence there.<sup>3</sup>

These patterns of settler violence are repeated in East Jerusalem, where official governmental policies of house evictions and demolitions, and revocation of residency rights, serve to change the demographic in favour of the Jewish population, establishing Jerusalem, once and for all, as the eternal, undivided capital of Israel.

Over a two-year period, from March 2008 until July 2010, DCI-Palestine documented 38 incidents of settler violence directed at children. These incidents resulted in the direct injury or death of at least 45 children, and in the trauma and indirect injury of dozens of others, who either witnessed other children being assaulted or shot, or were terrorised by settler and soldier

- 1 B'Tselem: The Israeli Information Centre for Human Rights in the Occupied Territory, *By Hook and by Crook: Israeli Settlements Policy in the West Bank* (July 2010), page 9, available at [http://www.btselem.org/English/Publications/Summaries/201007\\_By\\_Hook\\_and\\_by\\_Crook.asp](http://www.btselem.org/English/Publications/Summaries/201007_By_Hook_and_by_Crook.asp), accessed on 11 July 2010.
- 2 The term “colony” is one which is gaining popularity to describe the phenomenon of the settlements. It is argued that “colony” is a more accurate reflection of the invasive and illegal nature of the presence of the people and supporting infrastructure found in the West Bank, including East Jerusalem. However, the term used throughout the international field is “settlements”. For this reason, this is the term used throughout this report.
- 3 UN Office for the Coordination of Humanitarian Affairs (henceforth, “OCHA”), *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank* (July 2007), page 32, available at [www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank\\_Intro.pdf](http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank_Intro.pdf), accessed on 10 June 2010.

raids and mob attacks. The incidents occurred near a number of settlements in the governorates of Bethlehem, Ramallah, Salfit, Hebron, and Nablus. Shootings, the most severe form of settler violence, account for 14 of the incidents documented by DCI-Palestine, in which three Palestinian children were killed and 10 others were injured.

The Israeli authorities have consistently failed to prevent settler attacks against Palestinians and to take adequate law enforcement measures against settlers who commit these crimes. Israeli soldiers often turn a blind eye and fail to intervene in confrontations, even though, as the occupying power, they are obligated to protect the civilian population under international humanitarian law. DCI-Palestine has also documented cases where soldiers actively participate in civilian attacks by settlers.

In East Jerusalem, there have been 84 house demolitions and a further 24 evictions, with houses being subsequently occupied by settlers, displacing a total of 407 children since January 2009. A further 536 houses have been issued demolition orders in Silwan and Sheikh Jarrah, putting 1,499 children at risk of displacement.<sup>4</sup>

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<sup>4</sup> Information from DCI-Palestine field research in conjunction with The Land Research Centre in Jerusalem.

# B What is a Settlement?

Settlements are permanent civilian communities established in the occupied West Bank, including East Jerusalem, where only Israeli citizens or individuals of Jewish descent who can obtain Israeli citizenship can reside. Settlements in the West Bank are generally not open to Palestinians.<sup>5</sup> They have permanent housing units and infrastructure and are self-contained, existing separately from Palestinian neighbourhoods and cities. Some are rural, while others are large urban or industrial areas. It is estimated that the total area of settlements, including built up areas, the unused municipal areas and their regional councils, comprises 42.8 per cent of land in the West Bank.<sup>6</sup>



*Settlement in the West Bank. Photo credit: GhtH*

Settlements have a strong antagonistic presence in the West Bank. Many of them have been built on confiscated Palestinian privately-owned land.<sup>7</sup> Protecting the settlements are settlement-guards and Israeli forces, stationed at, or in close proximity to, the settlements. Here, they establish checkpoints and conduct patrols in the surrounding Palestinian areas. Connecting the settlements to Israel is a road system, which slices through the West Bank, dividing communities and separating farmers from their lands. Privately owned Palestinian land can also be taken to build these roads, which are often for the sole benefit of the settlers, or Israeli citizens. The route of the Wall is also determined by the settlements, often straying far from the Green Line into the West Bank.

<sup>5</sup> See supra footnote 3.

<sup>6</sup> See supra footnote 1, page 9.

<sup>7</sup> B'Tselem Press Release: "Army and Civil Administration data: [O]ne fifth (21 per cent) of the settlements built up areas lies on land that Israel recognises as private Palestinian land. Settlements control 42 per cent of land area" (6 July 2010), available at [http://www.btselem.org/english/press\\_releases/20100706.asp](http://www.btselem.org/english/press_releases/20100706.asp), accessed on 7 July 2010.

Illegal settlements in the West Bank enjoy direct and indirect financial support from the Israeli government, Israeli society, various private donors<sup>8</sup> and charities registered in the United States, such as the One Israel Fund, Ha Yovel, the Hebron Fund and Shuva Israel, all of which enjoy tax exempt status in the United States.<sup>9</sup> This support allows for settlement expansion and the further annexation of Palestinian land, as well as funding violent settler movements, which in some cases have links to terrorist organisations banned in the United States.

## Outposts and Settlements: What's the Difference?

An outpost is an emerging settlement, which has been set up without the proper Israeli authorisation, but “with the support of various government ministries, the army, and the Civil Administration.”<sup>10</sup> Outposts are illegal under Israeli Law, because they have not been authorised or planned by the Government of Israel.<sup>11</sup> Initially, West Bank settler outposts are small communities established on hilltops throughout the West Bank, generally within a few kilometres of larger permanent settlements.



*Israeli outpost, West Bank. Source: Palestine Monitor*

The majority of outposts are made up of a few families or several settler youths living in trailers and other temporary shelters with only basic infrastructure. Funding and support from private donors and the Israeli government, funnelled through the regional councils, help to construct roads and infrastructure and eventually transform the outpost into a permanent settlement. Outposts are

8 For example, Lev Leviev contributes to the Land Redemption Fund, see <http://adalahny.org/index.php/boycott-divestment-a-sanction/boycott-against-land-developers-leviev?start=3>.

9 Jim Ruthenberg, Mike McIntire and Ethan Bronner, “Tax-Exempt Funds Aid Settlements in the West Bank”, *The New York Times*, (5 July 2010), available at [http://www.nytimes.com/2010/07/06/world/middleeast/06settle.html?pagewanted=1&\\_r=2&hp](http://www.nytimes.com/2010/07/06/world/middleeast/06settle.html?pagewanted=1&_r=2&hp), accessed on 7 July 2010.

10 State Comptroller, *Report 54B*, pp. 362-7 (5 May 2004), cited by B’Tselem, supra footnote 1.

11 See supra footnote 3, page 34.

usually established within a few kilometres of existing settlements, and are later ‘authorised’ and merged into those settlements.<sup>12</sup>

## Authorised and non-Authorised: A Misplaced Distinction

Israel’s distinction between ‘authorised’ settlements and ‘unauthorised’ outposts is misplaced. All settlements violate international law. Furthermore, through the Roadmap,<sup>13</sup> launched in 2002, the Israeli government has committed to freeze all settlement activity, including the expansion of existing settlements – what is euphemistically referred to as ‘natural growth.’ However, Israel has not followed through on this commitment. At times, it is claimed that new settlement building has been halted, even though such statements are at odds with what is actually happening on the ground. At any one time, either new housing units are awaiting approval, being approved or under construction. Furthermore, outposts have been used to continue settlement activity, as they are authorised and merged into existing settlements, with the claim that no new settlements have been created.<sup>14</sup>

The Roadmap, furthermore, requires that all outposts established since March 2001 be dismantled, and does not draw a distinction between authorised and unauthorised outposts. While there are approximately 100 outposts throughout the West Bank, at least 50 of these were erected since March 2001.<sup>15</sup>

Israel periodically dismantles a limited number of outposts, but in reality some of these outposts are moved or re-established in other areas.<sup>16</sup> Some outposts become ‘authorised’ and are then incorporated into the larger settlements nearby, in exchange for the dismantling of ‘unauthorised’ outposts. Under this policy, the ‘authorised’ outposts contribute to illegal settlement growth and fill in the gaps between the settlements throughout the West Bank, while Israel’s officials claim that outposts have been dismantled.<sup>17</sup>

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12 B’Tselem, *Land Grab: Israel’s Settlement Policy in the West Bank* (May 2002), page 16, available at [http://www.btselem.org/Download/200205\\_Land\\_Grab\\_Eng.pdf](http://www.btselem.org/Download/200205_Land_Grab_Eng.pdf), accessed on 27 July 2010.

13 The Quartet, *A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict*, S/2003/529 [henceforth, “Roadmap”].

14 See supra footnote 12, page 16.

15 PLO Negotiations Affairs Department, *Settlement Outposts: Realities and Myths* (July 2009), available at [http://www.nad-plo.org/news-updates/NSU%20Outposts%20FS%20\\_Jul%202009\\_%20\\_2\\_.pdf](http://www.nad-plo.org/news-updates/NSU%20Outposts%20FS%20_Jul%202009_%20_2_.pdf), accessed on 24 May 2010.

16 Ibid.

17 Ibid.

Outpost construction is more intense during periods when the Israeli government appears to be moving against outposts or the settler movement in general. Where there is international condemnation of the unlawful presence of Israeli settlements in the occupied Palestinian territory, right-wing settlers vow to increase the number of outposts.<sup>18</sup>

### How outposts are established:

*"[O]utposts are mostly established by bypassing procedure and violating the law, displaying false pretence towards some of the State authorities, and enjoying the cooperation of other authorities in harsh violation of the law.*

*One way to establish an outpost is first to falsely ask for an antenna to be placed up on a hill. Afterwards comes a request to supply electricity - only for the antenna. Then a cabin is placed, for the guard, and the cabin is also connected to the electricity. Then a road is paved to the place, and infrastructure for caravans is prepared. Then, one day a number of caravans arrive at the place - and an outpost is established.*

*Another way is falsely requesting to built [sic] an agricultural farm (either an acclimatization or a biosphere farm). The farm is supposedly built for agricultural needs. After a while, caravans arrive to the place and an outpost is established.*

*Another way is founding an educational institution. "Staff" families settle in the place and an outpost is established.*

*Another way is establishing outposts by "expansions" and "neighbourhoods" in disguise, within an existing outpost. The new outpost is named as the old one, as though it were just a neighbourhood, even when it is sometimes kilometres away as the crow flies; on the ground the distance is much greater...This enables financing the new outpost by the different authorities: the money supposedly goes to the old settlement, as known to the authorities. In fact, it goes to the new outpost.*

*After a while, when the outpost stands still, it is no longer convenient for its inhabitants to be considered just as a neighbourhood of an existing settlement. They wish for direct connection to different sources; they are interested in an independent emblem given by the Ministry of Interior Affairs...Therefore the Assistant to Defence Minister - Settlement Affairs requested the Settlement Division of the World Zionist Organization to acknowledge some of the outposts as independent settlements, eligible for an emblem and a budget."*

*Talya Sason, former head of the Israeli State Prosecution Criminal Department<sup>19</sup>*

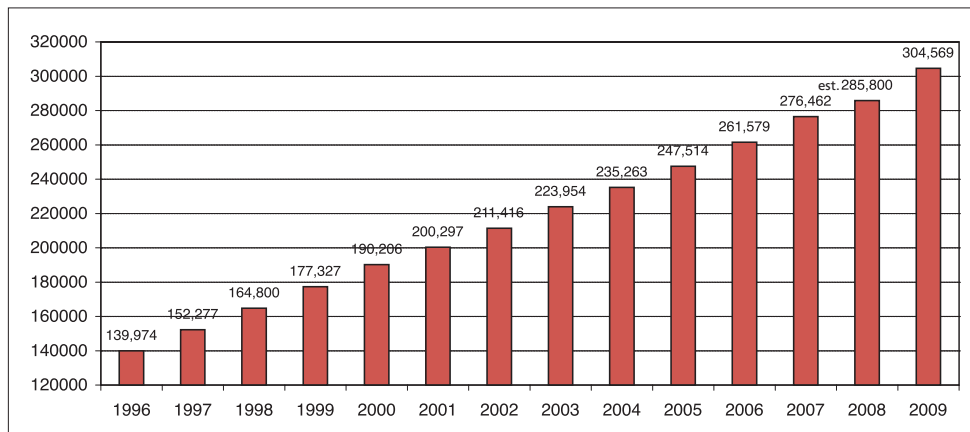
18 Ethan Bronner, "West Bank Settlers Send Obama Defiant Message," *New York Times*, 29 July 2009, available at <http://www.nytimes.com/2009/07/30/world/middleeast/30settlers.html>, accessed on 5 May 2010.

19 Talya Sason, *Summary of the Opinion Concerning Unauthorized Outposts*, March 2005, available at <http://www.mfa.gov.il/MFA/Government/Law/Legal+Issues+and+Rulings/Summary+of+Opinion+Concerning+Unauthorized+Outposts+-+Talya+Sason+Adv.htm>

## Growth/Evolution of Settlements

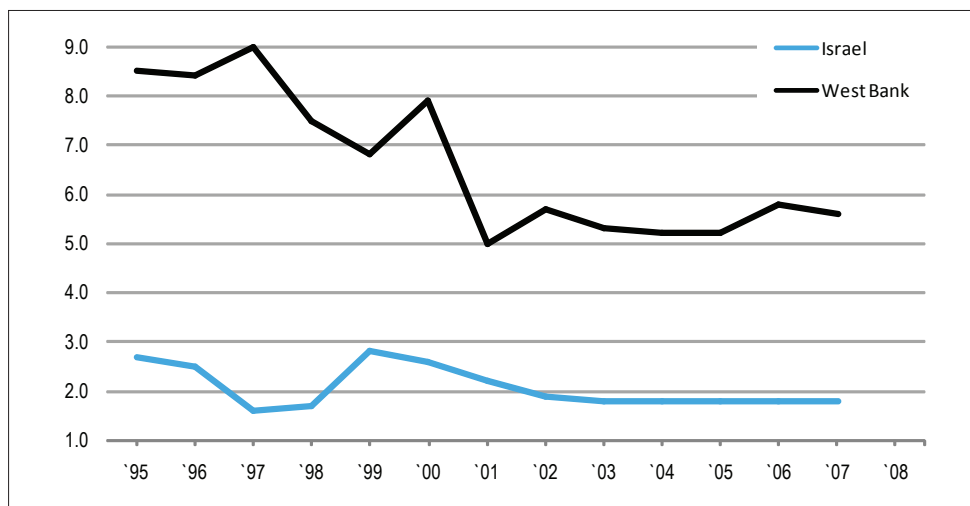
The following tables indicate how settlements and the settlement population have grown from 1967 to today. The tables show how the population continued to grow unabated during the years of the so-called Oslo Peace Process.

### Total settler population in the West Bank excluding East Jerusalem



Source B'Tselem, Israeli Central Bureau of Statistics, Israeli Civil Administration

### Percentage of Population Growth in Israel and the West Bank Settlements



Source: Central Bureau of Statistics, Statistical Abstract of Israel

# C Settlements and International Law

## International Humanitarian Law

International humanitarian law regulates the conduct of parties where one party to a conflict occupies the territory of another. This imposes certain duties and obligations on the occupying power. The primary source of this law that relates to occupying powers is found in the Regulations Annexed to the Fourth Hague Convention Regarding the Laws and Customs of War on Land of 1907 (Hague Regulations),<sup>20</sup> and the Fourth Geneva Convention Concerning the Protection of Civilian Persons in Time of War of 1949 (Fourth Geneva Convention)<sup>21</sup> as well as customary international law.

Gaza<sup>22</sup> and the West Bank, including East Jerusalem, are under Israeli occupation. Israel, as occupying power, is obliged to respect the provisions of the Hague Regulations and the Fourth Geneva Convention. This is a position widely accepted within the international community, as affirmed in Security Council<sup>23</sup> and General Assembly Resolutions,<sup>24</sup> the International Court of Justice (ICJ) Advisory Opinion of 2004,<sup>25</sup> and the High Contracting Parties to the Fourth Geneva Convention.<sup>26</sup>

20 Hague Convention (IV), Respecting the Laws and Customs of War on Land (18 October 1907, entered into force 26 January 1910) CTS 227; 1 Bevans 631 [henceforth, "Hague Regulation"].

21 Geneva Convention Relative to the Protection of Civilian Persons in Time of War, (Adopted 12 August 1948, entered into force 21 Oct 1950) 75 UNTS 287 [henceforth, "Fourth Geneva Convention"].

22 Although Israel claims that Gaza is no longer occupied, this argument has been widely rejected by legal experts because Israel still retains effective control of Gaza's borders, airspace and territorial waters, as well as the population registry, its telecommunications, energy supplies, water and sewerage systems, and all movement of people and goods in and out of the territory, including shipments of fuel, food and medical supplies. See joint report by DCI-Palestine and Al-Mezan, *Bearing the Brunt Again* (September 2009), available at <http://www.dci-pal.org/english/publ/research/BearingTheBruntAgain.pdf>.

23 UN Security Council Resolution 1544 (May 2004) states: "The obligation of Israel, the occupying power, is to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention to the Protection of Civilian Persons in Time of War of 12 August 1949". See also UN Doc S/RES/237, UN Doc. S/RES/271, and UN Doc S/RES/446.

24 UN General Assembly Resolution 56/60 (14 February 2002) reaffirms that "the Geneva Convention, relative to the Protection of Civilian Persons in Time of War, of 12 August, 1949, is applicable to the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967." See also UN Doc A/RES/58/97.

25 International Court of Justice (ICJ) Advisory Opinion, *Legal Consequences of the Construction of a Wall*, 9 July 2004, paragraph 102-11, available at <http://www.icj-cij.org/icjwww/idocket/imwp/imwpframe.htm>, accessed on 21 June 2010 [henceforth, "ICJ Wall Advisory Opinion"].

26 Conference of the High Contracting Parties to the Fourth Geneva Convention: Declaration (5 December

## Transfer of Nationals to Occupied Territory

Under the Fourth Geneva Convention, Israel is prohibited from transferring its civilians to the territory that it is occupying.<sup>27</sup> Article 49(6) states: “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

The ICJ Advisory Opinion on the *Legal Consequences of a Wall* affirms that this provision refers to “any measures

*The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.*

*Fourth Geneva Convention of 1949, Article 49*

taken by an occupying power in order to organise or encourage transfers of parts of its own population into the occupied territory.”<sup>28</sup> The ICJ applies this to the settlements: “The Court concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law.”<sup>29</sup>



*Armed Israeli settler walking past checkpoint near Ibrahimi Mosque, Hebron. Photo credit: Brad Parker*

2001) available at <http://domino.un.org/UNISPAL.NSF/fd807e46661e3689852570d00069e918/8fc4f064b9be5bad85256c1400722951!OpenDocument>, accessed on 23 April 2010.

27 Fourth Geneva Convention, Article 49.

28 ICJ Wall Advisory Opinion, paragraphs 102–113.

29 Ibid.

Article 8 of the Rome Statute of the International Criminal Court details those acts which constitute war crimes. Included in this list, in subsection 2 (b) (viii), is: “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.” This customary norm<sup>30</sup> exists to prevent the occupying power from colonising the territory under its occupation.<sup>31</sup> Since 1967, the Israeli government has failed to uphold its obligations under international law by supporting the establishment of settlements and by offering economic incentives to encourage its citizens to settle in them.<sup>32</sup>

### Protection of the Local Population

Article 4 of the Fourth Geneva Convention confers the status of ‘protected persons’ upon the inhabitants of an occupied territory. The status of ‘protected persons’ applies to Palestinians, not settlers, as they are “in the hands of a Party to the conflict, or occupying power of which they are not nationals.”<sup>33</sup> Under this provision, the military commander has an obligation to safeguard the interests of these protected persons and ensure they are not subjected to the following acts: “Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture (...) outrages upon their personal dignity, in particular humiliating and degrading treatment.” Settlers are to be afforded protection equal to that of aliens in occupied territories, as found in section II of the Fourth Geneva Convention.<sup>34</sup>

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30 Jean Marie Henckaerts and Louise Doswald-Beck, International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law* (2009), Rule 131.

31 Oscar Uhler and Henri Coursier, International Committee of the Red Cross (ICRC), *Commentary: Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War: Volume IV* (1958).

32 See supra footnote 1.

33 Fourth Geneva Convention, Article 4. See also *Mara'abe et al. v. The Prime Minister of Israel et al.*, HCJ 7957/04, paragraph 18.

34 Human Sciences Research Council (HSRC), *Occupation, Colonialism, Apartheid? A Reassessment of Israel's Practices in the OPT under international law* (May 2009), available at <http://www.hsrb.ac.za/Document-3202.phtml>, accessed on 23 April 2010.

## Use of Public Property

Under the law of occupation, Israel, as occupier, is entitled to administer public property such as lands. There are, however, strict restrictions placed upon what it can do with this property. It has an obligation, in administering these lands, to safeguard the capital nature until the end of the occupation. This means there can be no permanent changes to the property; no “facts on the ground”. Under article 55 of the Hague Regulations, “The occupying power shall only be regarded as administrator and usufructuary<sup>35</sup> of public buildings, real estate, forests and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.”<sup>36</sup>

This means that Israel does not gain sovereign rights to land and property

*Building Israeli settlements on occupied Palestinian land violates international humanitarian law, international human rights law, UN Security Council and General Assembly resolutions, and Israel's own commitments under the Roadmap.*

seized in the Occupied Territory, but merely administrative rights, and permanent changes cannot be wrought on this land. Any changes must be made for the benefit of the local population. Therefore, the establishment of permanent civilian settlements on administered land, which are not for the benefit of the local population, is a violation of the rules of usufruct found in article 55 of the Hague Regulations.<sup>37</sup>

## Seizure of Private Property

International humanitarian law forbids the occupying power from seizing or destroying private property on occupied land, unless justified by absolute military necessity.<sup>38</sup>

Between 1967 and 1979, the Israeli government invoked national security concerns to requisition Palestinian land for the establishment of settlements in the Occupied Territory.<sup>39</sup> This was supported by the High Court of Justice

35 *Usufruct* has its origins in ancient Roman law. It is defined as the right of using and enjoying the property of other people, without detriment to the substance of the property. This means the usufructuary is not the owner but may enjoy the use of the property while preserving its capital nature, not effecting and permanent changes or damaging it in any way.

36 Hague Regulations, Article 55.

37 D. Krezmer, *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories*, State University of New York Press, Albany, 2002, page 92.

38 Hague Regulations, Article 46.

39 Harvard Program on Humanitarian Policy and Conflict Research, *The Legal Status of Israeli Settlements under IHL* (June 2004), page 12.

who held that private land could be seized for settlement building, when settlements served (a) a military purpose, (b) were temporary in nature and (c) the government provided compensation for the land.<sup>40</sup> In 1979, the court decreed that taking private land for the settlement of Elon Moreh could not be justified because the settlement did not serve any military need, and it was intended to be a permanent rather than a temporary settlement.<sup>41</sup>

Subsequently, in order to circumnavigate the prohibition on requisitioning private land for settlements, the Israeli government initiated a policy whereby privately owned land was proclaimed to be state land on which settlements could be constructed.<sup>42</sup> The burden of proof was on Palestinians to establish private ownership whenever the question of property rights arose. In this way, Israel expropriated more than 913,000 dunums of land as “state land” between 1979 and 1992, with the full backing of their Court.<sup>43</sup>

This practice violates Article 55 of the Hague Regulations, which strictly limits the use of public lands by an occupying power to that which safeguards the property. Israel are administrators, not owners of the land. This renders the building of whole towns and communities in occupied territories unlawful.

## International Human Rights Law

Israel has consistently argued that the human rights treaties it has ratified do not apply to the Occupied Territory. Their argument is that citizens of the Occupied Territory are not subject to their jurisdiction, therefore human rights conventions that Israel has ratified do not apply to them. Furthermore, they argue that human rights law and humanitarian law are conflicting streams of law, and that only humanitarian law can apply in an armed conflict.<sup>44</sup>

40 *Pithat Rafah Court case*: HCJ 302, 306/72, *Sheikh Suleiman Hussein 'Odeh Abu Hilu, et al. v. Government of Israel, et. al.*, Piskei Din 27(2) 169, 180; *Beit El Court case*: HCJ 606, 610/78, *Suleiman Tawfiq Ayyub et al. v. Minister of Defence et al.*, Piskei Din 33(2) 113, 120–122.

41 *Elon Moreh Court case*: HCJ 390/79, *'Azat Mahmud Mustafa Dweikat et al. v. State of Israel et al.*, Piskei Din 34(1) 1, 29.

42 R. Shehedah, “The Land Laws of Palestine: An Analysis of the Definition of State Lands”, *Journal of Palestine Studies*, Vol. 11, no. 2 (Winter 1982) 86. See also S. G. Madison, *Report on Land Tenure in Palestine*, unpublished, 59, cited by N.S. Tamin, A Historical Review of the Land Tenure and Registration System in Palestine, *An Najah J. Res.*, Vol. III, No. 9, (1995) 90. See also supra footnote 1, B'Tselem.

43 See supra footnote 1, pages 27–31.

44 “It is Israel’s view that these two systems-of-law, which are codified in separate instruments, nevertheless remain distinct and apply in different circumstances...” Human Rights Committee, *Replies of the Government of Israel to the List of Issues (CCPR/C/ISR/Q/3/) to be taken up in connection with the consideration of the third periodic report of Israel (CCPR/C/ISR/3)* (July 2010) UN Doc. CCPR/C/ISR/Q/3/Add.1.

This position has been vehemently rejected by the international community,<sup>45</sup> where the consensus view is that international humanitarian and human rights law apply in conflict situations simultaneously. Any inconsistency can be resolved by the principle of *lex specialis*.<sup>46</sup> In the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the ICJ reaffirmed the applicability of both human rights and humanitarian law in the Occupied Palestinian Territory.<sup>47</sup>

[T]he term ‘racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

*International Convention on the Elimination of All Forms of Racial Discrimination, Art. 1(I)*

Furthermore, it is now well established that citizens of a territory under the “effective control” of another state are subject to its jurisdiction.<sup>48</sup> As the Occupied Palestinian Territory is under the effective control of Israel, those human rights conventions ratified by Israel apply to the citizens of the Occupied Territory.<sup>49</sup> A number of human rights conventions state that the obligations extend to all citizens located on its territory and subject to its jurisdiction.<sup>50</sup>

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

*International Covenant on Economic, Social and Cultural Rights, Art. 2(2)*

45 Committee on the Rights of the Child, *Consideration of reports submitted by State parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: Concluding Observations: Israel* (March 2010) UN Doc CRC/OPAC/ISR/CO/1, paragraph 4. See also Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: Concluding Observations: Israel* (July 2010). See also UN Doc S/RES/237/1967; UN Doc S/RES/237/1967; UN Doc A/RES/2675/1970.

46 Where two laws cover the same issue, the specialist law prevails to the extent where there are any inconsistencies. See W. A. Schabas, “Lex specialis? Belt and suspenders? The parallel operation of human rights law and the law of armed conflict, and the conundrum of *jus ad bellum*” (2007) 40, *Israel Law Review* 592. See also L. Doswald-Beck, International Committee of the Red Cross (ICRC), *International Humanitarian Law and Human Rights Law, International Review of the Red Cross* No. 293 (April 1993), available at <http://www.icrc.org/web/eng/siteeng0.nsf/html/57JPG2>, accessed on 27 July 2010.

47 ICJ Wall Advisory Opinion, paragraphs 102–113.

48 Loizidou, *The European Commission on Human Rights in Cyprus v. Turkey* (1975), Applications No. 6780/74 and No. 6950/75.

49 Human Rights Committee, *Consideration of Reports Submitted by State Parties Under Article 40 of the Covenant: Concluding Observations of the Human Rights Committee: Israel* (August 2003) UN Doc. CCPR/CO/78/ISR, and Committee on Economic, Social and Cultural Rights (CESCR), *Consideration of Reports Submitted by State Parties Under Article 16 and 17 of the Covenant: Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel* (May 2003) UN Doc. E/C.12/1/Add.90.

50 International Covenant in Civil and Political Rights [henceforth, “ICCPR”] Article 2(i); International Convention on the Elimination of all Forms of Racial Discrimination [henceforth, “ICERD”] Article 6.

As laid out in the ICJ's Advisory Opinion, Israel is bound to apply the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic and Social Rights (ICESCR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of the Child (CRC) and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAAC).

*Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

*International Covenant on Civil and Political Rights, Art. 2(1)*

*States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*

*Convention on the Rights of the Child, Art. 2(1)*

The prohibition on discrimination is one that extends to all rights and is, in essence, non-derogable.<sup>51</sup> In times of public emergency, certain rights may be withheld in the interests of security. However, any rights that are withheld must not be done so on a discriminatory basis.<sup>52</sup> Non-discrimination is a basic right, and one which underpins all other rights.

The building of settlements and their related infrastructure on Palestinian land for the exclusive benefit of Jewish-Israeli citizens violates this prohibition on discrimination enshrined in several international human rights treaties to which Israel is a state party.<sup>53</sup> Below are examples of a number of these violations:

51 Human Rights Committee, *General Comment 18: Non-discrimination: 11/10/98* (October 1998).

52 Ibid.

53 Israel has ratified the International Covenant on the Elimination of All Forms of Racial Discrimination (1965) (ICERD) (ratified in 1979); the International Covenant on Civil and Political Rights (1966) (ICCPR) (ratified in 1992); the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) (ratified in 1992); the Convention on the Elimination of All Forms of Discrimination against Women (1979) (CEDAW) (ratified in 1991); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (CAT) (ratified in 1991); and the International Convention on the Rights of the Child (1989) (CRC) (ratified in 1991).

- **The right to housing.**<sup>54</sup>

The related policies of forced evictions and house demolitions clearing land for settlement expansion violate the Palestinians' right to housing and to own property.

- **The right of access to any place or service intended for use by the general public.**<sup>55</sup>

Palestinian-registered vehicles are prohibited from driving on a number of roads within the West Bank, severely restricting their freedom of movement.

- **The right to water.**<sup>56</sup>

Settlements are heavy consumers of water, sourced on Palestinian land, while water allocation to Palestinians is severely curtailed.<sup>57</sup>

- **The right to equal treatment before the law.**<sup>58</sup>

Dual legal systems in the West Bank ensure that while Palestinians are subject to military law, where much of their fair trial rights are denied, settlers in the same territory are subject to the Israeli legal system, and are afforded increased protection under this law.

- **The right to security of person and protection by the State against violence.**<sup>59</sup>

An alarming number of settler attacks are carried out on the local Palestinian population, affecting children directly and indirectly. In many cases, there is no protection from these attacks given to Palestinians.

In permitting settler attacks and providing an environment in which settlers can act with almost complete impunity, Israel is neglecting its obligations under human rights law. Under the UN Convention on the Rights of the Child, Israel must ensure the protection and care of children affected by armed conflict, in accordance with its obligations under international

54 ICERD Article 5 (e) iii, ICESCR Article 11 (1), CRC Article 27.

55 ICERD Article 5 (f).

56 CRC Article 24, Committee on Economic, Social and Cultural Rights, *General Comment No. 15*. (November 2002), UN Doc. E/C.12/2002: The right to water can be found in articles 11 and 12 of ICESCR.

57 For more information on this topic see Amnesty International, *Troubled Waters-Palestinians Denied Fair Access to Water* (27 October 2009), AI Doc. MDE 15/027/2009.

58 ICCPR Article 14 (1), ICERD Article 5 (a).

59 ICERD Article 5 (b).

humanitarian law,<sup>60</sup> and protect every child's inherent right to life (Article 6) without discrimination of any kind.<sup>61</sup> In March 2010, the Committee on the Rights of the Child acknowledged that Israel is not meeting its obligations to indiscriminately apply the right to life: "In particular, the Committee is concerned about discrimination ... of the rights and freedoms of Palestinian children in the occupied territories."<sup>62</sup> By deploying the military and police for the protection of settlers in the Occupied Territory at the expense of the occupied Palestinian population, Israel is failing to uphold its obligations to protect the rights of all children under its control without distinction.

The practice of house evictions and demolitions is a worrying trend, particularly in Jerusalem, where land is being cleared of the native population to make way for Jewish settlers. This displays a clear policy of discrimination, which has a severe effect on children. The Committee on Economic, Social and Cultural Rights has paid particular attention

*Israel's well-documented practice of forced evictions, house demolitions, and confiscation of Palestinian property for the purpose of building Jewish-only settlements constitutes a clear breach of its obligations under international human rights law and its application to the entire population without discrimination. The settlements give rise to a myriad of discriminatory practices, all violating the principle of non-discrimination, a fundamental underlying principle of human rights law.*

to the right to adequate housing as integrally linked to the fundamental principle of non-discrimination.<sup>63</sup> The Committee includes security of tenure in its definition of the term 'adequate housing,' which "guarantees legal protection against forced eviction, harassment and other threats," and availability of services, including "sustainable access to natural and common resources."<sup>64</sup> The Committee has established that "forced evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights."<sup>65</sup>

60 CRC, Article 38 (4).

61 CRC, Article 2 (1).

62 Committee on the Rights of the Child, *Consideration of reports submitted by State parties under article 44 of the Convention: Concluding Observations: Israel* (October 2002), UN Doc CRC/C/15/Add.195, page 6.

63 Committee on Economic, Social and Cultural Rights, *The Right to Adequate Housing: General Comment No. 4*, Article 11(1): 12/13/1991 (December 1991).

64 Ibid.

65 Committee on Economic, Social and Cultural Rights, *The Right to Adequate Housing: (Art. 11.1): Forced Eviction*: 05/20/1997 (May 1997).

# D Impunity

Israel is responsible for ensuring public order and safety in the Occupied Palestinian Territory. According to article 27 of the Fourth Geneva Convention, Israel must treat protected persons, i.e. Palestinians, humanely and protect them from acts of violence and threats thereof.<sup>66</sup> In enforcing this, the Israeli military is empowered and obliged to carry out law enforcement actions to maintain the security and safety of the Palestinian population living under occupation.<sup>67</sup>

The unwillingness of the Israeli military and police to enforce the law against settlers who wilfully commit violent acts against the Palestinian population further underscores Israel's failure to fulfil its basic obligations under

*"As far as law enforcement is concerned, the political echelon sends a message of no enforcement when it comes to the territories. Felons are not punished. The overall picture draws the conclusion that no one seriously wants to enforce the law."*

*Talya Sason, former head of the Israeli State Prosecution Criminal Department*

international humanitarian law obligations, and creates an atmosphere of lawlessness in the Occupied Territory in which settlers attack Palestinians with impunity. Over 90 per cent of settler violence incidents that are investigated are closed without any indictment being filed.<sup>68</sup>

## Dual Legal Systems: Palestinians, Settlers, and the Court

There are two legal systems operating in the Occupied Palestinian Territory: one for Palestinians and one for Israelis. Settlers or Israeli citizens in the West Bank who are arrested in connection with attacks on Palestinians are prosecuted in Israeli courts within the State of Israel;<sup>69</sup> Palestinians charged

66 Fourth Geneva Convention, Article 49.

67 Fourth Geneva Convention, Article 27.

68 Yesh Din: Volunteers for Human Rights, *A Semblance of Law: Law Enforcement upon Israeli Citizens in the West Bank* (June 2006), available at <http://www.yesh-din.org/report/ASemblanceofLaw-Eng.pdf>, accessed on 14 July 2010.

69 Yesh Din: Volunteers for Human Rights, *Backyard Proceedings: The Implementation of Due Process Rights in the Military Courts in the Occupied Territories* (December 2007), page 57, available at <http://www.yesh-din.org/site/images/BackyardProceedingsENG.pdf>, accessed on 23 June 2009. Israeli citizens can and have been tried in military courts located in the West Bank. The military courts have the authority to try any person who has committed a security offence. At times during the 1970s and 1980s, Israeli protestors were tried in military courts. Today, however, Israeli citizens committing offences in the West Bank are tried within the State of Israel, and benefit from increased fair trial protections, while Palestinians are denied many fair trial rights in the military courts. See *Order Concerning Security Provisions* (No. 378) 5730 – 1970.

with similar offences against settlers or members of the Israeli military are prosecuted in military courts located in the Occupied Territory.<sup>70</sup> The following table illustrates the discriminatory nature of the military court system:

Event	Israeli Domestic Law	Israeli Security Legislation	Military Orders
Age of majority	18 <sup>71</sup>	–	16 <sup>72</sup>
Legal right of parent to be present during interrogation of child	Yes <sup>73</sup>	–	No
Legal right of lawyer to be present during interrogation of child	No	No	No
Audio video recording of interrogations	Yes <sup>74</sup>	No <sup>75</sup>	No
Maximum period of detention before being brought before a judge.	48 hours <sup>76</sup>	4 days <sup>77</sup>	8 days <sup>78</sup>
Maximum period of detention without access to a lawyer.	48 hours <sup>79</sup>	21 days <sup>80</sup>	90 days <sup>81</sup>
Maximum period of detention without charge.	40 days <sup>82</sup>	75 days <sup>83</sup>	188 days <sup>84</sup>
Maximum period of detention between being charged and brought to trial.	6 months <sup>85</sup>	–	2 years <sup>86</sup>
Minimum age for custodial sentences	14 years <sup>87</sup>	–	12 years <sup>88</sup>
Administrative detention	–	3 months <sup>89</sup>	6 months <sup>90</sup>

70 See Defence for Children International – Palestine Section, *Palestinian Child Prisoners: The Systematic and Institutionalised Ill-Treatment and Torture of Palestinian Children by Israeli Authorities* (June 2009), pages 16–20, available at <http://www.dci-pal.org/english/publ/research/CPRreport.pdf>.

71 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 1.

72 Military Order 132.

73 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9H.

74 In all cases where the maximum penalty is 10 years or more – Criminal Procedure (Suspects Interrogation) Law (2002) – Section 4, 17.

75 Criminal Procedure (Interrogation of Suspects) Law (2002) – Amendment No. 4 of 2008.

76 Criminal Procedure (Powers of Enforcement- Arrests) Law (1996) – Section 30.

77 Criminal Procedures (Detainees Suspected of Security Offences) (Temporary Order) Law (2006) – Section 3.

78 Military Order 378, Chapter D, Article 78 (e1)(2).

79 Criminal Procedures (Powers of Enforcement-Arrests) Law (1996) – Section 34.

80 Criminal Procedure (Detainee Suspected of Security Offence) (Temporary Order) Law (2006) – Section 3.

81 Military Order 378, Chapter D, Articles 78c (c)(1) and (2) and 78d (b)(3) and (4).

82 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Sections 10I and 10K; and the Criminal Procedure (Enforcement Powers – Arrests) Law (1996) – Sections 17 and 59.

83 Criminal Procedure (Detainee Suspected of Security Offence) (Temporary Order) Law (2006)

84 Military Order 378, Article 78(e1)(2), (f)(1) and (f)(2).

85 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 10L; and the Criminal Procedure (Enforcement Powers – Arrests) Law (1996) – Section 61 – 9 months for adults.

86 Military Order 378, Article 78(D).

87 Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Sections 25(d).

88 Military Order 132.

89 The Emergency Powers (detention) Law-1979-section 2(b).

90 Military Order 1591.

This dual legal system discriminates against Palestinians, including children.<sup>91</sup> It should be noted that wilfully depriving someone of his fair trial rights constitutes a grave breach of the Fourth Geneva Convention, for which personal criminal responsibility applies.<sup>92</sup> Israeli settlers in the West Bank enjoy a privileged status, as they benefit from increased rights and privileges at the expense of the Palestinian residents of the West Bank.<sup>93</sup>

### The Case of Ze'ev Braude

*Name:* Ze'ev Braude (51)

*Residence:* Kiryat Arba settlement, Hebron

*Braude confronted a Palestinian family outside their home while the Israeli military was evacuating another home taken over by settlers in Hebron.*

*Braude drew his gun and shouted at the family members, telling them to go inside. Braude was then caught on video shooting at and wounding two Palestinians; one was shot in the arm, while the other was shot in the chest.*



*Ze'ev Braude shooting at Palestinians in Hebron.*

*Source: B'Tselem*

*Two days after the shooting, Braude turned himself in to the Israeli police. The Jerusalem District Attorney filed an indictment against Braude in early December 2008 charging him with intending to cause grievous bodily harm. Braude's defence attorney requested the release of secret evidence against him. The prosecution believed that disclosing the secret evidence would harm Israel's security so they dropped the charges in July 2009.*

*The Ze'ev Braude case illustrates how settler violence against Palestinians is carried out with impunity. It also shows the discriminatory nature of the legal mechanisms in place in the OPT. Braude lives in the Kiryat Arba settlement and the shooting incident occurred in Hebron, West Bank.*

*This information was compiled from news reports found in Ha'aretz and the Jerusalem Post.*

<sup>91</sup> See supra footnote 70.

<sup>92</sup> Fourth Geneva Convention, Article 146.

<sup>93</sup> OCHA, Unprotected: Israeli settler violence against Palestinian civilians and their property (June 2009), available at [http://www.ochaopt.org/documents/ocha\\_opt\\_settler\\_violence\\_special\\_focus\\_2008\\_12\\_18.pdf](http://www.ochaopt.org/documents/ocha_opt_settler_violence_special_focus_2008_12_18.pdf), accessed on 12 July 2009.

# E The Settlement Movement

## Background

Israeli settlement of the West Bank began soon after the end of the Six Day War in June 1967, when Israel gained control of the Gaza Strip and the West Bank, including East Jerusalem. Israeli officials were determined to rapidly build settlements in East Jerusalem, in order to solidify Israel's authority and sovereignty over the area. Israel moved quickly to annex East Jerusalem to the Municipality of Jerusalem at the end of June 1967,<sup>94</sup> an act that was deemed illegal and rejected as such by the international community.<sup>95</sup>

In the West Bank, excluding East Jerusalem, several different settlement plans were proposed and implemented from 1967 to 1981 by the Israeli government.<sup>96</sup> These plans focused on boosting settlement in the Jordan Valley and the central West Bank, in close proximity to Palestinian population centres. It was declared that the presence of civilian Israeli communities was essential to Israel's security. However, the reality was that a broad settler presence would facilitate the future permanent annexation of the Occupied Territory to the State of Israel.<sup>97</sup>



Winning 1984 Kach election campaign poster: «This time Kahane. Because he is one of us! Give him the power to take care of them at last!» Source: Hanna Herzog, *The Contest of Symbols: The Sociology of Election Campaigns through Israeli Ephemera*, 1987, p. 35.

<sup>94</sup> Law and Administration Ordinance (Amendment No. 11) Law, 5727-1967; Law and Administration Order (No. I), 5727-1967.

<sup>95</sup> UN General Assembly Resolution 2253 (4 July 1967), *Measures taken by Israel to change the status of the City of Jerusalem*, UN Doc. A/RES/2253 (ES-V).

<sup>96</sup> See supra footnote 13, page 16.

<sup>97</sup> Ibid.

The settler movement was initially driven by powerful religious groups that sought Israeli sovereignty in the Occupied Territory. Gush Emunim – “Bloc of the Faithful” – gained power and influence within Israeli religious and political circles during the 1970s, and were successful in establishing many new settlements in the West Bank. Currently, the Gush Emunim settler movement, Amana, seeks to protect the conditions necessary for a Jewish state by establishing and supporting settlements and recruiting settlers.<sup>98</sup>



*Kach movement flag*

Alongside the settlement movement, a radical and violent fringe movement emerged. Members of Gush Emunim have been involved in attempts to bomb the Al Aqsa Mosque and the Dome of the Rock in Jerusalem.<sup>99</sup>

The extremist right-wing Kach and Kahane Chai movements are based on the anti-Arab beliefs of American born Rabbi Meir Kahane (aka Martin David Kahane), an advocate for the expulsion of Arabs from Israel and the Occupied Territory. Both were declared to be terrorist organisations in March 1994 by the Israeli Cabinet, under the 1948 Terrorism Law.<sup>100</sup> They are also listed as terrorist organisations by the US Department of State.<sup>101</sup> Many of Kach supporters can be found in the settlement of Kiryat Arba near Hebron, and Kach graffiti can be found on Palestinian homes and shops.



*Kach graffiti on closed Palestinian shop, Hebron*  
Photo credit: Brad Parker

<sup>98</sup> See Amana Settlement Movement, available at <http://www.amana.co.il/Index.asp?CategoryID=101&ArticleID=166>, accessed on 10 August 2009.

<sup>99</sup> Ian Lustick, “For the Land and the Lord: Jewish Fundamentalism in Israel”, New York, Council on Foreign Relations, 1988, page 69.

<sup>100</sup> US Department of State, Office of the Coordinator for Terrorism, *Country Reports on Terrorism 2004* (April 2005), page 102, available at <http://www.state.gov/documents/organization/45313.pdf>, accessed on 12 July 2010.

<sup>101</sup> Ibid.

Extremist settler groups developed in response to what was viewed as major concessions to the peace process by the Israeli government. Kach supporter Baruch Goldstein killed 29 Palestinians with an assault rifle in the Ibrahimi Mosque in Hebron in February 1994, shortly after Israel and the Palestine Liberation Organisation (PLO) signed the Oslo Accords.<sup>102</sup> These extremist settlers, who advocate violence as a means to expel Palestinians from their lands, are responsible for the majority of attacks against Palestinians and their property.

## Financial Assistance

Government support for settlements and the settlement movement has taken various forms since 1967. The West Bank settlements are identified as National Priority Areas,<sup>103</sup> and as such receive a number of economic benefits to ensure the areas remain populated. Several different government authorities have provided various forms of support essential to continued settlement expansion.<sup>104</sup> In 2005, settlers comprised only 3.93 per cent of Israel's population in the West Bank (excluding East Jerusalem) but received as extra funds more than 13 per cent of Israel's budget.<sup>105</sup>

Below is a list of Israeli government authorities that have either directly or indirectly supported illegal settlement in the OPT:

Ministry of Housing and Construction;  
Ministry of National Infrastructure;  
Ministry of Domestic Affairs;  
Ministry of Immigration and Absorption;  
Ministry of Agriculture;  
Ministry of Defence;  
Civil Administration;  
Israeli military.<sup>106</sup>



<sup>102</sup> *Interim Agreement on the West Bank and Gaza Strip*, signed in Washington DC, 28 September 1995 [henceforth, "Oslo Agreement"].

<sup>103</sup> For a comprehensive discussion of the current status of settlements as National Priority Areas see *supra* footnote 1, pages 48–52.

<sup>104</sup> Shaul Arieli et al., Israeli European Policy Network, *Historical Political and Economic Impact of Settlements in the Occupied Territories* (July 2009). See also *supra* footnote 13, pages 11–14. See also Shir Hever, *The Economy of the Occupation: The Settlements – Economic Cost to Israel*, Alternative Information Centre, July 2005, available at <http://www.countdownnet.info/archivio/analisi/altro/490.pdf>.

<sup>105</sup> *Ibid.*

<sup>106</sup> *Ibid.*

There is a myriad of economic benefits offered to those who wish to live in settlements.<sup>107</sup> Below is a partial list of the types of financial support associated with illegal Israeli settlements:

- Housing subsidies, subsidised loans and grants with an estimated value of New Israeli Shekels (NIS) 2.875 billion during the 1990s;
- Discounts on municipal taxes;
- Better municipal services and more public buildings than within the State of Israel;
- Businesses receive tax benefits if located in a settlement in order to promote industry and commerce there;
- Discounts on direct taxes, including income tax;
- Incentives for teachers in settlement schools;
- Free transportation to and from school for settler students.<sup>108</sup>

Settlements are costly to Israel. Funding this aspect of the occupation has been the most expensive project undertaken by Israel since 1967.<sup>109</sup> In addition to the security costs, which are estimated at nearly NIS 120 billion between 1970 and 2005, settlement schools receive a substantially higher investment.<sup>110</sup> Therefore, the cost of settlement education to Israeli society is exorbitant. There is also a large amount of money spent on security for isolated schools. It is estimated that in 2003 an additional NIS 100 million was spent on settlement schools beyond what could be expected for schools located within the State of Israel.<sup>111</sup> Education is just one sector of the settlements that receives increased funding.

In March 2005, an official report on ‘unauthorised’ outposts, commissioned by the Israeli Prime Minister Ariel Sharon, was released. Known as the Sason Report<sup>112</sup> after its author, Israeli prosecutor Talya Sason, it revealed that the Israeli government had been systematically violating its own laws by funding

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<sup>107</sup> See *supra* footnote 1, page 48.

<sup>108</sup> See *supra* footnote 104, Shir Hever, page 6.

<sup>109</sup> *Ibid.*

<sup>110</sup> See *supra* footnote 1, page 48.

<sup>111</sup> See *supra* footnote 104, Shir Hever.

<sup>112</sup> See *supra* footnote 19.

settlements from foreign donations, the official state budget, and secret military accounts. In addition, it was disclosed that the Settlement Division of the World Zionist Organisation (WZO), a non-profit organisation with global reach, had played a crucial role in coordinating these illegal settlement activities.

*"The Settlement Division is a part of the World Zionist Organization (...) The Division's role is to assist the government in establishing Israeli settlements in Judea, Samaria and Gaza. Its full budget comes from State treasury. The Settlement Division took major part in establishing Israeli settlements in Judea, Samaria and Gaza. According the findings in the report, it built mostly many [sic] unauthorized outposts, without the approval of the qualified political echelon."*

*Talya Sason, former head of the Israeli State Prosecution Criminal Department*

In fact, according to some economic commentators, the WZO, which is heavily funded by the Israeli government, has been "systematically used as a primary apparatus for investments in the settlements."<sup>113</sup> From 2000 to 2002, the WZO spent an estimated NIS 385 million developing Jewish-only agriculture projects within settlements throughout the West Bank.<sup>114</sup>

## US Private Donors

Private donors from the United States support settlement growth and expansion both directly and indirectly. The network of charities supporting Israel and Jewish life is deeply entrenched within American Jewish communities.

The One Israel Fund fundraises and contributes exclusively to settlers living in the Occupied Palestinian Territory.<sup>115</sup> The Hebron Fund is a



Shuva Israel's welcome page, accessed on 17 August 2009.

Source: <http://www.blessingisrael.com>

<sup>113</sup> See supra footnote 104, Shir Hever, page 6.

<sup>114</sup> Ibid.

<sup>115</sup> See One Israel Fund, available at <http://www.oneisraelfund.org>. One Israel Fund is a recognised, not-for-profit charitable organisation, and is the largest North American charity whose efforts are dedicated to the citizens and communities of YESHA. Note: YESHA is a Hebrew acronym for the occupied Palestinian territories referred to commonly as Yehuda, Shomron, and Azza, within Israel).

US-based affiliate of the Jewish Community of Hebron, which is located in the illegal settlement of Kiryat Arba in Hebron. The Hebron Fund also raises money to support various aspects of life within the settlement and the city of Hebron.<sup>116</sup> Shuva Israel is a US-based organisation, with terrorist links, that provides a wide-array of support to settlements located in the northern West Bank.<sup>117</sup> Former Shuva Israel executive director, David Ha'Ivri, published the Kahanist newsletter, *The Way of the Torah*, now banned as a terrorist organisation by the United States. He was arrested in Israel for publicly celebrating the assassination of Rabin and jailed for six months for desecrating a mosque.<sup>118</sup> Shuva Israel, One Israel Fund, and the Hebron Fund all enjoy tax-exempt status within the United States.

Organisations also raise and provide money to support specific settlements throughout the West Bank. Some simply name the organisation after the settlement they intend to support, such as American Friends of Bet El Yeshiva. There are numerous organisations based in the US that fund specific settlements in this way.

### In focus: Nefesh B'Nefesh

*Founded in 2002, Nefesh B'Nefesh recruits and encourages North American and UK Jews to immigrate to Israel. Since 2002, they have helped over 20,000 Jewish immigrants relocate to Israel.*

*New immigrants are provided with detailed information regarding the various communities throughout Israel. Illegal settlements in the West Bank are presented to prospective immigrants in the same way that communities within the State of Israel are presented. There is no express reference to Palestinian population centres or to the fact that these settlements exist in violation of international law.*

*The Israeli government has granted the Ministry of Immigration and Absorption the authority to fund one-third of Nefesh B'Nefesh annual immigration servicing budget.*

*Nefesh B'Nefesh provides substantial financial assistance in the form of grants to individuals and families seeking to immigrate to Israel. If the individual or family emigrates within three years the grant must be paid back. Other services are also provided including employment resources, social services, and assistance with the governmental absorption process. Physicians and individuals who join the Israeli military are provided with additional services.*

*This information was compiled from the Nefesh B'Nefesh website: <http://www.nbn.org.il/index.php>*



116 See The Hebron Fund, available at <http://www.binamica.co.il/~hfund/>.

117 See Shuva Israel, available at <http://www.blessingisrael.com/index.htm>.

118 See supra footnote 9.

Many individuals contribute to various US-based charities that directly support settlers and their violent conduct targeted at Palestinians. Under US law, an individual providing financial support to a group that carries out certain violent acts can be subject to civil penalties or imprisonment.

Many charities that support Palestinians have been prosecuted or have had their assets frozen under these laws, while other charities that support right-wing Israeli or Jewish extremism, which results in violence,<sup>119</sup> or even with terrorist links, are exempt from paying taxes to the US government.<sup>120</sup>



## Settler Violence

Settlers living in the West Bank are diverse and choose to relocate for a variety of reasons. It is thought that only a minority of the overall settler population adhere to extremist ideologies that seek to expel all Palestinians and reclaim the biblical land of Israel. Nonetheless, these extremist settlers are responsible for a disturbing number of violent incidents throughout the West Bank, including East Jerusalem. These attacks are usually carried out in groups and take on



*Child settlers in Hebron - Credit: Leah Price*

several different forms. They include acts of verbal harassment, intimidation, physical assaults, and in some cases, killings. Settler violence also encompasses the destruction of Palestinian property, including homes and agricultural land. Reported incidents of settler violence are highly concentrated in Hebron and the outskirts of Nablus, where settlers adhere to extremist and violent ideologies that fuel tensions between settlements and surrounding Palestinian communities.

<sup>119</sup> Chris McGreal, "Gambling with peace: how US bingo dollars are funding Israeli settlements," *The Guardian* (19 July 2009), available at <http://www.guardian.co.uk/world/2009/jul/19/us-bingo-funding-israeli-settlements>.

<sup>120</sup> See *supra* footnote 9.

## 'Price Tag' Campaign

The "Price Tag" campaign is a coordinated effort by certain settlers in various settlements and outposts in the West Bank to attack Palestinians and their property. There are sharp increases in violence when the Israeli government moves to dismantle outposts, or calls for a halt on all settlement construction. Some Israeli right-wing groups and settlers view these acts as pandering to international interests and abandoning Zionist principles. Settlers seek to create a price for each outpost that is dismantled or evacuated, in order to prevent future evacuations.<sup>121</sup> Palestinians also experience increased settler violence during periods of agricultural harvests, when settlers burn crops and destroy property, as well as carry out physical attacks against them on their lands.

## Israeli forces' collusion

Despite their obligations to the protected population of the Occupied Territory, Israeli forces are stationed in the West Bank, including East Jerusalem, to protect settlers and settlements.<sup>122</sup> In many of the incidents of settler violence against children documented by DCI-Palestine, soldiers have often been involved in facilitating attacks by settlers, by either participating directly in the assaults, or by turning a blind eye to them. In other incidents, soldiers have punished the victims and not the perpetrators, by either arresting, interrogating and detaining children, or detaining and harassing children after they were assaulted. At least eight cases of settler violence against Palestinian children documented by DCI-Palestine in the reported period involved soldier collusion.



*Israeli soldiers, a settler and a Palestinian in Yanoun, West Bank - Credit EAPPI*

<sup>121</sup> See also OCHA, *Israeli Settler Violence and the Evacuation of Outposts* (November 2009), available at [http://www.ochaopt.org/documents/ocha\\_opt\\_settler\\_violence\\_fact\\_sheet\\_2009\\_11\\_15\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_settler_violence_fact_sheet_2009_11_15_english.pdf), accessed on 5 July 2010.

<sup>122</sup> Ibid.

## Palestinian Communities Particularly Vulnerable to Settler Attacks

Documented incidents by human rights monitoring organisations (DCI-Palestine, B'Tselem and OCHA) have shown that the perpetrators of the majority of settler attacks on Palestinian civilians and property come from particular settlements. An analysis of DCI-Palestine's documentation confirms that certain communities seem to be more at risk to settler attacks than others, corresponding with the findings of a map of vulnerable communities produced by OCHA.<sup>123</sup> For example, of the 38 recorded incidents of settler violence covered in this report (March 2008 – July 2010), 21 incidents involved children from the Hebron Governorate, 12 of which occurred in the H2 area of Hebron (Old City and surrounding area) and involved settlers from the settlements of Kiryat Arba, Kharsine and the settlements and outposts within the boundaries of the Old City. Seven incidents targeted children in the Nablus governorate, near the settlements of Bracha and Yitzhar (see Table 3 below). Some of the settlers in these areas, especially near Hebron, adhere to extremist and violent ideologies that fuel tensions with the surrounding Palestinian communities.

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<sup>123</sup> See Annex 5.

# E Data and Case Studies

## Statistics

From March 2008 to July 2010, DCI-Palestine investigated 38 separate incidents of settler related violence in the West Bank, including East Jerusalem. These resulted in the death of three Palestinian children, the direct injury of at least 45 Palestinian children, and in the trauma and indirect injury of dozens of others, who either witnessed other children being attacked, or felt terrorised during settler and soldier raids.<sup>124</sup> Settler violence includes verbal harassment, abuse and intimidation, and physical assaults. In addition, DCI has documented three sample cases of house evictions, including one demolition and one threatened house eviction in East Jerusalem.<sup>125</sup>

**Table 1: Incidents of settler violence documented by DCI-Palestine, March 2008 – July 2010**

No. of incidents	Children injured	Children killed
38	42	3

Based on DCI-Palestine's evidence, settler attacks can be grouped into three categories: shootings, physical assaults, and acts of stone throwing. Table 2 below shows the number of different types of settler violence incidents recorded by DCI-Palestine over a period of two years. Tables 3, 4 and 5 show the breakdown of these incidents according to location, and month.

<sup>124</sup> Of the 38 incidents, three were reported on in DCI's 2008 report *Under Attack: Settler Violence against Palestinian Children in the Occupied Territory*, available at <http://www.dci-pal.org/english/publ/research/2008/UASTReport.pdf>.

<sup>125</sup> See *The Special Case of East Jerusalem* section of this report.

**Table 2: Types of settler violence incidents documented by DCI-Palestine, March 2008 -July 2010**

Type of incident	No. of cases documented
Shooting	14
Physical assault and intimidation	15
Stone throwing	9
Total incidents	38

**Table 3: Breakdown locations**

Location	Hebron	Nablus	Jerusalem	Salfit	Ramallah	Bethlehem
Number	21	7	3	3	2	1
Attacks perpetrated close to the following settlements:	Tel Rumeida 6	Yitzhar 4	Silwan 2	Immanu'el 1	Talmon 1	Gush Etzion bloc 1
	Other settlements in the Old City 6	Bracha 3	Sheikh Jarrah 1	Revava 1	Near route 60 1	
	Kharsine 1			Shilo 1		
	Kiryat Arba 2					
	Suseya 1					
	Haggay 1					
	Bat Ayin 1					
	Settlements not identified 3					

**Table 4: Breakdown by month and year**

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Settler attacks	-	-	1	-	1	0	0	1	1	4	4	2	14 <sup>126</sup>
Children affected	-	-	1	-	1	0	0	1	1	5	4	2	15

2009	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Settler attacks	1	1	0	5	0	1	2	0	2	2	1	3	18
Children affected	2	1	0	5	0	1	2	0	2	5	1	3	22

2010	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Settler attacks	1	1	1	1	0	2	-	-	-	-	-	-	6
Children affected	1	1	1	1	0	4	-	-	-	-	-	-	8

<sup>126</sup> Including 3 case summaries from DCI's 2008 report *Under Attack: Settler Violence against Palestinian Children in the Occupied Territory*, supra footnote 125.

## The Case of Hebron

Hebron City was divided into the Palestinian controlled H1 and Israeli Military controlled H2 during the Oslo Accords. H2 contains the Old City and all the Israeli settlements as well as the city's commercial centre. There are approximately 35,000 Palestinians living in the Israeli controlled H2. Up to 2,000 Israeli soldiers are deployed to protect the 800 settlers living in the settlements of Avraham Avinu, Beit Romano, Beit Hadassh and Tel Rumeida, all located in the city centre.

Severe movement restrictions have been imposed on the Palestinian population, allegedly to 'protect' the settler population. According to OCHA, as of June 2010, there were a total of 90 closure obstacles within the city of Hebron affecting the Palestinian population. In addition to the closures, the Palestinian population is subject to daily violence from extremist settlers living amongst them.



*Israeli settlers tour Hebron. Photo credit: Brady Ng*

**In focus: Baruch Marzel**

<b>Name:</b>	Baruch Marzel
<b>Place of Birth:</b>	United States
<b>Place of Residence:</b>	Tel Rumeida, Hebron
<b>Political Affiliation:</b>	National Jewish Front (leader); National Union Party
<b>Religious Affiliation:</b>	Affiliations: Rabbi Meir Kahane (Kach and Kahane Chai)



Photo credit: unknown

*Baruch Marzel was the spokesperson for the right-wing Kach movement until it was designated a terrorist organization by Israel and the United States in 1994.*

*The extremist Kach movement was led and influenced by Brooklyn-born Rabbi Meir Kahane, who advocated for the expulsion of Arabs from the biblical lands of Israel through violent means. Rabbi Kahane was assassinated in New York in 1990.*

*Marzel currently serves as an aid to Michael Ben-Ari, a member of the Israeli parliament, a former member of the banned Kach movement and a self-declared supporter of Rabbi Kahane. Marzel has led right-wing marches through Israeli-Arab neighbourhoods that antagonise the local residents and escalate into violent confrontations.*

Many of the settlers living in and around Hebron are supporters of the terrorist organisation Kach. These extremist settlers carry out violent attacks on the Palestinian population, while the Israeli military turns a blind eye, or supports them in their violent acts. Physical assaults on Palestinian children by settlers are widespread in Hebron and surrounding areas, due to the presence of settlements in close proximity to the city centre. There are four settlements in the immediate city centre and Tel Rumeida neighbourhood. The massive Kiryat Arba settlement is located on the outskirts of Hebron. In these areas, Palestinian children are frequently the targets of settler attacks in the form of physical assaults and stone throwing that injure them.

## Tel Rumeida

In 2008, DCI documented cases of Palestinian families living precariously close to the settlement of Ramat Yeshai in Tel Rumeida, which placed them on the frontlines of settler violence. The abuse suffered by these families included damage to their property, garbage thrown at their homes, verbal abuse and assaults.<sup>127</sup> In the following two cases, the family home is contiguous to the settlement of Ramat Yeshai and a military base. The main road to their house is blocked, so they can only access it on foot. To do so, they have to pass through four checkpoints daily, where soldiers harass and abuse them frequently. Jameel and his family suffer frequent attacks and harassment by the settlers who live on their doorstep.

<sup>127</sup> See supra footnote 124, pages 23–25.

## Case study 1

**Beaten by soldiers and settlers:** Jameel A. H. (16)  
**Date of incident:** 13 July 2009  
**Location of incident:** Tel Rumeida, Hebron  
**Affidavit taken on:** 16 July 2009

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On 13 July 2009, at around 4:30pm, Jameel (16) was bringing two electricians to his house, located in Tel Rumeida, Old City of Hebron, to do some work. About 150 metres from the back entrance to his house, near the settlement and military base of Ramat Yeshai, they were ordered to stop by soldiers. The soldiers detained Jameel, but released the electricians, who immediately went to tell Jameel's mother, Rima, and cousin, Wisam (19), what had happened. Arriving on the scene, the women found the soldiers were hitting and verbally abusing Jameel.

Jameel was brought to the settlement and military base checkpoint directly behind his house, where settlers gathered and beat him as the soldiers looked on. Rima called the Red Cross and her husband, Hani, who arrived ten minutes later with a fieldworker from the Israeli human rights organisation B'Tselem. They watched helplessly as the settlers beat Jameel, threw stones at him, and verbally abused him, calling him a "whore", "son of a whore" and a "motherfucker". The soldiers wouldn't let Hani and the B'Tselem fieldworker near Jameel. During this time, Hani and the fieldworker were filming the incident.

After about 10-15 minutes, five soldiers emerged from the military base. They tied Jameel's hands behind his back with plastic cords, blindfolded him and beat him so badly he was knocked unconscious: *"One of them grabbed my head and slammed it against the ground. It was an extreme blow that caused me to faint."*

Eventually, the family managed to go to Jameel, who was on the ground, blindfolded, and with his hands tied behind his back. They too were assaulted and harassed by the settlers and soldiers, until the commander arrived. After dispersing the settlers, he cut Jameel's ties and allowed him to remove the blindfold, warning him before he left: *"If you tell the Israeli police or the press or the human rights organisations about what happened, I'll kill you,"* and pushed him out of the gate.

Vomiting and badly shaken, Jameel was taken to hospital. When they left the hospital they went to the Israeli police station inside the settlement of Kiryat Arba, but the police refused to receive them. They were asked to come back the next day without further explanation. The next day, they reported to an interrogator. They were ordered to sign a paper in Hebrew, allegedly containing what they had said. A year later, the perpetrators have still not been brought to justice.

Jameel was badly shaken by the incident and since then feels he cannot protect himself or his family. According to Jameel's family, they have been the victims of several incidents of physical assault, verbal abuse and harassment by their settler neighbours, and of several incidents of arbitrary arrest and physical and verbal abuse by soldiers over the past few years.

**Update:** As of July 2010 (one year later), the perpetrators of Jameel's attack had not been brought to justice. In April 2010, DCI released a 7-minute film which documents Jameel's story: [www.dci-pal.org/english/display.cfm?DocId=1439&CategoryId=1](http://www.dci-pal.org/english/display.cfm?DocId=1439&CategoryId=1)

## Case study 2

**Beaten by settlers:** Mu'atez A. H. (13)  
**Date of incident:** 2 October 2008  
**Location of incident:** Tel Rumeida, Hebron  
**Affidavits taken on:** 11 October 2008

*"The other three settlers returned with an adult settler...They all began beating me."*

On the afternoon of 2 October 2008, 13-year-old Mu'atez A.H was at his home in the neighbourhood of Tel Rumeida, in the Old City of Hebron, when his younger siblings told him that settlers were picking olives from their field, located 50 metres away from the house. Their house is located about 30 metres from the settlement of Tel Rumeida, in Ramat Yeshai. The gate to their front garden is located just five metres from a checkpoint that guards the settlement.

Mu'atez went to see what was happening. He found four teenage settlers (aged 13-15) in the family's field stealing olives. He rushed home to fetch his father, Hani, and together they returned to their field. Hani called out to one of the soldiers manning the checkpoint at the entrance of the settlement. At the same time, the settlers shouted at the soldier in Hebrew and approached Hani and Mu'atez with a stick. The two soldiers approached as well. The settler began to attack Mu'atez, who tried to defend himself. The soldiers intervened, pulling the two boys apart. Meanwhile, the other settlers, who had taken the olives into the settlement, returned with an adult settler who appeared to be in his mid-thirties.

Mu'atez told DCI what happened next: *"The other three settlers returned with an adult settler who was bearded and looked about 35 years old. They all began beating me. My father intervened and pulled one of the settlers away. The settlers fought back by punching him in the mouth. My father's upper lip began bleeding. At this point, about 10 Israeli soldiers had approached. As I remember, five soldiers cornered my father. A settler grabbed a big stone and wanted to throw it at my father but the soldiers stopped him."*

Fifteen minutes later, a police car arrived and took Mu'atez and his father to the police station in the nearby settlement. Mu'atez was detained for about five hours, during which he was interrogated by an officer for about thirty minutes. Mu'atez reports: *"The officer accused me and my father of beating the settlers and said the soldiers were eyewitnesses. I denied the accusation and told him that it was the settlers who had attacked us."* Mu'atez was finally released at 9:00 pm that night. His father was detained for five days.

Following this incident, the family did not file a complaint.

### Case study 3

**Harassed by settlers, arm broken by soldiers:** Razan K. (14)  
**Date of incident:** 4 December 2008  
**Location of incident:** Tel Rumeida, Hebron (H2)  
**Affidavit taken on:** 27 December 2009

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*"They...threw sound bombs and tear gas canisters at the house. The situation was very frightening."*

On 4 December 2008, at around 3:00pm, Razan K. (14) was on her way back from the dentist to her house in Tel Rumeida. When she was 30 metres away from the checkpoint, which is five metres from her house, she met four women from the neighbourhood. They told her that they could not pass through the checkpoint and told her to go back. *"I can't go back. This is the only way leading to my house,"* she responded. As she crossed the checkpoint, one of the soldiers shouted: *"The road is closed. You can't pass. Go back."* She ignored him and kept going.

Three metres later, she was confronted by four settler women standing near her house. The settler women shouted at her: *"Go back. You can't walk here."* Razan was carrying a bag in her hand, which contained her birth certificate and some money in a purse. One of the settler women grabbed her bag and threw it into the neighbour's yard. Razan tried to retrieve it, but the soldiers at the checkpoint stopped her. Razan recalls: *"At this point, another eight soldiers wearing army uniforms joined the two soldiers at the checkpoint. They were ten soldiers altogether. One of the soldiers pushed me back, preventing me from reaching the yard...to retrieve my bag."* Razan once again tried to get her bag, but one of the settlers pushed her to the ground. *"Then one of the soldiers shoved me with the barrel of his rifle towards the door of my house to force me to go inside. I felt extreme pain in my left elbow and could not move it."*

After ten minutes, the female settlers and the soldier retreated. However, twenty minutes later, around 20 settlers with their faces covered with the Palestinian Kuffiya arrived near her house and started to throw stones at Razan's home, breaking two windows. *"They also threw sound bombs and tear gas canisters at the house. It was very frightening,"* Razan reports.

Razan's family called an ambulance, but they had to wait until 7:00pm, when the Palestinian Red Crescent brought an ambulance to a point one kilometre west of their house. As vehicles are denied further access due to checkpoints, road blocks and the settlement it couldn't come any closer.

One of the paramedics walked to Razan's house and after negotiating with an Israeli military jeep that was passing, the paramedic managed to get Razan passage in the jeep to the ambulance, which then took her to Alia Hospital. In the hospital, Razan had her arm X-rayed, which turned out to be broken.

#### Case study 4

**Beaten by settlers:** Nabeel A. R. (14)  
**Date of incident:** 12 December 2009  
**Location of incident:** Al-Salaymeh (near Ibrahimi Mosque), Hebron  
**Affidavit taken on:** 16 December 2009

On 12 December 2009, at around 11:50pm, Nabeel A. R (14) was walking back home from his brother's school, 200 metres away. Four settlers (aged 15-16) started to follow him and to threaten and verbally abuse him, using obscene words, such as "son of a whore" and "motherfucker". A soldier shouted at them to stop, and the young settlers ran ahead to a checkpoint a few metres from his house, which was being manned by another two soldiers.

Here, the physical attack on Nabeel started: they knocked him over and beat him up, punching him in the back and hitting him with a stick and a stone. Nabeel remembers: *"The settlers kept beating me for about three minutes, during which time I was in extreme pain, especially when I was hit on the right knee and left eye. I don't know how I managed to run away."* During the attack, *"The two soldiers manning the military checkpoint where I was being beaten did not intervene."*

Terrified and in extreme pain, Nabeel managed to escape and run 15 metres, before he collapsed on the ground and lost consciousness. Two neighbours carried him to the Israeli police station beside the Ibrahimi Mosque, 30 metres from his house. There, he was treated by a Jewish doctor and then brought to a local hospital for further treatment. He was discharged on the same day.

Nabeel does not like to recall these events: *"Although we live in this area and I got used to such difficult circumstances and settler attacks, every time I remember what happened, I feel scared."*

## Wadi an-Nasara

The neighbourhood of Wadi an-Nasara is in the Israeli controlled H2, opposite the settlement of Kiryat Arba. Some of its houses, including the house and shop of N'aim D., are only 70 metres away from the settlement and suffer frequent settler attacks.

### Case study 5

**Injured in the head by stones:** Bilal D. (5)  
**Date of incident:** 8 November 2008  
**Location of incident:** Wadi an-Nasara, Hebron  
**Affidavit taken on:** 11 November 2008

*"I heard him screaming. I...entered the grocery store and saw his head was bleeding."*

On 8 November 2008, at around 10:00am, N'aim D. was sitting in front of his grocery store, while his grandson, Bilal D. (5), was inside. Six settlers (aged 12-17) came up and began to curse him. N'aim called out to the Israeli soldiers stationed at a checkpoint 10 metres away, but they did not respond. When they cursed the prophet Mohammad, N'aim went inside the store, picked up a piece of metal used to open the door, and returned outside. He threatened them with the metal, but three of the settlers snuck inside and began to break things in the store and to throw stones at five-year-old Bilal. They hit him in the head, causing him to bleed.

As soon as N'aim heard Bilal screaming, he ran into the store. He told DCI: *"I heard him [Bilal] screaming. I immediately entered the grocery store and saw his head was bleeding. Once I entered the store, the settlers ran away. I chased them and they ran out from where they had entered."* Bilal was crying and screaming as he pointed at the stones around him.

Half an hour later, an Israeli military ambulance arrived on the scene. A medic wrapped Bilal's head with bandages. Then they placed him inside the ambulance and took him to an area, two kilometres away, where a Palestinian Red Crescent Society ambulance drove him to Alia hospital in Hebron. He received two stitches to the wound on his head, which was two centimetres long.

## Case study 6

**Beaten and injured by settlers:** Mohammed Sanad. D. (13)  
**Date of incident:** 31 October 2009  
**Location of incident:** Wadi an-Nasara, Hebron  
**Affidavit taken on:** 5 November 2009

*"They punched me in the face, abdomen, legs, and all over my body."*

On Saturday, 31 October 2009, Mohammed S. D. (13) and his sister Razan (11) left their house in Wadi an-Nasara neighbourhood, in Hebron City, and headed towards a local grocery store about 500 metres away. Their house is located about 60 metres away from settler houses in the settlement of Kiryat Arba'. About 40 metres from their house, they encountered four settlers from Kiryat Arba' coming in the opposite direction. The settlers were all male, between the ages of 18 and 25, and were dressed in white and wearing kippahs. When the settlers were about three metres away from them, they started insulting Mohammed and his sister, using obscene words about their mother and Allah.

*"Why are you talking to us this way?"* Mohammed asked them. One of them ran towards him and punched him in the face, causing his nose to bleed. Then, all four of them started punching and kicking Mohammed. He recalls: *"They punched me in the face, abdomen, legs, and all over my body."* They pushed him to the ground and kept beating him, all the time abusing him verbally. One of them used a stick to hit Mohammed on his left arm.

Mohammed reports: *"He hit me...specifically on the wrist. It was so painful that I screamed loudly."* After this, the settlers ran away towards the settlement of Kiryat Arba'. At this point, Mohammed's family and some neighbours rushed towards him, after they heard the screams. His hand was bleeding badly. They took him back to the house, where his mother disinfected the wound. After his father returned home, he brought Mohammed to a local hospital, where he received first aid treatment. His hand had been broken and was put in a cast.

## Attacks on Schools

In 2008, DCI reported on the attacks on schoolchildren attending the Qurtuba School in Hebron, where settler school children attending *Yeshivas* along the same street regularly taunt and abuse the children. Their abuse includes physical attacks, which terrorise the children on their way to school. All of this is conducted under the watchful eyes of Israeli soldiers, who often do nothing to prevent the attacks. This pattern repeats across schools in Hebron, including al-Ibrahimiya School in Hebron City.

### Case study 7

**Injured by stones:** Nijem J. (12)  
**Date of incident:** 22 May 2008  
**Location of incident:** Abu Sneina neighbourhood, Hebron (H2)  
**Affidavits taken on:** 31 May 2008

*"This was the most dangerous incident I have ever experienced."*

Around 9:30am on 22 May 2008, Nijem J. (12) was leaving the school grounds of the al-Ibrahimiya School with about 40 other students and his teacher, when they were attacked by a group of 10-15 settlers (aged 15-17) throwing stones, iron rods and glass bottles.

The settlers were shouting verbal insults such as *"sons of whores"*, *"bastard"* and *"sissies"*. The teacher ushered the children back into the schoolyard and instructed them to run for cover. As he ran, Nijem was hit by a stone in his right wrist, which later became swollen and blue. The settlers continued to throw stones and heavy objects into the school yard, as the students and teacher took cover under the sunshades.

After about 15 minutes, the Israeli police and military arrived and the settlers retreated. According to the school's headmaster, the police did not talk to the victims or ask any questions about the attack. He further testified that the soldier on duty at the Israeli military base 30 metres from the school did not intervene to stop the settlers from continuing their attack. On the contrary, the soldier pointed his weapon at the students in an attempt to stop them from fighting back.

Nijem suffered swelling and bruising on his wrist, but he did not suffer any fractured or broken bones. He was deeply shaken by the attack. *"We were terrified,"* said Nijem. *"This was the most dangerous incident I have ever experienced. I have seen some settler attacks in the past, but this time the danger was imminent,"* he explained.

Meanwhile, back at the school, the attack had shaken the students and left its impact. The school headmaster told DCI: *"A feeling of fear, anxiety, and stress prevailed in the school and this was expressed by the students who were shouting and crying."*

Nijem's family did not file a complaint following this incident because they feared reprisals or other consequences for their son.

## Hebron Rehabilitation Committee

The Hebron Rehabilitation Committee<sup>128</sup> is a project that works to restore buildings within Hebron City, providing training and employment to young Palestinians. It also works to bring Palestinians back into the city and restrict the horizontal growth of settlements by restoring and inhabiting the dwellings surrounding the settlements.

### Case study 8

**Beaten and stoned by settlers:** Hassan A. (15) (not his real name)  
**Date of incident:** 2 August 2008  
**Location of incident:** al-Salayma, Hebron (H2)  
**Date Affidavit was taken:** 11 August 2008

*"I tried to beat them back with my hands, and I shouted. I felt severe pain from the stick-beating and stones thrown".*

On 2 August 2008, at 8:00am, 15-year-old Hassan reported to his job as a labourer for the Hebron Rehabilitation Committee in al-Salayma, Old City of Hebron. That day, the Committee was renovating the roof of an old two-storey house, 12 metres high. The house was surrounded by other unoccupied houses that were also included in the project. Three adult labourers and their supervisor were also present.

When Hassan turned up for work, his supervisor asked him to mix cement on the roof of the house. As he was working, Hassan raised his head to relax for a moment. He saw a group of settlers running up the stairs on the right side of the house. Hassan reported seeing about 30 settlers, men and women, aged 15-30.

His co-workers got scared and ran away. Hassan, who stood only a metre and a half from the staircase, was overpowered by the settlers before he could flee. Ten of the settlers assaulted him, hitting him with their hands and sticks, kicking him and throwing stones at him. They hit him repeatedly on his back and legs for several minutes. *"I tried to beat them back with my hands and I shouted. I felt severe pain from the stick-beating and stones being thrown,"* he remembers.

The settlers then pushed Hassan off the roof onto the roof of an adjacent house, three metres below. As he lay on his back, stunned by the fall, the settlers continued to throw stones at his legs from above and verbally abusing him for about two more minutes.

They left Hassan lying on his back in pain for about a half an hour. Then, he saw a young boy passing by and called him to bring help. Minutes later, the young boy returned with Hassan's brother and his co-workers, who carried him away in search of medical assistance.

The men carried him 50 metres to an Israeli checkpoint on the main road. A soldier told them to lay Hassan down on the ground. He had to lie there, in pain, for an hour and a half before an ambulance came. He was taken to al-Ahli Hospital where he was examined and released two hours later. He had a torn ligament in his left foot and bruised back and chest.

<sup>128</sup> For further information on the Hebron Rehabilitation Committee (HRC) see <http://www.hebronrc.org/index.php?lang=en>, accessed on 3 July 2010.

## Al-Rajabi Building

At the time of the following incident, the al-Rajabi building in the Old City of Hebron was occupied by settlers. However, the Israeli High Court of Justice had issued a recent ruling stating that the settlers living in the building had to be evicted. In protest of the ruling, settlers in Hebron were attacking Palestinians and throwing stones at their houses.<sup>129</sup> Following the eviction on 4 December 2008, settlers staged violent riots, causing widespread injury to Palestinians and damage to Palestinian property.

### Case study 9

**Stoned by settler:** Raghad M. (3)  
**Date of incident:** 26 November 2008  
**Location of incident:** Wadi al-Hussein, Hebron Old City (H2)  
**Affidavits taken on:** 29 November 2008

*"...the first or the second stone hit Raghad in the head. The size of the stone was almost the size of a fist."*

On 26 November 2008, at around 7:00pm, Tahani M. was standing at the front doorstep of her home in Wadi al-Hussein, Hebron Old City, with her three-year-old daughter, Raghad. All of a sudden, a settler (19) began throwing stones at them.

A stone the size of a fist hit Raghad in the head. Tahani reports: *"I believe the first or the second stone hit Raghad in the head. The size of the stone was almost the size of a fist. She fell over to the ground. I picked her up and rushed inside. She was not bleeding but her head began to swell."* About 30 minutes later, three Israeli military jeeps came with an Israeli ambulance and Raghad received some first aid.

Tahani and Raghad's uncle, Husni, told DCI how this incident is just one of many in the neighbourhood in recent times: *"The situation here in the neighbourhood is extremely dangerous. At any minute, settlers may attack us or throw stones at us."*

According to Tahani, the settlers had been throwing stones for at least 20 days after the ruling: *"Stone-throwing at our houses by settlers has been happening for more than 20 days now. My father and I sleep only three or four hours a night because of this; we are afraid that the settlers might come down to our houses at any second since our house is very close to the settlement, as I said before. When settlers move back and forth from the settlement to the building, they come near our house, putting our lives at risk at all times."*

<sup>129</sup> For further details about the extent of these attacks see Applied Research Institute Jerusalem (ARIJ), *The Colony of al-Rajabi Building in Hebron, Frequent Attacks against Palestinians* (September 2008), available at [http://www.poica.org/editor/case\\_studies/view.php?recordID=1539](http://www.poica.org/editor/case_studies/view.php?recordID=1539), accessed on 2 July 2010.

## Villages in Hebron

Outside Hebron city centre, the villages of Hebron experience similar levels of violence from settlers living nearby. Often, the settlers attack not only the Palestinians, but also their means of livelihood, cutting olive trees and attacking sheep. Often soldiers and police either permit these attacks to happen, or even participate, as in the following cases. The village of Safa has been identified by UNOCHA as one highly vulnerable to settler violence.

### Case study 10

**Tortured by police, stoned by settlers:** Hamoudi M. (15), Basel F. (16) (not their real names)  
**Date of incident:** 3 April 2009  
**Location of incident:** near the settlements of Ma'on and Suseya, Hebron  
**Affidavits taken on:** 8 April 2009

*"Whenever we felt completely exhausted, we would slow down. They would then step on the accelerator, forcing us to run faster so that we would not be run over"*

On 3 April 2009, at around 3:30pm, Hamoudi M. (15) and his cousins, Basel F. (16), Ali F. (12) and Jameel F. (19) were grazing their sheep, 200-250 metres from the Ma'on settlement, which surrounds their village, when they were approached by a settlement security jeep. Three border policemen and a security officer emerged. The border policemen began to beat the sheep with sticks and slap and kick the elder boys. Hamoudi, Basel and Jameel were ordered to walk and then run barefoot along a thorny and gravelly road in front of the security jeep, while Ali was left behind. Hamoudi reports: *"Whenever we felt extremely exhausted, we would slow down. They would then step on the accelerator, forcing us to run faster so that we would not be run over. After 15 minutes of walking and running, I felt dizzy and exhausted. I fell onto the ground and fainted."*

Hamoudi fell several times, eventually fainting, but the boys were still not allowed to rest. Basel and Jameel had to pick him up and carry him as they ran. After around 30 minutes, an Israeli police jeep came and took them to a checkpoint at the entrance to Suseya, another nearby settlement.

They were pulled out of the jeep, immediately blindfolded; their hands were tied behind their backs, and were ordered to sit on the ground. There, they were verbally abused and violently beaten by the three border policemen, in the presence of around 15-20 soldiers. They also had stones thrown at them from a distance of 10-15 metres by seven settler youths, while the soldiers looked on: *"The settlers kept throwing stones at us for about six or seven minutes, and the soldiers were looking at them and did not do anything to stop them,"* Hamoudi recalls.

Only when two foreign NGO workers active in the area intervened at the checkpoint were the boys released at 9:00pm. They had to go back home along the same thorny route, still barefoot, in the dark. They arrived home between 2:00am and 2:30am.

## The Case of Nablus

The following attacks occurred in the villages of 'Iraq Burin, 'Einabus, Urif and Kafr Qalil, all on the perimeters of Yitzhar and Bracha settlements. Violent settler attacks are an almost daily event in the lives of Palestinians living near these settlements.

### 'Iraq Burin and the Bracha Settlement

Only 400–500 metres from the village of 'Iraq Burin in Nablus there is an outpost and military camp, connected to the settlement of the Bracha. 'Iraq Burin has lost approximately 90 dunums of farmland to Bracha settlement. The Bracha settlement receives funding from Ha Yovel, a United States charity with tax exempt status.<sup>130</sup> Ha Yovel works to establish a permanent Jewish presence in the West Bank, erasing, at the same time, the Arab presence there. 'Iraq Burin experiences frequent attacks from settlers from Bracha, who enter local Palestinian lands to shoot and throw stones, as well as invading the village on a weekly basis. UNESCO reports that the Israeli forces often accompany the settlers in their attacks.<sup>131</sup>

In response to the settler violence on people, property and land, the villagers of 'Iraq Burin organise peaceful demonstrations every Friday. It was at one of these demonstrations that Mohammad Qadous, a victim of settler violence in the following case, was shot dead, in March 2010, by a live bullet fired by an Israeli soldier. He was not participating in the demonstration.<sup>132</sup>

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<sup>130</sup> See supra footnote 9.

<sup>131</sup> UNESCO Chair on Human Rights, Democracy and Peace, *Investigative Summary Report*, Al Najah University, (April 2010), available on <http://stopthewall.org/enginefileuploads/content/iraq-burin-r.pdf>, accessed on 3 July 2010.

<sup>132</sup> Ibid.

## Case study 11

**Terrorised by armed settlers and soldiers:** Nadia S. (15), Ali S. (11), Qais S. (9) (not their real names)  
**Date of incident:** 14 June 2009  
**Location of incident:** Safa, Hebron  
**Affidavits taken on:** 7 September 2009

*The following summary of a 2009 incident in Safa village, Hebron, highlights the human cost of settlement expansion in the OPT. Following the killing of a settler child by a Palestinian, a group of about 200 settlers descended on Safa village to avenge his death, with the protection of and escorted by the Israeli military.*

On 8 April 2009, at around 5.30am, residents of Safa village, Hebron governorate, heard voices in Hebrew through loudspeakers coming from Bet Ayn settlement. At around 6:30am, they saw groups of settlers gathering threateningly. Residents began to call each other to warn of the anticipated danger.

At around 8:00am, nearly 200 settlers started moving towards the village, firing live ammunition. They were protected by around six Israeli soldiers, who were marching in front of them and firing tear gas canisters. Around 100 residents from Beit Ummar also came to the village and joined Safa residents in defending themselves and facing the settlers.

Violent confrontations erupted between the residents of Safa and Beit Ummar and the settlers. At around 8:15am, seven people from Safa and Beit Ummar (aged 18 to 35) were injured by live ammunition. They were immediately taken to hospital.

At around 9:00am, the confrontations stopped and settlers retreated, after being forced to do so by the soldiers. However, confrontations with the soldiers continued until 2:30pm. Considerable infrastructural damage was wrought; for example, windows and heater panels were smashed after soldiers stormed several houses.

Although the children of Safa were not directly physically injured in the attack, many of them were utterly terrorised and traumatised. Nadia S. (15) explains how she and other children “live in constant fear” and how they “go to school feeling anxious and tense. Their concentration and academic performance has dropped.”

Ali (11) also explains how settler and soldier attacks on the village affect children: “Whenever my sisters [aged 2 and 4] hear a dog barking, they wake up and say: ‘The soldiers are here.’ My other sister [aged 7] wakes up from her sleep terrified... My sister B. cannot go to the bathroom by herself after the recent attack, someone has to take her.”

Qais S. (9) affirms: “...we live in a very difficult situation and the suffering of children and adults is huge. There will be no security as long as such settlements exist near our houses.”

## Case study 12

**Stoned and injured by settlers:** Muhannad Q. (13), Isa Q. (15), Deeb Q. (15), Mohammed Ibrahim Abed Al-Qader Ibrahim (15)<sup>133</sup>  
**Injured by soldier:** Abed Q. (15)  
**Date of incident:** 24 October 2009  
**Location of incident:** 'Iraq Burin, Nablus  
**Affidavits taken on:** 3 November 2009

Around 2:15pm on 24 October 2009, Mohammad Q. (15), Muhannad Q. (13), Isa Q. (15) and Deeb Q. (15), were grazing their goats on the outskirts of their village, 'Iraq Burin, Nablus, not far from an outpost and a nearby military camp. The boys were eating seeds and nuts and watching the goats, when they were hit by stones from behind. At first they thought some friends from the village were playing a joke, but then Deeb realised they were settlers and rushed to gather the goats.

Turning around, they saw about 30 settlers (aged 12 to 40), coming down the hilltop and firing stones from slingshots. Muhannad explains: *"They were on the hill as if they were coming out of graves...They were in white civilian clothes and half of them were covering their faces and carrying slingshots. This frightened the life out of me."*

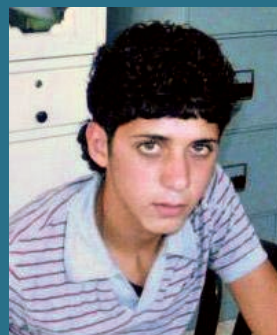
In Mohammad's words, *"They were very scary, as if they were coming out of the ground...Our fear grew bigger but we could not flee and leave the goats behind."* The boys called for help. Deeb was knocked to the ground by stones from a slingshot. Then, when Mohammed tried to help him, he was also knocked to the ground. Mohammed reports: *"When I saw Deeb down on the ground, I rushed towards him to help him come down the hill and stay away from the stones. While doing so, I was hit with a stone in my right arm. I fell to the ground near Deeb. I became very scared; though I did not feel pain. I was tense and worried, but, I managed to call an ambulance several times with my mobile phone."*

All of the boys were struck by stones, causing bleeding and bruising and were cursed at in Hebrew, *"sons of whores"* and *"sons of bitches."* Isa recalls: *"I was hit with a stone in my right arm. I did not know I was injured until I started feeling extreme pain and my arm started bleeding. I rushed down to the ambulance and the paramedics provided me with first aid treatment."*

Soon they were joined by 15 young men and boys from the village, who tried to carry the injured boys and prevent the settlers from advancing by throwing stones at them. Some soldiers arrived and started firing tear gas at the villagers, after ensuring the settlers had retreated to a safe place. A village child, Abed Q. (15), was injured when a tear gas canister hit him in the chest; he inhaled the gas and fell to the ground unconscious.



Mohammed. Source: DCI-PS



Muhannad. Source: DCI-PS



Isa (15) after the incident.  
Source: DCI-PS

<sup>133</sup> Mohammed was killed on 20 March 2010 by a live bullet to the chest fired by an Israeli soldier during a demonstration in his village of 'Iraq Burin. His family confirm that he was not participating in the demonstration.

The settlers reassembled on the hilltop and were soon joined by about 40 others. Two armed settlers tried to shoot at the villagers, while a third man waved his rifle to direct the settlers to continue their attacks. While the soldiers prevented the two men from shooting, they gave the third, who the boys recognised as the head of the settlers, a bullet proof vest. Around 3:15pm, a Palestinian ambulance arrived and took the injured boys to hospital, but the confrontations continued with the rest of the villagers for another hour. It took another hour for the soldiers to chase the settlers away.



*Deeb after the incident.  
Source: DCI-PS*

The next day, the settlers returned to attack again.

### Case study 13

**Shot by settlers while grazing sheep:** Ameer Q. (17)  
**Date of incident:** 9 February 2010  
**Location of incident:** 'Iraq Burin, Nablus  
**Affidavits taken on:** 13 and 15 February 2010

On Tuesday, 9 February 2010, at around 4:30pm, Ameer Q. (17) was grazing sheep with his brother Deeb Q. (15) near his village of 'Iraq Burin, Nablus, when they saw 50-60 settlers 50 metres away. The settlers were armed with sticks, knives and stones, and were approaching the boys. A fellow villager, Husam F., saw the settlers and rushed to help the boys gather the goats to bring them back to the village.

Ten minutes later, a white jeep stopped 150 metres away from Husam and the boys. The settlement security guard got out, and started shooting at them. Ameer was shot in the backside. He recalls: *"I saw a lot of blood seeping into my clothes, but I was not afraid. My goal was to protect the sheep and return them to the house, even if at the expense of my life."*

Many villagers came rushing to help. Meanwhile, Husam had run to Ameer's side and saw that the security guard who had shot Ameer was coming after them with four or five more settlers. Husam remembers: *"Once he was injured, I saw him falling to the ground. I thought he was dead. Then, I saw him trying to run. I rushed towards him. I saw the settler who shot him coming down towards Ameer with some settlers."*

Husam then carried Ameer for about 200 - 250 metres, while Deeb kept leading the sheep towards the village and away from the settlers: *"I carried Ameer and started running. He was bleeding and moaning in pain saying 'O they killed me, they killed me, Abu Jalal.'"* Husam's brother appeared with his car, and took Ameer at high speed to Rafidia Hospital in Nablus City. Ameer was kept in hospital for 4 days. Five days after the incident, he was still receiving treatment. He remained in extreme pain and was hardly able to move because of his injury.

Ameer and Husam reported that their village is subject to frequent attacks by settlers living in Bracha settlement.

<sup>134</sup>

Ameer's brother, Mohammed (15),<sup>135</sup> was killed by a live bullet in the chest fired by an Israeli soldier on 20 March 2010. This report – *Under Attack* – is dedicated to him.

<sup>134</sup> See Case study 12.

<sup>135</sup> Ibid.

## Kafr Qalil and Bracha Settlement

An incident in another village near the Bracha settlement of Kafr Qalil highlights phenomenon of before attacks on families as they try to harvest their olives. These types of settler attacks increase around olive harvest time. Settlers target the farmers' livelihood in an attempt to force them off the land.

### Case study 14

**Injured with stones:** Hisham M. (6) and Madiha M. (12)  
**Date of incident:** 10 October 2008  
**Location of incident:** Kafr Qalil, Nablus, near Bracha settlement  
**Affidavits taken on:** 28 October and 6 November 2008

*"All of the children began screaming because they were very scared. We were scared too, for the children as well as for ourselves."*

On 10 October 2008, Fayeze M. and his extended family – around 35 people – went to their land near their village, Kafr Qalil, Nablus, to harvest olives. Around 15 of them were children between the ages of 6-12, including Hisham M. (6) and Madiha M. (12). The rest were young men and adults. Four soldiers were in a jeep nearby to protect them as they picked olives. A group of settlers began approaching, and the soldiers went towards them but did not seriously try to stop them. The settlers stopped four or five metres away from Fayeze and his family, and began insulting them (in Hebrew), spitting on them and making abusive gestures with their hands. Then, they started throwing stones and pushing Fayeze. After a few minutes, Fayeze and his family started to throw stones back at them in retaliation.

Hisham's mother, Ansaf, reports: *"The youngest settler began spitting on us. Then, the settlers picked stones up from the ground. I saw that one of the settlers had a gun under his shirt as he lowered his body to pick up stones. He did not use it. I do not know if the others had guns as well. Seconds later, the settlers began throwing stones at us. They stood close to each other, just six or seven meters away from each other. The soldiers only interfered when we began throwing stones back at the settlers to defend ourselves."*

More settlers arrived on the scene and joined the stone-throwing. Hisham was hit with a stone in the genitals and started screaming. Ansaf recalls: *"All of the children began screaming because they were very scared. We were scared too, for the children as well as for ourselves."* Fayeze, his father, reports: *"I heard Hisham screaming and crying. I asked my wife Ansaf to take him back to the village. She told me he was hit."*

With Hisham in her arms, Ansaf ran away. She travelled two kilometres to meet an ambulance that took her and Hisham to Rafidia Hospital. Meanwhile, a stone struck Madiha in her right thigh. Miassar M., her mother, told DCI: *"Because the children and women kept screaming and because everybody was scared, I did not know she was injured until I reached the house. I saw her in pain and crying."* Madiha was taken to the same hospital for treatment.

The soldiers eventually chased the settlers back, but only after six people in total had been injured. The family filed a complaint with the Israeli authorities.

## 'Einabus and Yitzhar Settlement

In the following case, extremist settlers from the settlement of Yitzhar enter 'Einabus village lands to attack some youths as they herd their goats. Yitzhar is home to Rabbi Yitzhak Shapira, who was arrested for the burning and desecration of a mosque in Yasuf in December 2009. He is co-author of the book *The King's Torah*, which advocates the killing of non-Jews, including children.<sup>136</sup> He was also suspected of a rocket attack on a Palestinian village in 2008.<sup>137</sup>

### Case study 15

**Stoned by settlers:** Iyad H. (17)  
**Date of incident:** 15 September 2009  
**Location of incident:** Near the village of 'Einabus, Nablus, settlers from Yitzhar  
**Affidavit taken on:** 17 September 2009



On 15 September 2009, at around 6:00am, near the village of 'Einabus, Nablus, Iyad H. (17), Jawad J. (17) and Hazza' H. (36), went to graze their goats as usual in the village mountains. At around 8:00am, they saw a settler near the settlement of Yitzhar, waving and whistling at them in an attempt to scare them off. The settler lives in a caravan between the village and the settlement, under the protection of Israeli soldiers. He had tried to attack Iyad and other shepherds on past occasions.

Half an hour later, the settler came back with four other settlers, all wearing civilian clothes. Their faces were covered and they were carrying knives, sticks, hatchets, tear gas canisters and slingshots. Iyad and Hazza' could not gather the goats quick enough to flee, and so were forced to confront and defend themselves against the settlers.

At first, the settlers started throwing stones at them. When they were about two metres away, they started to spray tear gas in their direction and stab some of the goats. Iyad reports: *"I saw their stones hitting Hazza' in his abdomen and arm. That made me very scared, especially when I saw two of them approaching the goats and stabbing them. We could not protect the goats because we were busy confronting the other settlers."*

Nader H. (35), Hazza's brother, and another boy from the village, Jawad J. (17), tried to help Iyad and Hazza' gather the goats to get back to the village. Four more settlers, three of them with guns, joined the first group and the confrontation restarted. One of the settlers started shooting. Four to five gunshots were fired from a handgun, and a bullet hit Nader in the chest. Finally, 15 minutes later, the settlers were forced to retreat, when villagers came to help Iyad and the other shepherds. Nader was taken to a hospital. Iyad and Hazza' gave statements to the Israeli police. Four goats were killed, seven injured, and 14 stolen by settlers during the attack. The soldiers at a nearby military post did nothing.

<sup>136</sup> Daniel Estrin, "The King's Torah, a rabbinic text or call to terror?" *Haaretz*, (January 2010), available at <http://www.haaretz.com/jewish-world/news/the-king-s-torah-a-rabbinic-text-or-a-call-to-terror-1.261930>, accessed on 6 July 2010.

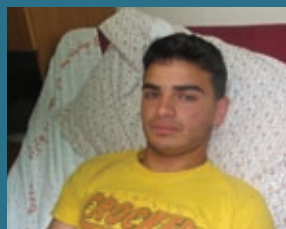
<sup>137</sup> Ibid.

## Urif and Yitzhar Settlement

In the following case, settlers from the settlement of Yitzhar chase shepherds off their lands and enter the village of Urif, rioting and shooting at the villagers. The Israeli forces intervene, protecting the settlers and shooting at the villagers. The inhabitants, particularly the children, were terrorised by these events. Urif has been identified by UNOCHA as highly vulnerable to settler violence.<sup>138</sup>

### Case study 16

**Shot by settlers:** Mahmoud S. (15)  
**Date of incident:** 24 April 2009  
**Location of incident:** Urif village, Nablus, settlers from Yitzhar  
**Affidavits taken on:** 26 April 2009



*Mahmoud following the incident.  
Source: DCI-PS*

On 24 April 2009, at around 9.30am, Ammar S. witnessed two young men from the village being chased by four settlers, who were shooting at them. The two men managed to escape unharmed. Later that day, Ammar heard gunshots again. He looked towards Yitzhar settlement, and saw shepherds running down the hill. Around 20 settlers (aged 10-40) were carrying sticks, shovels, axes, and slingshots, and were coming down the hill throwing stones.

Most of the settlers were wearing black or white masks. Two settlers, who also had weapons, were behind the larger group. Ammar witnessed stone-throwing between the settlers and about 20 young men from the village. Five settlers approached the young men; one had an axe and the other a slingshot.

Two young men from the village grabbed one of the five settlers, and dragged him six or seven metres towards the village, beating him, while some other young men were beating the other four settlers. After that, *"...a settler came and opened fire at us and we ran down the hill. He was huge, armed with a rifle. He was familiar to us because he attacked many young men in the past,"* Ammar reports.

Mahmoud S. (15) had heard the gunshots. He ran towards the group of youths to defend the village. As Mahmoud was attempting to throw a stone at the settlers, he was shot in the leg by a settler who had killed a fellow villager three years before. Mahmoud's father witnessed Mahmoud being shot: *"I saw a settler whose face was uncovered shooting at my son Mahmoud with his M16 assault rifle and injuring him in his leg... The settler had a long, white beard. I see him a lot at Yitzhar intersection. His face is very familiar."* Mahmoud was taken to Rafidia Hospital in Nablus.

A second group of settlers came down the hill. They had M16s and handguns, and started shooting at the village youth from different directions. Israeli police and soldiers arrived on the scene to disperse the settlers and the village youths. They started to fire tear gas canisters, sound bombs and rubber-coated steel bullets, mostly towards the villagers.

While Mahmoud was being treated at the hospital, other injured people continued to arrive. Abed, Mahmoud's father, states: *"To this day, the children are scared of the settlers. That particular side of the village has been under repeated attacks by settlers living in the settlement of Yitzhar."*

<sup>138</sup> See annex 5.

## Qaryut and the Settlements of Shilo and Eli

Surrounding the village of Qaryut are the settlements of Shilo and Eli. In 2009, more land was confiscated to link the two settlements with route 60. Qaryut village is divided into areas B and C. Many evictions have taken place in area C, in an attempt to force villagers to live solely in area B and free up more land for the settlers. In April 2010, settlers uprooted 120 newly planted olive seedling trees, according to UNOCHA.<sup>139</sup> In May 2010, a further 40 olive trees belonging to the village were taken. Attacks on villagers attempting to farm their land are frequent, despite the international solidarity presence. Often, in these cases, police arrest the victims, not the perpetrators of the crime.<sup>140</sup>

### Case study 17

<b>Shot by settlers, detained by soldiers:</b>	Yousef M. (16), Mohammed Q. (17)
<b>Date of incident:</b>	9 January 2009
<b>Location of incident:</b>	Near the village spring, Qaryut, Nablus
<b>Affidavits taken on:</b>	19 April 2009

On Friday, 9 January 2009, at around 10:30am, Yousef and Mohammed went to irrigate their families' crops, one kilometre from their village. About six settlers had gathered around a nearby water spring. At least three of them were armed. The settlers opened fire. Yousef recalls: *"They immediately started shooting towards us. The bullets at first were shot at our feet."* Yousef and Mohammed started to run back home through the mountains, avoiding the open road in an attempt to escape the bullets.

The settlers chased them and continued to shoot at them, forcing the children to drop to the ground and crawl in order to avoid the bullets. Yousef reports: *"Then, I saw one of them moving forward and then backward to take a sniper position. I became very scared and started praying for Allah to protect us. I started crawling and asked Mohammed to do the same. We took cover behind the big stones and olive trees. We crawled together beside each other while praying for Allah to protect us. We heard nothing but the sound of bullets."*

Approximately 15 minutes later, Yousef was hit by a bullet in his right arm. Yousef remembers: *"Though I was very scared and in pain, we kept running so that they would not catch us or... kill us."* The boys managed to reach home, and the settlers retreated. Yousef was treated for his bullet wound in Ramallah.

On 27 January 2009, an Israeli officer called Yousef's family and asked his father to bring Yousef for an interview in Ma'ale Mikhmas settlement. There, he was interrogated, accused of throwing stones at the settlers who attacked him, and detained for nine days. On 4 February 2009, he appeared before Ofer military court and was released on the same day.

The same happened to Mohammed. He was released on 5 February, after eight days in detention, following an appearance in Salem military court. During interrogation, Mohammed was handcuffed, blindfolded and slapped by soldiers. He also reported being threatened with detention.

The two boys initially wanted to file a complaint against the settlers, but they later changed their minds fearing further arrests and possible detention.

<sup>139</sup> OCHA, *Protection of Civilians Weekly Report* (14–20 April 2010), available at [http://www.ochaopt.org/documents/ocha\\_opt\\_protection\\_of\\_civilians\\_2010\\_04\\_22\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_2010_04_22_english.pdf), accessed on 6 July 2010.

<sup>140</sup> Taayush: Arab Jewish Partnership, *Qaryut, settlers attacks Palestinian, police arrest victim* (December 2009), available at <http://www.taayush.org/?cat=27>, accessed on 6 July 2010.

## Salfit and the Settlements of Immanu'el, Revava, Yaqir, and Ariel

Like many other areas of the West Bank, Salfit, a province of Nablus, has lost a substantial amount of land to settlements and because of the Wall, which snakes through the area in a finger like projection, cutting villages off from the main town.<sup>141</sup> Deir Istiya is one of these villages, encircled by the settlements of Immanu'el, Revava, Yaqir, and Ariel, and lying precariously close to the route of the Wall. Not only has it lost land to settlements, but it also suffers frequent violent settler invasions. Furthermore, when villagers go to their lands outside the village, they are in danger of encountering settlers, who chase them away and prevent them from farming there.

### Case study 18

**Beaten by settlers:** Ra'fat D. (13)  
**Date of incident:** 11 December 2009  
**Location of incident:** Deir Istiya, near Immanu'el settlement, Salfit  
**Affidavits taken on:** 16 December 2009

*"The four of them were carrying weapons and pointing them at us.... I became very scared and started thinking they would take me and my father, beat us and shoot us."*

On Friday, 11 December 2009, at around 2:15pm, Ra'fat D. (13) was picking mushrooms with his father and cousin, Omar, on their land, near Immanu'el settlement, when four armed settlers appeared, pointing their weapons at them. Ra'fat recalls: *"The four of them were carrying weapons and aiming them at us. I became very scared that they would take me and my father, beat us and shoot us."*

There was a brief verbal exchange, and the settlers took their mushrooms and emptied them on the ground. Ra'fat went to pick them up, but one of the settlers stood on his hand and pressed down on it two or three times. Ra'fat's father, Imad, could see his son was in a lot of pain and asked the settler to stop. The settler responded by hitting Imad with the barrel of his rifle. *"I started shouting at them 'why are you hitting us? We didn't do anything to you.'"*

Instead, the settlers started beating them and threatened to shoot them. Then, they ordered Imad, Omar and Ra'fat to walk towards the settlement. Imad recalls: *"I was watching my son Ra'fat. He was very scared. Whenever a settler made a move, he would hold his hands up in the air."* Ra'fat himself admits how scared he was: *"They were aiming their weapons at us and I was expecting them to shoot us at any minute. They were shouting in Hebrew."*

One hundred metres from the settlement, the settlers released them and told them to leave the area, not allowing Imad to return to his land with his son and nephew. Imad, Omar and Ra'fat returned empty-handed to their village. Imad had a lot of pain in his back from the beating, while Ra'fat's hand was swollen, and his right leg was bruised.

Ra'fat concludes: *"I was scared they might shoot us as we walked down to the village. I was relieved when we came back...without being shot at or arrested."*

<sup>141</sup> See Annex 5.

## The Case of Bethlehem

Although the majority of attacks occur in the northern and southern regions of Nablus, Salfit and Hebron, other regions are not immune from settler violence. The village of Husan lies in the shadow of Betar Illit settlement, behind the planned route of the Wall, which will totally isolate it from Bethlehem. Settler violence is also common here.

### Case study 19

**Shot by settler:** Ali H. (15)  
**Date of incident:** 9 February 2009  
**Location of incident:** Husan, Bethlehem  
**Affidavit taken on:** 14 February 2009

Ali lives with his family in the village of Husan, west of Bethlehem, about 30 metres away a bypass road that is separated from the village by the Wall, which in that area is made of barbed wire. The bypass road is used daily by settler cars and buses, as well as military vehicles. On Monday, 9 February 2009, at around 6:30pm, Ali went with his father, Mahfouz, to a grocery store near their house. He was on the way back home with the groceries, while his father stayed behind at the store. As he approached his front door, he saw a person that looked like a settler pointing a gun at him. The settler shot Ali three times in his left leg.

There was no confrontation. The settler returned to the bus while Ali entered his home. He reports: *"About two minutes after being shot, I felt extreme pain in my leg and fell to the floor. My mother and sisters quickly came to me. My mother was screaming and crying."* Mahfouz had heard the shots from the store and rushed to the house to check on his son.

Ali was taken to the only entrance leading to Bethlehem City. However, when they saw an Israeli border police jeep, they decided to turn back fearing that the police would arrest him. He was then taken to the local medical centre for first aid treatment, until an ambulance came to take him to Beit Jala hospital. Upon arrival at the hospital, he underwent surgery. The next day, he was transferred to Ramallah Governmental Hospital to undergo other necessary operations.

As of April 2010, Ali was still receiving treatment – more than one year after the incident. The family filed a complaint through the Israeli organisation Yesh Din at Kefar Ezyon. However, the perpetrator has not been brought to justice.

# F The Special Case of Jerusalem

## Background

During the 1967 Six Day War, Israel took control of the eastern part of Jerusalem and moved quickly to annex it to the Municipality of Jerusalem at the end of June that year,<sup>142</sup> in an action that was deemed illegal by the international community.<sup>143</sup> In July 1980, the Jerusalem Law was adopted, where Israel declared Jerusalem the “eternal and indivisible” capital of Israel. The Security Council reacted by stating that the enactment of the law violated international law, and that “all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem... are null and void.”<sup>144</sup>

Despite this, Israel’s main policy in Jerusalem has been to create a demographic situation that will ensure that Jerusalem becomes the undivided and eternal capital of Israel. One of the key actions has been to build as many settlements as possible, as quickly as possible, in order to consolidate Israel’s authority and sovereignty over the area. As of June 2010, the total number of settlers living in East Jerusalem stood at approximately 195,000.<sup>145</sup>

The construction and expansion of settlements is complemented by other governmental policies aimed at expelling Palestinians and increasing the Jewish population in East Jerusalem. For example, Arab Jerusalemites are systematically denied planning and building permits in the city, which in turn facilitates the process of eviction and demolition of houses lacking such permits. From January 2009 to June 2010, there were 84 house demolitions in East Jerusalem. A further 536 houses have received demolition orders: 117 in Silwan, 88 in al-Bustan neighbourhood, and 28 in Sheikh Jarrah.<sup>146</sup> Case study 3 below is an example of such a demolition.<sup>147</sup>

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142 Law and Administration Ordinance (Amendment No. 11) Law, 5727–1967.

143 UN General Assembly Resolution 2253 (4 July 1967), *Measures taken by Israel to change the status of the City of Jerusalem*, UN Doc. A/RES/2253 (ES-V).

144 UN Security Council Resolution 478 (20 August 1980), *Territories occupied by Israel*, UN Doc. S/RES/478.

145 OCHA (Personal email correspondence with OCHA, 3 June 2010).

146 See *supra* footnote 120.

147 Information from DCI-Palestine field research in conjunction with The Land Research Centre in Jerusalem.



*Demolished house in East Jerusalem. Photo credit: Rumet Cilgin*

Further measures the Israeli government has adopted include the denial of family unification and residency rights of Palestinians born in Jerusalem or of Jerusalemite parents. Additionally, discrimination against Palestinians is practiced through the municipal budget and tax system. Palestinians are expected to pay tax to the Jerusalem Municipality, while the infrastructure and services in East Jerusalem are grossly neglected by the government. Moreover, much of the Palestinian-dominant East Jerusalem has been physically isolated from the rest of the West Bank by the construction of the Wall, for which large tracts of land have been expropriated from Palestinians.

### **In focus: Irving Moskowitz**

Moskowitz began buying property in East Jerusalem in 1969, in an effort to create an increased Jewish presence throughout the Occupied Territory. In 1985, he purchased the Shepherd Hotel complex in the Sheikh Jarrah neighbourhood, and in early 2009 obtained a permit to construct two apartment buildings on the site and a multi-level underground parking garage. The Shepherd Hotel project has recently led to disputes between the Obama administration and Israel, and has been linked to a number of evictions, one of which is featured in case study 1 below.



*Photo credit: unknown*

In addition to the Shepherd Hotel, Moskowitz has been associated with Ma'ale Hazetim (Olive Heights) in the East Jerusalem neighbourhood of Ras el-Amud. This settlement was established by Ateret Cohanim with Moskowitz's financial backing. The settlement is expected to have nearly 110 apartments.

In the Silwan neighbourhood of East Jerusalem, located near the Western Wall, Moskowitz contributes to the displacement of Palestinians through his support of the City of David Foundation. The City of David Foundation is located in Silwan, where about 1,500 Palestinians are facing expulsion as a result of demolition or eviction orders ostensibly in the name of archaeological preservation of a site where the organisation says King David established a city 3,000 years ago.

As a result of his significant monetary support to right-wing Israeli charities, Moskowitz has contributed over the years to the creation of a powerful and extremist group of settlers, greatly influencing the political reality on the ground within the Occupied Palestinian Territory.

Israeli settler groups and their supporters also take part in efforts to push Palestinians out of Jerusalem. Lately, settlers have used the pretext of archaeological digs or pre-1948 house ownership claims to render homeless, evict, or threaten to evict, a number of families in the East Jerusalem neighbourhoods of Sheikh Jarrah and Silwan. Between January 2009 and June 2010, settlers occupied 24 houses owned by Palestinian families in the

neighbourhood of Sheikh Jarrah. Case study 1 below is an example of a house eviction, in which settlers, under police protection, immediately took over the house of the evicted family.

To date, 407 children have been displaced by demolitions and evictions in East Jerusalem. In Silwan and Sheikh Jarrah 1,499 children live under the threat of demolition, homelessness and long term displacement, due to the 536 demolition orders that have been issued.<sup>148</sup> Case study 4 below provides an example of the anguish experienced by a family threatened with house demolition. In addition to this, the invasive presence of settlers in Palestinian neighbourhoods ensures a constant tension in which settlers regularly intimidate and attack Palestinians. Cases 2, 5, and 6 below are examples of such aggressive behaviour.

## The Case of Sheikh Jarrah



*Friday demonstration in Sheikh Jarrah to support Palestinian residents. Settlers mount counter demonstration on other side of the road. Photo credit: Brady N.G.*

<sup>148</sup> For a study on the effects of house demolitions and evictions on children, see Save the Children UK, *Broken Homes: Addressing the impact of house demolitions on Palestinian children and families* (April 2009), available at [http://www.savethechildren.org.uk/en/docs/Broken\\_Homes\\_English\\_low\\_res.pdf](http://www.savethechildren.org.uk/en/docs/Broken_Homes_English_low_res.pdf), accessed on 10 July 2010

Sheikh Jarrah is a predominantly Palestinian neighbourhood that lies within the boundaries of East Jerusalem, illegally annexed following the 1967 Six Day War. For decades, Israeli settlers, with the collusion of the Israeli authorities, have been attempting to push Palestinian residents out of Sheikh Jarrah, in order to move into the neighbourhood themselves. After Palestinians have been forced to evacuate the neighbourhood, there are plans to demolish the houses and build a settler neighbourhood of about 200 housing units.

As mentioned above, settlement bankroller Irving Moskowitz plans on building two apartment buildings and a multi-level underground parking garage on the site of the nearby Shepherd Hotel Complex, for which he obtained a permit in 2009. Those settlers who have already managed to move into the neighbourhood are aggressive, and physically and verbally abusive towards their Palestinian neighbours, as Case study 2 below illustrates. The Israeli NGO Ir Amim, which monitors and reports on settlement activity in Jerusalem, stated in a recent article: “Sheikh Jarrah is another link in the process that is transforming East Jerusalem into an arena where extremist organisations do as they please, taking control of properties in dubious ways, running private police forces with government funding, and engaging in endless confrontations with the Palestinian population. All this is done with direct and indirect government support.”<sup>149</sup>

### The Ghawi and Hanoun families

The Hanoun family is one of the Palestinian extended families evicted from their home in Sheikh Jarrah in 2009, following a legal battle with a settler organisation that claimed ownership of their home. Following the eviction by Israeli authorities, settlers moved into their home. A sit-in solidarity tent was set up near the house to protest against these events and to try to prevent other houses in the neighbourhood from being overtaken.

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<sup>149</sup> Ir Amim, “Why are Israelis Demonstrating in Sheikh Jarrah?” *The Huffington Post*, available at <http://www.huffingtonpost.com/ir-amim/why-are-israelis-demonstrating-in-sheikh-jarrah/article.html>

**Case study 1**

**Evicted:** Mohammed H. (8), Diala H. (13), Jana H. (16), Yacoub H. (16)  
**Date of incident:** 2 August 2009  
**Location of incident:** Sheikh Jarrah  
**Affidavits taken on:** 15, 23 and 29 August 2009

*"When I saw the settlers entering the houses, I could not think of anything but crying. I burst into tears. The soldiers around us were confiscating our house and bringing settlers to live in them. They have no conscience. They are ruthless and unmerciful."*

On 2 August 2009, at around 5:00am, Diala H. (13), her sister Jana (16) and brother Rami (21) were sitting outside their house near the front door in Sheikh Jarrah in Jerusalem, when around 20-30 white police cars arrived. Jana told DCI: *"We had been waiting for them to come and kick us out of the house at any moment. The ugliest and most painful thing is to wait to be kicked out of your house."* Scared, Diala, Jana and Rami rushed inside the house and closed the door behind them. Diala shouted out to her parents that soldiers had arrived. Eight foreigners were also staying in the house that night, in an attempt to deter the eviction.

Diala recalls: *"I saw soldiers smashing the glass and breaking windows. I saw how they opened the front door and dragged Rami out."* Around 30 soldiers entered the house. They were wearing black clothes, black masks and were carrying M16s and black metal batons. Diala reports that three soldiers then entered her parents' room. A soldier grabbed her shoulder and started pushing her out of the room: *"I started screaming because I was very scared... They smashed the glass. It was a frightening scene. I heard shouting and words I did not understand."*

*"The ugliest and most painful thing is to wait to be kicked out of your house."*  
 (Jana, 16)

Nadia told DCI: *"They kept pushing us out of the house. While they were pushing us, my daughter Jana was hit in the face and one of her teeth fell out, and her mouth started bleeding. One of the soldiers hit her."* Outside the house, there were around 200-300 soldiers. Jana recalls the terror of those moments: *"I started screaming and burst into tears. Everyone collapsed. We felt we were living in a horror movie."*

The soldiers broke down the front door of Diala's uncle Saleem's house with hatchets, and also broke into the house of their uncle Majed. They forced Saleem and his family out onto the street, including Saleem's ill wife Samia, not even allowing her to put her headscarf on first. Diala recalls: *"When I saw them breaking the door of my uncle's house, I became very scared for my cousin Mohammed. He is younger than me. I was scared they might push and hit him the way they pushed and hit me... I saw the soldiers pushing him. He was crying. We burst into tears because we were very scared."*

After the three families were forced out of their houses, the eight foreigners were dragged out of the house and beaten when they refused to get into the police vehicles. Jana recalls: *"The saddest thing is they were beating a foreigner in a wheelchair, named Jody. They kept beating him."*

Three trucks arrived with 20 settlers who started taking the furniture from inside the houses and loading it on the trucks. After that, the soldiers brought 15 more settlers who had children with them and ushered them into the three evacuated houses. Diala told DCI:



*Members of the family sleeping on the street.*  
 Source: POICA-ARIJ

*"When we saw the settlers, we knew they had come for the house. I am sure one of them is sleeping in my room right now." Jana adds: "When I saw the settlers entering the houses, I could not think of anything but crying. I burst into tears. The soldiers around us confiscating [sic] our house and bringing [sic] settlers to live in them. They have no conscience. They are ruthless and unmerciful."*

The families decided to camp outside their homes under nearby olive trees. The men slept under the olive trees and the women and older children slept in nearby cars, while the smaller children were sent to relatives' homes. Jana recalls: *"From that day until now, my family and my uncles' families sit under the olive tree opposite our houses... Sometimes I sleep inside cars and sometimes at my aunts'. This is nothing compared to the scene of settlers coming out of our houses and entering them. The houses are ours and we live in the street! What kind of law is this?"*

Majed provided background information on the case, explaining that for the past 37 years, he and his brothers had been challenging in Israeli courts the settlers' claim to ownership of the land on which their houses are built: *"Three courts have been following the case over the past 37 years; the Magistrates Court, the Central Court, and the Supreme Court in Jerusalem. None of the three courts was able to prove that the settlers own the houses or the land. The last court session took place back in May in the Magistrates Court. The court ordered my brother Maher to pay about NIS 150,000 and evacuate his house. Although we presented all the documents that prove our ownership of the house (...) the court did not admit such documents, claiming that we were late in presenting them."*

In addition to the legal battles, Majed said that settlers had also offered him and his brothers blank cheques throughout the past 37 years to buy their houses. Nadia concludes: *"...the residents of Sheikh Jarrah and al-Bustan in Silwan are being subjected to ethnic cleansing."*



*The furniture of the two families, Ghawi and Hanoun, thrown out onto the street. August 2009.*

*Source: POICA-ARIJ*

*"I became very scared for my cousin Mohammed. I was scared they might push and hit him the way they pushed and hit me... I saw the soldiers pushing him. He was crying. We burst into tears because we were very scared." (Diala, 13)*



*Settlers enter the houses of Ghawi and Hanoun families, August 2009. Source: POICA-ARIJ*

## Case study 2

**Beaten by settlers:** Amna N. (16)  
**Date of incident:** 16 January 2010  
**Location of incident:** Sheikh Jarrah, Jerusalem  
**Affidavit taken on:** 19 January 2010

*"I was scared that I would die in their hands."*

On Saturday 16 January 2010, at around 3.30pm, Amna N. (16) was walking alone from her home towards the sit-in solidarity tent of the Ghawi family, situated about 50 metres away from her house. As she walked, she saw a group of about 30 settlers outside the tent, shouting obscenities. She turned back, as she *"preferred to go back to the house; especially as settlers in Sheikh Jarrah would attack any Arab they run into."* A few moments later, about 15 of these settlers started to run towards her. Amna recalls: *"I became very scared and walked faster so that they would not reach me. I was very scared. I was alone in the street."*

She was confronted by a female settler who grabbed her hair and started screaming at her and insulting her in Hebrew. Then, a group of about seven male orthodox settlers joined in, kicking her and screaming at her in Hebrew. They hit her face, arms and legs. Amna was alone, in a lot of pain, and thought that they were going to kill her. She recalls: *"They were hitting me and did not care what would happen to me. All they cared about was hitting me. I was scared because I was alone and felt so much pain. I was scared that I would die in their hands"*.

*"I was scared because I was alone and felt so much pain." (Amna, 16)*

Two uniformed policemen carrying M16s, standing 30 metres away, were watching these events but did not intervene to protect her. After five minutes, about eight Palestinian adults from the sit-in tent came to try to rescue Amna. Once the soldiers saw the arrival of the Palestinians, they intervened *"to protect the settlers,"* according to Amna.

The two policemen pulled her away from the settlers, and allowed Amna to run home. The female settler who had grabbed her hair earlier tried to follow her but one of the policemen grabbed the settler and held her back. Amna reached home in tears, and explained to her father what had happened. The event shook her terribly. Although she suffered only a minor physical injury, she felt terrorised and as if she had escaped death.

*"If I was the one who attacked the female settler, they would put me in prison, but because she is the one who attacked, the police men only pulled her away from me after some Arab people came to me." (Amna, 16)*

She emphasised that the Israeli police only protect the settlers in the neighbourhood, and that settlers are always provoking Arabs, especially on Fridays and Saturdays, assaulting them or insulting them using obscene words, whereas the Arabs always keep to themselves and do not talk to the settlers. Amna concludes: *"If I was the one who attacked the female settler, they would put me in prison, but because she is the one who attacked, the policemen only pulled her away from me after some Arab people came to me."*

## The Case of Silwan



*Jewish residence with guard post manned by private security forces near the City of David tourist centre in Silwan East Jerusalem. Photo credit: Brad Parker*

Silwan is a predominantly Palestinian neighbourhood that lies within the boundaries of East Jerusalem, illegally annexed following the 1967 Six Day War. Since then, the Israeli authorities have refused to issue building permits or approve existing construction, except in rare cases. Human rights organisations and media commentators have called this a deliberate planning and building policy aimed at “choking development of the neighbourhood.”

In recent years, Silwan has been the target of a more pro-active attempt by Israeli settlers and the Israeli government to push out its Arab residents. The Municipality of Jerusalem has issued house demolition or eviction orders for a number of houses in the Al Bustan area of the neighbourhood. Many Palestinians risk displacement if these orders are implemented. The houses will be replaced by a tourist theme park, called ‘The King’s Garden.’

Much controversy surrounds this plan and attempts have been made by the residents and human rights organisations to halt its implementation. In the meantime, the government has given authorisation to two settler non-profit

societies, Elad and Ateret Cohanim, to build the 'City of David Archaeological Garden,' which covers a large and expanding area in Silwan, and which is also being openly promoted by the Israeli Ministry of Tourism. Furthermore, the government has authorised Elad to conduct archaeological excavations on the site, which Elad has undertaken energetically, under the protection of Israeli police. Since excavations began, an increasing number of cracks have appeared in Palestinian houses, and Silwan's main street has caved in repeatedly. Furthermore, as in Sheikh Jarrah, settlers already living in Silwan are aggressive and physically and verbally violent towards their Palestinian neighbours, as Case 5 and Case 6 below illustrate.

Children in Silwan face settler harassment, abuse and assault, including shootings on a regular basis.<sup>150</sup> These settlers are heavily guarded by Israeli forces. Local Palestinians suffer arbitrary arrests and mistreatment, often at the whim of settlers who wish to complain about them.

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150 See Child Rights Information Network (CRIN), *Israel/Opt: Israel Raids Targets Children*, (March 2010) available at <http://www.crin.org/resources/infodetail.asp?id=22198>, accessed on 14 July 2010.

### Case study 3

**Rendered homeless:** Mohammed A. (2½), Dua A. (6), Yousif A. (9), Haya (10), Rawan (13), and Ra'fat (14)  
**Date of incident:** 2 March 2009  
**Location of incident:** Silwan, Jerusalem  
**Affidavits taken on:** 11 March 2009

*"I started crying when I saw our house falling down. I (...) kept thinking, 'Where would we live...?'"*

On Monday, 2 March 2009, at around 10:30am, Yousif A. (9) was at home in the Al-Lozi neighbourhood of Silwan, Jerusalem, with his brother Mohammed (2½) and sister Dua (6). As they played, Yousif, Dua and Mohammed heard the sounds of police and army sirens. Looking out the window, their mother, Ghadeer, saw about 100 masked soldiers, carrying guns, batons and axes. There were many cars surrounding the house. They noticed a female soldier with the others.

*"My siblings, father, mother and I slept on the ground and covered ourselves with blankets but I always felt cold." (Dua, 6)*

Ghadeer told DCI: *"I became very scared and did not know why they had come. I heard banging on the door."* Ghadeer asked what the soldiers wanted. The female soldier pushed her inside and forced her and the children against the door of the living room. Around 15 masked soldiers dressed in black entered the house with dogs and carrying axes and guns. Yousif and his siblings were very frightened. He recalls: *"They started shouting at us and threatened us with the dogs, which were barking at us. My brother Mohammad started to cry, as well as Dua, and so did I because they scared us."*

Dua adds: *"I cried when I saw my mother crying ... They cornered us in the living room with my mother."* Ghadeer and her children were forced to stay in the living room for about five minutes, after which they were pushed outside onto the street, where many other dogs and soldiers dressed in black were gathered. Dua recalls: *"They kept shouting at us very loudly and grabbed us violently. They walked behind us until we reached the street. Many soldiers*

*"We had no heater, so we burned some wood to warm ourselves. My siblings also could not study, and sat around the fire the whole time." (Yousif, 9)*

*and dogs were in the street; they were also dressed in black. There were also many black cars...I was very scared of them."* Yousif wanted to go and get his father, but the soldiers forbade him to leave. Then, Yousif saw the soldiers taking the furniture out of his house, and watched as a bulldozer approached: *"They took our clothes, the couches and the big chairs we used to sit on and threw them out. They threw our beds out...then I saw a bulldozer coming to the house... [it] began to demolish it. I thought they only wanted to take us to prison, but when I saw the bulldozer I realised they had come to demolish our house. I started crying when I saw our house falling down. I started crying and kept wondering; where would we live, where would we go, and how would we live."*

Yousif continues: *"They demolished the house, while the refrigerator, stove and half of the furniture was still inside."* The family stayed in a tent for the next three days. Yousif remembers: *"I used to go to school and then come back to the tent and sit on the mattress to study. But I could not study because it was cold. We had no heater, so we burned some wood to warm ourselves. (...) It rained while we were in the tent, which got wet; all our clothes got wet."*

The family had no place to shower or cook. After three days, they rented a one-roomed apartment. The children have been traumatised by the demolition<sup>151</sup> and long to return to their old house and their old life: *"I kept looking at the rubble of our demolished house and remembered my bike that was destroyed... I wish we could go back to our house because all my friends are there and all my toys are there,"* Yousif laments.

He continues: *"I have dreams about the army shouting at me, but I am ashamed to cry... I remember very well what happened to us... I remember very well how they aimed their rifles at me and shouted at me to go back in a way that really scared me... I remember when I tried to go back to my mother, and they did not allow me... and they aimed their weapons at me. I was scared. I do not like to remember the tent and I do not like to remember the frightening size of the dogs either. It was the first time in my life I had seen such huge dogs so close. I was standing 20 meters away from the house while it was being destroyed. I also cannot forget the days we spent in the tent."*

*"They started shouting at us and threatened us with the dogs, which were barking at us. My brother Mohammad started to cry, as well as Dua and I because they scared us." (Yousif, 9)*

The land on which the house was built was family land. Ghadeer and her husband had tried to get a building permit from the Municipality through a lawyer and architect, but their request was rejected. They argued that the land was in a green zone, meaning it was not allowed to be built on.

Ghadeer told DCI: *"They did not alert us about the demolition. We stayed in the house relying on the lawyer and the architect whom my husband paid, though he works as a street vendor. He could not cover the expenses of the lawyer, who was paid \$2000, and the architect, who was paid \$1000, and they did not even obtain for us a building permit."*<sup>151</sup>

<sup>151</sup> See supra footnote 149.

#### Case study 4

**Threatened with homelessness:**

Mohammad A. R. (5), Jihad A. R. (7), Hiba A. R. (9), Jihan A. R. (11), Noor A. R. (12)

**Date of incident:**

Ongoing

**Location of incident:**

al-Bustan, Silwan, Jerusalem

**Affidavit taken on:**

14 March 2009

*"I do not know where to go with my children... We will become homeless."*

Jawad A. R. lives in the al-Bustan neighbourhood in the middle of Silwan, Jerusalem, in a modest house, with his wife and five children: Noor (12), Jihan (11), Hiba (9), Jihad (7) and Mohammad (5). He works as a cleaner in a local hospital and is a member of the al-Bustan neighbourhood committee. The committee was formed by residents, in order to collectively challenge the 88 demolition orders issued to families in the neighbourhood by the Israeli authorities.

Jawad told DCI: *"If the 88 houses are demolished, around 1,500 people will be displaced and most of them have no other place to live. Some of the houses shelter more than one family. The committee estimates that 60% of the 1,500 people affected are children."* Some of the affected residents, including Jawad, were

*"The committee estimates that 60% of the 1,500 people affected are children." (Jawad)*

issued with demolition orders for their homes as early as 1990, on the premise that the homes in question were built without permits. Others received the orders as late as February 2009. Since then, the Municipality of Jerusalem has been issuing court summons, and eliciting heavy fines from the affected residents as a punishment for having built without permits.

Each year, since 1990, Jawad has been ordered to pay fines. He told DCI: *"One of the courts ordered me to pay a NIS 72,000 fine, arguing that I did not have a building permit, though I pay for the services provided by the municipality. Such a thing is contradictory. I mean, they claim I do not have a building permit, but at the same time they make me pay NIS 1,000 per month for the services they offer. The house was built in 1990 on my own land; registered under my name. I even hired engineers and requested a building permit several times, but the municipality refused to issue one... I am ready to do whatever they ask me to in order to obtain a building permit... I hired a lawyer... to follow up on the building permit. He charged me \$4,000, without doing anything..."*

On a number of occasions, municipality officials, accompanied by Israeli police officers and soldiers, have approached Jawad's home and inspected it from the outside, at times taking photographs. Currently in Silwan, there are plans to develop a tourist theme park, 'The King's Garden,' in the area of the demolished houses. On 17 February 2009, the municipality issued demolition orders to the majority of the residents. Jawad is anxious: *"I do not have another house if they decide to demolish my house. I do not know where to go with my children. My income does not allow me to rent a house. The only choice I have is to set up a tent on my land, which they would confiscate once they demolish the house. We will become homeless."*

He also notices the negative effect of the threatened demolition on his children: *"The children are growing tired and confused because the issue is not yet settled. I noticed they are not doing very well in school and sometimes they have trouble sleeping at night. They keep asking when the house will be demolished. Tears come to my eyes sometimes because of them."*

### Case study 5

**Shot by settler:** Ameer F. (15)  
**Date of incident:** 11 September 2009  
**Location of incident:** Wadi Helwa, Silwan, south Jerusalem  
**Affidavit taken on:** 26 September 2009

*"I felt they were interrogating me as if I had shot the settler."*

On Friday, 11 September 2009, near al-Magharebah gate in the neighbourhood of Wadi Helwa, Silwan, at around 5:45pm, Ameer F. (15) was riding his bicycle towards his grandfather's house for the breaking of the fast, during the month of Ramadan. On his way, he saw two Orthodox settlers. One of them was carrying a black M16 and pointing it at a young man named Ahmad Qara'een.

Ahmad and the armed settler were shouting at each other. Then, Ameer saw the settler shooting Ahmad in both legs. Another young Arab man approached and grabbed the settler by the neck, in an attempt to disarm him. He shouted: *"Somebody, get the weapon from him."* As the settler started shooting in the air, about 30 young Arab men gathered around, about 15 metres away from the armed settler. When the young man grabbed the armed settler, the unarmed settler ran away. Ameer acted fast: *"I rushed towards the settler and grabbed the weapon to stop him from shooting, or he would kill someone, but he fired more gunshots and the weapon became hot. I let go of the weapon and tried to run away. Once I moved about one metre away from the settler, he shot me in my right leg. It started burning intensely and I fell to the ground, shouting."*

*"Once I moved about one metre away from the settler, he shot me in my right leg." (Ameer)*

The armed settler ran away, as many people gathered around Ameer and Ahmad. About ten minutes later, Ameer and Ahmad were put in the back seat of a private car. An Israeli police car stopped the vehicle on its way to the hospital. Ameer reports: *"They stopped the car and took the driver out. They beat him and tied his hands behind his back. They held him for about half an hour as Ahmad and I were left bleeding inside the car."* After that, the police escorted the car to the hospital, and remained with Ameer and Ahmad in the room while they were being treated.

Ameer recalls: *"Ahmad and I were surrounded by around 30 police officers in blue, soldiers in black, carrying long black M16s, and three in civilian clothes carrying black handguns strapped to their waists. I think the three were Israeli intelligence officers. No one, except my mother, was allowed to stay in the room with me. My father and siblings were not allowed to see me."*

Ameer was interrogated by four different policemen, one at a time. He recalls: *"They asked me the same questions and I gave them the same answers. I felt they were interrogating me as if I had shot the settler. They asked me the same questions about five times."*

After the interrogation, Ameer was transferred to the children's department, where he stayed for one day. When the affidavit was taken, Ameer still had shrapnel in his leg, was still using crutches, and had been missing school due to mobility difficulties. He also said that the settler who shot him had not been arrested. Instead, the group of Arab men who had tried to help him and catch the perpetrator had been arrested.

## Case study 6

**Pushed and harassed by armed settler:**

Isa Q. (10)

**Date of incident:**

14 June 2009

**Location of incident:**

Wadi Helwa, Silwan, Jerusalem

**Affidavits taken on:**

7 September 2009

*"We were scared that the adult settlers might open fire."*

Isa Q. (10) lives with his family in Wadi Helwa, a small neighbourhood in Silwan, where there are around 24 homes. Five are inhabited by Arab families, three of which belong to Isa's extended family. The rest are inhabited by Israeli settler families. Isa reports: *"In the neighbourhood there is our house, the houses of my uncles Mahmoud and Hani and two more houses belonging to Arab families. The rest of the houses in the neighbourhood are for settlers who sometimes harass me and my family."*

On Sunday, 14 June 2009, at around 4:00pm, Isa was playing soccer with his cousins, Isa and Haitham (12), in front of his uncle's house in Wadi Helwa. The ball accidentally landed in the yard of a settler's house, so Isa and his cousins went to retrieve it. There, they found three child settlers who reacted violently. Haitham recalls: *"We entered the yard and saw three child settlers sitting where the ball had fallen. Without any reason they started pushing my cousin Isa. My brother and I tried to come between them. I pushed them away from my cousin, who was pushing them back."*

*"There were small black handguns strapped around their waists. They started pushing my cousin away. My brother and I became scared and moved away." (Haitham, 12)*

Three adult settlers, armed with handguns, arrived on the scene. One of the adults also started to push the younger Isa and grabbed him by the shirt, tearing it. Then, about another 20 settlers arrived, shouting at the Palestinian children. Haitham remembers: *"There were small black handguns strapped around their waists. They started pushing my cousin away. My brother and I became scared and moved away... The child settlers immediately fled... the number of adult settlers grew bigger, and they gathered around us. They did not beat us, but they started shouting at us."*

Isa's father and uncles must have heard the shouting, because they soon arrived on the scene. The children moved away, as a fight broke out between the Palestinian adults and the group of settlers, which was growing in numbers: *"About 50 settlers wearing small caps gathered around and started beating my uncles, who defended themselves. Around 10 settlers were trying to stop the fighting."*

Isa and his cousins watched the fight from a distance, scared that the adult settlers would open fire. The fight was broken up after about half an hour, when four Israeli police officers arrived. The settlers and Isa's father and uncles retreated to their homes.

Isa believes the motive of such incidents is intimidation: *"I think the settlers are doing this to intimidate us and drive us out of our houses. My father says the same thing, but we are going to stay in our houses and never leave."*

## G Conclusion

Israel's long-held policies of settlement building and transfer of nationals to the Occupied Territory are illegal under international law, and violate the fundamental rights of the Palestinian population, including their inalienable right to self-determination. Continued settlement expansion and a growing settler population in the Occupied Territory have severely impacted the security of the Palestinian population, particularly children, whose lives are increasingly threatened by wilful attacks perpetrated by extremist settlers. These incidents of settler violence serve to instil fear in the Palestinian population, oftentimes causing them to leave their homes and lands. Settlements and settlement growth are supported by substantial capital investment coming from both Israel and abroad. Settlement expansion is consistent with the practice of colonisation.

The continual failure of the Israeli military and police to enforce the law and hold settlers accountable for their crimes has created an atmosphere of impunity, in which settlers enjoy impunity and Palestinians live in fear. Palestinian children remain especially vulnerable to settler attacks. Despite the fact that Israeli authorities are well aware of this practice, they have fallen far short of taking the appropriate measures to see that this practice is halted.

## Recommendations

With a view to ensuring that the rights of Palestinian children are fully respected, DCI-Palestine calls on the international community to demand that the government of Israel:

1. Takes measures to protect the civilian population in the Occupied Territory, including children, from settler attacks. Specifically:

- a. *The Israeli military must instruct its soldiers who serve in the West Bank that protection of Palestinian civilians and their property against violence from Israeli civilians is a permanent and key part of their duty.*
- b. *The Israeli military's regional divisions in the West Bank must state in their standing orders that assistance in police investigations is a permanent and key part of their duty.*

- c. *The Israeli military must set up permanent patrols near communities vulnerable to attacks from settlers with the explicit purpose of ensuring the security of Palestinian civilians.*
  - d. *The Israeli military must regularly brief its soldiers serving in the West Bank on the rules of the Israeli “Law Enforcement Procedure” as to their obligation to intervene in cases where settlers assault Palestinians and/or their property.*
  - e. *The Israeli military must clarify for its soldiers that they have the power and duty to arrest Israeli civilians suspected of assaulting Palestinians, and if necessary, take the suspects for continued processing to the nearest police station.*
2. Takes measures to ensure that all cases of settler attacks are thoroughly and impartially investigated and perpetrators are promptly brought to justice. Specifically:
- a. *The Israeli military must conduct investigations of incidents in which Israeli military soldiers were present when Israeli civilians harmed Palestinians and/or their property, and ensure that the soldiers who were witnesses to such events give testimony to the police, and take measures against soldiers who do not comply with the Israeli “Law Enforcement Procedure” directives.*
  - b. *The Israeli military must set standards and judge the level of performance of the “Law Enforcement Procedure” on a unit by unit basis.*
  - c. *The Central Command of the Israeli military should keep regular records and monitor the cases when Israeli military soldiers detain and transfer to the Israeli police Israeli civilians suspected of assaulting Palestinians and their property.*
  - d. *The Israeli Military Police’s Criminal Investigation Division (MPCID) should remain in constant contact with the Israeli district police responsible for the West Bank and receive permanent reports of incidents in which Israeli military soldiers stood by doing nothing during violent incidents on the part of soldiers and neglected their obligation to defend Palestinian civilians. Following such reports, the MPCID should initiate, shortly after the incidents, investigations on the behaviour of the soldiers and commanders. The conclusions of the MPCID’s investigations should lead to a decision by the Central Command prosecutor, for the purpose of criminal or disciplinary prosecution, depending on the circumstances of the matter.*

## **Recommendations for Recording Complaints:**

- e. *The supervision and monitoring of complaints submitted at the DCOs should be improved to ensure that every complaint filed at a DCO reaches the relevant investigation unit.*
- f. *The Israeli West Bank patrol officers should be instructed to record complaints in the field in accordance with Section 2 of the Israeli National Headquarters Order 14(1)(1), rather than directing complainants to the police station, except for the completion of their testimony, as needed.*
- g. *Palestinian complainants who wish should have direct access to the investigation units in the Israeli district police stations based in the West Bank.*

## **Recommendations towards Improving Investigation Practices:**

- h. *Supervision of investigations in the West Bank should be tightened to ensure the completion of investigations into Israeli civilians assaulting Palestinians and their property. Files that are closed without prosecution should be transferred to the audit of a District Attorney office.*
- i. *The examination of files that document assault and other serious offenses should be carried out in the presence of a lawyer from a District Attorney office.*
- j. *Policemen who receive complaints and West Bank investigators should be instructed to write the testimonies of the complainants and witnesses in the language in which they were given.*
- k. *Policemen should strictly adhere to the use of live identification line-ups for the identification of suspects by complainants. The use of photo line-ups as a main and almost exclusive tool for the identification of suspects should be stopped.*
- l. *Coordination between the West Bank and the Israeli military regional divisions should be tightened to ensure military escorts to incident scenes shortly after the event.*

3. Israel should immediately halt all settlement activity, take measures to dismantle existing settlements, and begin the process of relocating its nationals inside the state's legally recognised borders, as per the 2004 ICJ ruling.
4. Israel should recognise that the construction of settlements represents a grave violation of the fundamental rights and liberties of the Palestinian people, including their right to self-determination.
5. Israel should uphold its legal obligations to the Palestinian population under occupation, in accordance with international humanitarian law and international human rights law.
6. The Israeli military must ensure that its soldiers serving in the West Bank carry out their duty to protect Palestinian civilians and not ill-treat or torture them.
7. Israel must ensure that all cases of soldier violence against civilians are thoroughly and impartially investigated and perpetrators are promptly brought to justice.<sup>152</sup>

## Take action

There are a number of ways you can take action to help DCI-Palestine advocate for the protection of children from soldier and settler violence:

### Use your elected representatives

Contact your elected representatives, wherever you are, and demand action, according to the abovementioned recommendations.

### Join our mailing list

Sign up to DCI-Palestine's mailing list and receive updates on the situation facing Palestinian children and Urgent Appeals regarding individual cases. Simply visit [www.dci-pal.org](http://www.dci-pal.org) and go to the mailing list tab.

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<sup>152</sup> Recommendations based on Yesh Din, see supra footnote 69.

## Visit our website

Visit the DCI-Palestine website to keep up-to-date with recent developments:

[www.dci-palestine.org](http://www.dci-palestine.org)

## Make a donation

If you would like to make a donation to support DCI-Palestine's work, you can either donate online through PayPal or make a bank transfer to our account. For instructions, please go to: <http://www.dci-pal.org/english/display.cfm?docid=1035&categoryid=16>.

For further information, please contact our financial department at [financialaffairs@dci-pal.org](mailto:financialaffairs@dci-pal.org) or 00972 22427530 ext. 123.

# H Annexes

## Annex 1: Settlements and Outposts in the West Bank

**Table 1: Population of all West Bank settlements (excluding East Jerusalem).**

	Settlement Name	Year Founded	Pop.		Settlement Name	Year Founded	Pop.
1	Adora	1984	248	31	Gilgal	1970	148
2	Ale Zahav	1982	772	32	Gittit	1973	214
3	Alfe Menashe	1993	6,164	33	Giv'at Ze'ev	1983	10,873
4	Allon Shevut	1970	3,291	34	Giv'on Hahadasha	1980	1,192
5	Almog	1977	188	35	Haggay	1984	545
6	Almon	1982	854	36	Hallamish	1977	956
7	Argaman	1968	170	37	Hamra	1971	119
8	Ari'el	1978	16,613	38	Har Adar	1986	2,743
9	Asfar	1983	263	39	Har Gillo	1972	462
10	Ateret	1981	438	40	Hasmona'im	1985	2,506
11	Avne Hefez	1990	1,328	41	Hebron		
12	Barqan	1981	1,267	42	Hermesh	1982	201
13	Beqa'ot	1972	175	43	Hinnanit	1981	811
14	Berakha	1983	1,275	44	Immanu'el	1983	2,775
15	Bet Aryeh	1981	3,606	45	Itamar	1984	750
16	Bet Ayin	1989	906	46	Karmel	1981	378
17	Bet El	1977	5,288	47	Karmi Zur	1984	729
18	Bet Haarava	1980	102	48	Kefar Adummim	1979	2,542
19	Bet Horon	1977	979	49	Kefar Ezyon	1967	455
20	Betar Illit	1985	32,182	50	Kefar Ha'oranim (Menora)	1998	2,028
21	Dolev	1983	1,154	51	Kefar Tappuah	1978	798
22	Efrata	1980	8,015	52	Kokhav Hashahar	1977	1,619
23	El'azar	1975	1,547	53	Kokhav Ya'aqov	1985	5,627
24	Eli	1984	2,625	54	Ma'ale Adummim	1975	33,019
25	Elon More	1979	1,322	55	Ma'ale Amos	1981	326
26	Elqana	1977	3,000	56	Ma'ale Efrayim	1970	1,377
27	Enav	1981	569				
28	Eshkolot	1982	229				
29	Ez Efrayim	1985	704				
30	Geva Binyamin	1984	3,574				

	Settlement Name	Year Founded	Pop.
57	Ma'ale Levona	1983	559
58	Ma'ale Mikhmas	1981	1,229
59	Ma'ale Shomeron	1980	577
60	Ma'on	1981	381
61	Massu'a	1970	136
62	Mattityahu	1981	1,371
63	Mehola	1968	357
64	Mekhora	1973	112
65	Mevo Dotan	1978	315
66	Mevo Horon	1970	1,169
67	Mezadot Yehuda	1983	474
68	Migdal Oz	1977	332
69	Migdalim	1983	139
70	Mizpe Shalem	1971	171
71	Mizpe Yeriho	1978	1,701
72	Modi'in Illit	1996	38,047
73	Na'ale	1988	710
74	Nahal Hemdat		163
75	Negohot		182
76	Nehali'el	1984	335
77	Netiv Hagedud	1976	114
78	Newe Daniyyel	1982	1,760
79	Nili	1981	912
80	Niran	1977	56
81	Nofim	1987	406
82	No'omi	1982	128
83	Noqedim	1982	828
84	Ofra	1975	2,664
85	Oranit	1985	5,987
86	Otni'el	1983	763
87	Pedu'el	1984	1,168
88	Pene Hever	1982	396
89	Pesagot	1981	1,545

	Settlement Name	Year Founded	Pop.
90	Peza'el	1975	217
91	Qalya	1968	274
92	Qarne Shomron	1978	6,439
93	Qedar	1985	801
94	Qedumim	1977	3,382
95	Qiryat Arba	1972	7,039
96	Qiryat Netafim	1983	479
97	Rehan	1977	158
98	Revava	1991	989
99	Rimmonim	1977	619
100	Roi	1976	126
101	Rosh Zurim	1969	470
102	Sal'it	1977	474
103	Sha'are Tiqwa	1983	3,931
104	Shadmot Mehola	1979	542
105	Shani	1989	417
106	Shaqed	1981	525
107	Shave Shomron	1977	650
108	Shilo	1979	2,171
109	Shim'a	1985	370
110	Suseya	1983	754
111	Talmon	1989	2,350
112	Telem	1982	192
113	Tene	1983	658
114	Teqoa	1977	1,455
115	Tomer	1978	290
116	Wered Yeriho	1980	190
117	Yafit	1980	111
118	Yaqir	1981	1,088
119	Yitav	1970	187
120	Yitzhar	1983	743
121	Zufin	1989	1,143
<b>Total</b>			<b>276,462</b>

Source: B'Tselem  
As of 31 December 2007

**Table 2: List of West Bank Outposts**

1. Adei Ad	35. Haresha	68. Mitzpeh Eshtamoa, or Shim'a North
2. Ahavat Haim	36. Haro'eh, or Eli 762	69. Mitzpeh Ha'ai
3. Ahiya	37. Hayovel	70. Mitzpeh Jericho Northeast
4. Alonei Shilo, or Nof Kaneh Farm	38. Heruti	71. Mitzpeh Kramim
5. Altitude 468, or Nofei Prat West.	39. Hill 26, or Karmeit Netanel	72. Mitzpeh Lachish
6. Amona	40. Hill 725	73. Mitzpeh Yair, or Magen David
7. Ancient Synagogue of Susya	41. Hill 777	74. Mitzpeh Yitzhar
8. Asa'el	42. Hill 782	75. Mor Farm
9. Avigail	43. Hill 836	76. Mul Nevo
10. Bat Ayin East	44. Hill 851	77. Neve Daniel North, or Sde Bo'az
11. Bat Ayin West	45. Horesh Yaron	78. Neve Erez
12. Beit El East	46. Ibei Hanahal	79. Nof Harim
13. Bnei Adam, Or Adam East	47. Jabel Aritis, or Alt. 909	80. Nof Nesher, or Lucifer Farm
14. Bracha A	48. Karmeit Doron, or Einav Northeast	81. Nofei Nehemia
15. Bruchin	49. Kfar Tapuah West	82. Ofra Northeast
16. Derech Ha'avot	50. Kida, or Adei Ad North	83. Old Massuot Yitzhak
17. Ein Prat	51. Kochav Yaakov East	85. Palgei Hamayim, or Hirbet A-Shuna
18. Elisha, or Tzofit [Pre-IDF Service Academy]	52. Kochav Yaakov West	86. Pnei Kedem
19. Elmatan	53. Lehavat Yitzhar	87. Ramat Gilad
20. Esh Kodesh	54. Maaleh Efraim [Pre-IDF Service Academy]	88. Rachelim South
21. Gilad Farm	55. Maaleh Hagit	89. Sde Bar Farm, or Kfar Eldad
22. Givat Assaf	56. Maaleh Israel	90. Sde Kalev, or Kiryat Arba South
23. Givat Hadagan	57. Maaleh Rehavam	91. Shalhevet Farm, or Yitzhar West
24. Givat Hadegei	58. Maaleh Shlomo	92. Skali's Farm, or Point 792
25. Givat Hahish	59. Maavar Michmash, or Migron South	93. Sneh Yaakov
26. Givat Harel	60. Magen Dan	94. Susya Northwest, or Rujum El Chamri
27. Givat Hatamar	61. Maon Farm, or Hill 833	95. Tekoa B And C
28. Givat Salit	62. Maoz Zvi	96. Tekoa D
29. Gva'ot Olam	63. Marom Ayalon, or Mevo Horon North	97. Tzur Shalem
30. Habayit Ha'adom, or Hada'at Farm	64. Mevo'ot Jericho	98. Yair Farm
31. Hahar	65. Migron	99. Yatir Southwest
32. Hakaron	66. Mishpatei Aretz, or Beit Hagdud [Yeshiva]	100. Zait Raanan
33. Hanekuda	67. Mitzpeh Danny	
34. Har Hemed		

## Annex 2: Settler Growth in the West Bank

**Table 3: Number of settlers in the West Bank (excluding East Jerusalem).<sup>153</sup>**

Year	Number of settlements	Population	Annual population Growth (by percentage)
1967	1	No figures available (NFA)	-
1968	3	NFA	-
1969	8	NFA	-
1970	10	NFA	-
1971	12	NFA	-
1972	14	NFA	-
1973	14	NFA	-
1974	14	NFA	-
1975	19	NFA	-
1976	20	3,200	-
1977	31	4,400	37.5
1978	39	7,400	68.1
1979	43	10,000	35.1
1980	53	12,500	25
1981	68	16,200	29.6
1982	73	12,500	8.6
1983	76	22,800	8.6
1984	102	35,300	25.2
1985	105	44,200	15.6
1986	110	51,100	13.3
1987	110	57,900	13.3
1988	110	63,600	9.8
1989	115	69,800	9.7
1990	118	78,600	12.6
1991	119	90,300	14.9
1992	120	100,500	11.3
1993	120	110,900	10.3
1994	120	122,700	10.6
1995	120	127,900	9.4
1996	121	139,974	8.8
1997	122	152,277	8.2
1998	123	164,800	7.6
1999	123	177,327	7.3
2000	123	190,206	7.2
2001	123	200,297	5.3
2002	123	211,416	5.5
2003	123	223,954	5.9
2004	123	235,263	5.0
2005	121	247,514	5.2
2006	121	261,879	5.8
2007	121	276,462	5.5
2008	121	290,400	5
2009	121	301,200	3.7

<sup>153</sup> Source B'Tselem. Provisional figures of the Central Bureau of Statistics (CBS), as of 30 September 2009. See [http://www.cbs.gov.il/population/new\\_2010/table1.pdf](http://www.cbs.gov.il/population/new_2010/table1.pdf), accessed 16 June 2010. See also Haim Levinson, "Civil Administration Report: Rate of Population Growth in 66% of Settlements Higher than in Israel," *Ha'aretz*, (2 February 2010). See also B'Tselem, *By Hook and by Crook: Israeli Settlements Policy in the West Bank*, (July 2010), available at [http://www.btselem.org/English/Publications/Summaries/201007\\_By\\_Hook\\_and\\_by\\_Crook.asp](http://www.btselem.org/English/Publications/Summaries/201007_By_Hook_and_by_Crook.asp). For the years 1967-1981, see Meron Benvenisti and Shlomo Khayat, *The West Bank and Gaza Atlas* (Jerusalem: West Bank Data Project, The Jerusalem Post, 1987), pp. 138-40.

### Annex 3: Settlements in East Jerusalem

Table 4: Settlements in East Jerusalem.<sup>154</sup>

Settlements		2003	2004	2005	2006	2007
1	Givaat Hamatos Har Homa	2,152	429	370	343	309
2	Har Homa		2,925	4,234	5,697	7,236
3	Gilo	27,425	27,309	27,258	27,173	27,087
4	French Hill	6,628	6,630	6,589	6,724	6,897
5	The Jewish Quarter	2,387	2,451	2,476	2,546	2,555
6	Maalot Daphna	3,664	3,647	3,675	3,765	3,735
7	Neve Yaacov	20,306	20,218	20,156	20,149	20,230
8	Pisgat Ze'ev	39,747	40,665	41,208	41,653	41,882
9	Ramot Alon	39,383	40,027	40,367	40,837	41,448
	Total: East Jerusalem	173,034	176,566	178,973	181,823	184,707

<sup>154</sup> Source: B'Tselem.

## Annex 4: List of Case Studies

Name, Age, Place of Residence	Date of Incident	Summary
Hebron		
<b>Case study 1</b> Jameel A. H. (16), Tel Rumeida	13 July 2009	Beaten and stoned by settlers from Ramat Yeshai settlement, located just fifteen metres from the gate to his house. Soldier collusion and brutality.
<b>Case study 2</b> Mu'atez A. H. (13), Tel Rumeida	2 Oct 2008	Assaulted by settlers who were stealing olives from their family land, a few meters from their home, near the Ramat Yeshai settlement.
<b>Case study 3</b> Razan K. (14), Tel Rumeida	4 Dec 2008	Assaulted by a group of settler women, resulting in a broken arm. The settlers were taking part in a demonstration and were being protected by several Israeli soldiers when they attacked the girl. Soldier collusion.
<b>Case study 4</b> Nabeel A. R. (14), al-Salaymeh	12 Dec 2009	Beaten by four settler youth (aged 15–16) from a settlement in the Old City of Hebron.
<b>Case study 5</b> Bilal D. (5) Wadi al-Nasara	8 Nov 2008	Injured in the head by a stone when settlers entered his grandfather's store in Wadi al-Nasara, Hebron City (H2) and started to break things.
<b>Case study 6</b> Mohammed Sanad D. (13), Wadi al-Nasara	31 Oct 2009	Beaten by four settlers from Kiryat Arba settlement, one of whom broke Mohammed's hand with a stick.
<b>Case study 7</b> Nijem J. (12), Abu Sneina neighbourhood	22 May 2008	Hit by a stone on his right wrist when a group of 10–15 settlers (aged 15–17) threw stones, iron rods and glass bottles at schoolchildren standing just outside the gate at al-Ibrahimiya Boy's School, Hebron City (H2).
<b>Case study 8</b> Hassan A. (15), al-Salaymeh	2 Aug 2008	Beaten by settlers with sticks; pushed off a roof onto another roof, three metres below, in the Old City of Hebron.

Name, Age, Place of Residence	Date of Incident	Summary
<b>Case study 9</b> Raghad M. (3), Wadi Al Hussein	26 Nov 2008	Hit and injured in the head by a stone-throwing settler (19) as she stood next to her mother on the front steps of their home. The girl's cousin, Basel M. (11) was injured by stone-throwing settlers on the same day in a separate incident in a nearby location. This incident took place in the context of violent settler attacks following the HCJ's ruling to evict the settlers who had illegally taken over the al-Rajabi family house, calling it the «House of Peace.»
<b>Case study 10</b> Basel F. (16) and Hamoudi M. (15), <sup>155</sup> Yatta	3 Apr 2009	Detained, beaten and tortured by Israeli border police; detained at checkpoint near the entrance to Suseya settlement, where a group of settlers threw stones at them.
<b>Case study 11</b> Nadia S. (15), Ali S. (11), Qais S. (9), Safa village	8 April 2009	Witnessed an attack on their village, Safa, during which time about 200 settlers from Bat Ayin settlement fired live ammunition, and were protected by a group of about 6 soldiers throwing tear gas canisters. Nadia (15), Ali (11) and Qais (9) recount how they feared for their lives. Children in the village were terrified and traumatised, but were not directly injured.
<b>Nablus</b>		
<b>Case study 12</b> Deeb Q. (15), Isa Q. (15), Mohammed I. (15), <sup>155</sup> Muhannad Q. (13), Abed Q., (15), 'Iraq Burin	24 Oct 2009	Attacked by settlers from Bracha settlement with stones thrown by hand and shot from slingshots, as they grazed goats. A fifth boy was injured by a tear gas canister fired by Israeli soldiers who came to disperse the confrontations that ensued between the settlers and villagers.
<b>Case study 13</b> Ameed Q. (17), 'Iraq Burin	9 Feb 2010	Shot in the backside by settlers from Bracha settlement while grazing sheep near his village.
<b>Case study 14</b> Hisham M. (6), Madiha M. (12), Kafr Qalil	10 Oct 2008	Attacked and injured by a group of about 15 stone-throwing settlers while picking olives with relatives on their family's land, near Bracha settlement.
<b>Case study 15</b> Iyad H. (17), 'Einabus	15 Sept 2009	Shot at and stoned by settlers from Yitzhar settlement, while grazing goats near his village; witnessed his adult friend being shot in the chest.

<sup>155</sup> Mohammed was killed 20 March 2010 by a live bullet to the chest fired by an Israeli soldier during a demonstration in his village of 'Iraq Burin, in which his family says he was not partaking.

Name, Age, Place of Residence	Date of Incident	Summary
<b>Case study 16</b> Mahmoud S. (15), Urif	24 April 2009	Shot in his right leg by a settler with an M16 from Yitzhar settlement, in a confrontation between a group of settlers, who approached the village of Urif and threw stones at a local secondary school, and a group of village youth, who threw stones back in an attempt to ward off the settlers. Soldiers arrived to disperse the confrontation using tear gas, sound bombs and rubber-coated steel bullets. Children were terrorised in their homes. Soldier bias, complicity and brutality.
<b>Salfit</b>		
<b>Case study 17</b> Yousef M. (16), Mohammed Q. (17), Qaryut	9 Jan 2009	Chased and shot at by settlers from Shilo settlement. Yousef was shot in his right arm. Both boys were arrested and detained for seven days by the military. Soldier bias and complicity
<b>Case study 18</b> Ra'fat D. (13), Deir Istiya	11 Dec 2009	Beaten by armed settlers from Immanu'el settlement. Settlers humiliated Ra'fat, his father and his cousin, and threatened to shoot them.
<b>Bethlehem</b>		
<b>Case study 19</b> Ali H. (15), Husan	9 Feb 2009	Shot by a settler on his way home from the grocery store from a nearby by-pass road leading to the Gush Etzion bloc exclusive to settlers and soldiers.
<b>The Special Case of Jerusalem</b>		
<b>Case study 1</b> Mohammed H. (8), Diala H. (13), Jana H. (16), Yacoub H. (16), Sheikh Jarrah	2 August 2009	Forcibly evicted from home by police. Police brought settlers to load furniture into trucks and throw it out onto the street. Settlers were allowed to occupy the house. Family members and solidarity workers beaten in the incident.
<b>Case study 2</b> Amna N. (16), Sheikh Jarrah	16 Jan 2010	Beaten by a group of settlers on the street between her home and the solidarity tent of evicted residents in Sheikh Jarrah. Soldier collusion.

<b>Case study 3</b> Mohammed A. (2½), Dua A. (6), Yousif A. (9), Haya (10), Rawan (13), and Ra'fat (14), Silwan	2 March 2009	Forcibly evicted from home, house demolished. Family had to live in tent for two days in the rain.
<b>Case study 4</b> Mohammad A. R. (5), Jihad A. R. (7), Hiba A. R. (9), Jihan A. R. (11), Noor A. R. (12), al-Bustan, Silwan	Ongoing	Family living under constant threat of eviction.
<b>Case study 5</b> Ameer F. (15), At-Tur	11 Sept 2009	Shot at point blank range in leg by settler outside Dung Gate, Silwan, Jerusalem. Delayed medical access. Soldier collusion.
<b>Case study 6</b> Isa Q. (10), Silwan	14 June 2009	Pushed and harassed by 3 settler children and 1 adult settler, which led to a fight between a large group of settlers and Isa's father and 2 uncles.

### Case studies not included in report

#### Hebron

Rabah Sidr (17), Bet Haggay settlement	17 April 2009	Fatally shot in mysterious circumstances. Found in Bet Haggay settlement with bullet wounds to the head, abdomen and limbs. The right side of his skull had been smashed in.
Amer S. <sup>156</sup> (15), Bani Naim	29 Dec 2008	Shot in left thigh by a settler while demonstrating against the settlers' confiscation of village land. As of April 2010, 15 months after his injury, he still feels occasional pain in his left leg from the bullet wound.
Al Zaatari family, al-Bweira	14 Nov 2009	Sharehan (16) filmed settlers throwing stones at her family home. The settlers came from temporary tents erected near the Kharsine settlement. Soldiers arrived and harassed her family, making them all, including small children, stand outside in the cold for over an hour, and forbidding them from making any phone calls. Soldier collusion and harassment.

<sup>156</sup> Not his real name

Basel M.(11), Wadi al-Hussein	26 Nov 2008	Hit and injured in the chest by stone-throwing settlers in the early evening as he walked from his house in Wadi al- Hussein, Old City of Hebron, to his grandfather's house, 30 metres away.
Raghad A. (10), Tel Rumeida	25 Oct 2008	Injured in her left knee when settlers threw a barrage of stones at her uncle's house. Raghad, as well as her cousin Yousef, were interviewed and included in DCI's first settler report. Their families are particularly vulnerable to attacks from settlers living in the Tel Rumeida settlement, in Hebron, that looms above their houses.
Sundous A. (14), Tel Rumeida	28 Oct 2008	Assaulted by a group of five settler children as she walked to the grocery store near her house in Tel Rumeida, Hebron, with her 10-year-old cousin.
Yousef A. (12), Tel Rumeida	3 Nov 2008	Ambushed by two settler teens as he walked to school through Tel Rumeida, Hebron. His hair was grabbed, he was punched in the neck, kicked repeatedly in the testicles, head-butted and verbally threatened and insulted. Yousef was interviewed and included in DCI's first settler report. His family is particularly vulnerable to settler attacks, which have become a routine part of their life.
Mahmoud B. (16), Wadi al-Nasara	4 July 2009	Beaten by five settlers from Kiryat Arba settlement; medical access delayed because of soldier negligence.
Basel D. (16), <sup>157</sup> At-Tabaqa village	23 March 2010	Arrested and detained by soldiers while studying at home. Ill-treated and tortured; soldiers allowed child settlers to beat him.
Ibrahim A.B. (16), Moataz A.B (16), on Hebron-Bethlehem Road, between Hebron, ar-Arrub Camp and Agricultural College	4 June 2010	Shot by settler who fired a number of times from his car. There had been no confrontations, clashes or tensions with police or settlers before the shooting.
Mohammad Yaser al-'Adra (11) and Basel Suleiman al-'Adra (13), At-Tuwani village, Yatta	3 June 2010	Intimidated and harassed by settlers who stole three of their goats as they were grazing them. Police intimidation when they tried to file a complaint.

157 For more information on this case see <http://www.dci-pal.org/english/display.cfm?DocId=1436&CategoryId=1>

Salfit		
Majd M. (13), Deir Istiya	9 Dec 2009	Beaten by settlers from Revava settlement. Subsequently arrested and detained for 5 days by the Israeli military. Fined NIS 1,000 in court.
Nablus		
Wafa A. (17), 'Asira al-Qibliya, Nablus	13 Sept 2008	Shot in the right hand by a live bullet, likely fired by a settler from Yitzhar settlement, during a settler raid on her village. The military were also present. She sustained nerve damage in her hand and cannot move her thumb and index finger as a result.
Mohammed F. (16), Madama, Nablus	27 April 2009	Shot in the back by an unidentified man (thought to be a settler) from a by-pass road, leading to Yitzhar settlement, as he picked almonds in a nearby field belonging to his family.
Ramallah		
Mohammed Shreiteh (17), al-Mazra'a al-Qibliya	3 Mar 2008	Fatally shot in the head by a settler while with a group of students who were throwing stones at a bypass road leading to Talmon settlement. The settler had been riding on a bus on the bypass road when he got out and opened fire on the students.
Aysar Zarrat (15), Along route 60 near Al Mazra'a ash Sharqiya	14 April 2010	Fatally shot in the head by a settler travelling along route 60 near Al Mazra'a ash Sharqiya, outside Ramallah. Aysar and a group of youth were throwing stones at settler cars in retaliation for settler harassment in their village the day before.
East Jerusalem		
Amal N. (17) Mahmoud N. (16), Ahmad N. (6), Ali N. (3 months), Mariam N. (2), Adam N. (7 months), Sur Baher	27 October 2009	House demolition.
Malek A.T. (8), Muna A.T. (5) and Tasneem A.T. (3), Beit Hanina	12 October 2009	House demolition.

Musa Z. (15), Qamar Z. (12), Mohammad Z. (7), Khaled Z. (3), Hasan Z. (1½), Silwan	Ongoing	Living under threat of demolition.
Khaled A.S. (17), Sumaira A.S. (16), Quteiba A.S. (13) and Meimouna A.S. (10), Silwan	Ongoing	Living under threat of demolition.

## Annex 5: Map of High Risk Areas in the West Bank<sup>158</sup>



<sup>158</sup> Source: OCHA Opt, available at [http://www.ochaopt.org/documents/ocha\\_opt\\_settler\\_violence\\_fact\\_sheet\\_2009\\_11\\_15\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_settler_violence_fact_sheet_2009_11_15_english.pdf)













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