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Israeli Settler Violence against Palestinians Intensifies as Israel's Settlement Enterprise Expands amidst a Climate of Institutionalized Impunity

Israeli settler violence against Palestinians is an ongoing, organized and worsening phenomenon, to ultimately drive them out of their lands and allow the advancement of Israel's settlement enterprise. Such attacks threaten the safety of Palestinians, and include killings, beatings, throwing stones, threats with live ammunition, torching agricultural lands, pillaging natural resources, denying access to sources of livelihood, and vandalizing properties.² On 14 April 2021, Special Procedures mandate holders addressed the surge of settler attacks in recent years, highlighting how 'settler violence was predominantly ideologically motivated and primarily designed to take over land but also to intimidate and terrorize Palestinians [...] to make the daily lives of Palestinians untenable.'³

Apartheid, Colonial Settlements, and Impunity as Root Causes of Settler Violence

Settler violence is the result of Israel's institutionalized regime of racial domination and oppression over the Palestinian people, exercised through the coercive environment aimed at forcibly displacing Palestinians and maintaining Jewish supremacy. Settler attacks are reinforced by Israel's systematic failure of law enforcement and institutional unwillingness to conduct effective investigations and prosecutions of offending settlers, depriving Palestinians effective

¹ Al Mezan Centre for Human Rights, Palestinian Centre for Human Rights, Human Rights & Democratic Participation Center "SHAMS", Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), Cairo Institute for Human Rights Studies, Women's Centre for Legal Aid and Counseling, Habitat International Coalition, Addameer Prisoner Support and Human Rights Association, DCI - Defense for Children International – Palestine, Jerusalem Legal Aid and Human Rights Center, Aldameer Association for Human Rights, Ramallah Center for Human Rights Studies, Hurryyat - Center for Defense of Liberties and Civil Rights, The Independent Commission for Human Rights (Ombudsman Office), Muwatin Institute for Democracy and Human Rights, The Civic Coalition for Palestinian Rights in Jerusalem, Community Action Center/Al-Quds University.

² Al-Haq, 'Urgent Appeal to the UN Special Procedures on Intensified Yitzhar Settler Violence' (17 February 2021) <<https://www.alhaq.org/advocacy/17913.html>>.

³ OHCHR, 'Israel/OPT: UN experts warn of rising levels of Israeli settler violence in a climate of Impunity' (14 April 2021) <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26991&LangID=E>>.

legal remedy for such attacks,⁴ thereby creating a climate of impunity. Although Israel, the Occupying Power, is obliged to ensure the wellbeing and safety of the protected population,⁵ Israeli Occupying Forces (IOF), often present during settler attacks, not only passively stand-by while Palestinians are attacked, but also actively attack Palestinians.⁶

Settler violence is also the direct result of Israel's settlement enterprise. With around 300 illegal settlements created, and more than 680,000 settlers illegally transferred,⁷ Israeli settlements have created multi-layered violations of Palestinian' rights, including land appropriation, fragmentation of Palestinian territory and society, and denying their inalienable right to self-determination, including permanent sovereignty over natural resources. The Israeli government has repeatedly expressed its unabated support to settlement advancement in the West Bank, including East Jerusalem,⁸ which renders it directly responsible for the harm caused by settler attacks. Moreover, settlers have been attacking Palestinians as means to pressure their government to allow settlement authorization and expansion.⁹

Recent Alarming Instances of Settler Attacks

Palestinians have been systematically targeted by settlers with rising intensity. The year 2021 witnessed alarming levels and forms of settler violence, heightened in light of Israeli violent repression against Palestinians during the Unity Uprising, and attacks carried out as part of settlers' price tag policy.

During the Unity Uprising in May, settlers marched in Jerusalem chanting 'death to Arabs', harassing and attacking Palestinians, buses and homes with rocks.¹⁰ In Sheikh Jarrah neighborhood, under threat of displacement, settlers, some of them armed, provoked Palestinian sit-ins including by spraying pepper gas and opening fire at Palestinians, under the protection of the IOF.¹¹ The IOF allowed Israeli settlers coming from the West Bank entry into Israel to attack Palestinians under their protection.¹² On 10 May 2021, Palestinian citizen of Israel from al-Lydd,

⁴ Article 2(3) of the ICCPR (16 December 1966), 999 UNTS 171.

⁵ JS Pictet, Commentary: Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, ICRC, Geneva, 1958, pp. 274-283; Article 43, the 1907 Hague Regulations.

⁶ See n. 1.

⁷ OHCHR, 'Israeli settlements should be classified as war crimes, says UN expert' (9 July 2021) <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27291&LangID=E>>.

⁸ Said Amouri, 'Israel's Bennett says his government will back settlement activity' (AA, 13 June 2021) <<https://www.aa.com.tr/en/middle-east/israels-bennett-says-his-government-will-back-settlement-activity/2272501>>.

⁹ Oren Ziv, 'An evacuated settlement becomes a symbol of Jewish extremism' (+972 Magazine, 3 January 2022) <<https://www.972mag.com/homesh-outpost-burqa-settlers/>>.

¹⁰ Yumma Patel, 'Israeli Mobs Chant 'Death to Arabs' in Night of Violence in Jerusalem,' (Mondoweiss, 23 April 2021) <<https://mondoweiss.net/2021/04/israeli-mobs-chant-death-to-arabs-in-night-of-violence-in-jerusalem/>>.

¹¹ Al-Haq, 'Urgent Appeal to the UN Special Procedures on Israel's Intensified Attacks Against Palestinians' (12 May 2021).

¹² Oren Ziv, 'How Israeli police are colluding with settlers against Palestinian citizens' (+972 Magazine, 13 May 2021) <<https://www.972mag.com/israel-police-settlers-lyd/>>.

Mousa Hassouna, 32, was killed by an Israeli settler during a protest.¹³ Israeli police arrested four suspected settlers, all of whom were released on bail on 13 May 2021.¹⁴

Taking advantage of this violent repression of Palestinians, on 3 May 2021, settlers established Evyatar colonial outpost on Sbeih Mountain, southeast of Nablus.¹⁵ Instead of dismantling it, the IOF violently repressed Palestinians, protesting the outpost, killing eight, and injuring 4508.¹⁶ In the South Hebron Hills, settlers attacked Khirbet Al-Mufaqqarah community in September 2021, injuring dozens of Palestinians, including a 4-year-old boy in the head, while the IOF fired teargas and stun grenades at Palestinians.¹⁷

Moreover, settlers often intensify their acts of violence against Palestinians in retaliation, as part of their price tag policy. Since the killing of settler Yehuda Dimentman by allegedly two Palestinians on 16 December 2021,¹⁸ attacks against Palestinians, especially in villages surrounding Nablus, have spiked, including physical attacks on Palestinians, their homes, vehicles, and cemeteries. In retaliation, settlers blocked parts of Nablus-Ramallah Road and attacked passing Palestinian cars, including Asem Khudair, who explained:

*'As I was driving back home to Ramallah from Nablus, I saw around 20 Israeli settlers, who were carrying stones and wooden sticks. They started throwing stones at the left side of the vehicle, breaking the left rear door glass. Then, they surrounded my car. I panicked and saw death approaching me. I continued driving and moved past the settlers. There were another 10 settlers who threw stones at my vehicle and other Palestinian vehicles. As soon as I passed by the roadblock, I saw a settler in his forties. He was carrying a large stone in both hands, and hit it on the windshield. Glass shattered inside the vehicle and hit my chest, face and body. Repairing the damages will cost me 3000 Israeli shekels. After this incident, I was unable to walk.'*¹⁹

The following days, tens of settlers raided Burqa and Qaryout villages, indiscriminately opened fire on its residents, and torched Palestinian property, leaving many injured, and their homes damaged.²⁰ Price tag attacks continued on 23 December 2021, when some 10,000

¹³ Adalah, 'Adalah demands cancellation of civil emergency declaration in Lydd' (16 May 2021) <<https://www.adalah.org/en/content/view/10326>>.

¹⁴ The Times of Israel, '4 Jewish Suspects Held Over Fatal Shooting of Arab in Lod are Released on Bail' (13 May 2021) <<https://www.timesofisrael.com/4-jewish-suspects-held-over-fatal-shooting-of-arab-in-lod-are-released-on-bail/>>.

¹⁵ Al-Haq, 'Joint Urgent Appeal to UN Special Procedures on Israeli Suppression of Palestinian Resistance at Jabal Sbeih against Settlement Expansion' (6 November 2021) <<https://www.alhaq.org/advocacy/19173.html>>.

¹⁶ Numbers until 29 October 2021, see n. 14.

¹⁷ Al-Haq Affidavit 370/A, taken on 29 September 2021, Rawda Fihmi Raba'i, 32, resident of al-Tuwaneh, Dura.

¹⁸ Aljazeera, 'Israeli settlers attack village in occupied West Bank' (24 December 2021) <<https://www.aljazeera.com/news/2021/12/24/israeli-settlers-attack-village-in-occupied-west-bank>>.

¹⁹ Al-Haq Affidavit 568/A, taken on 20 December 2021, Asem Shawkat Khair, 31, resident of Ramallah.

²⁰ MEM, 'Occupied West Bank witnesses painful wave of Israel's settler attacks' (18 December 2021) <<https://www.middleeastmonitor.com/20211218-occupied-west-bank-witnesses-painful-wave-of-israels-settler-att>>.

settlers marched near Homesh settlement,²¹ north of Burqa village, under IOF protection, who in turn closed Burqa entrances and deployed tear gas and rubber-coated bullets against Palestinians.²² Later, settlers raided Burqa village, threw stones at Palestinian houses, assaulting residents, and smashing tombstones. One of the attacked residents recalled:

*'Settlers always attack us and our properties, but this is the first time that settlers have dared to reach a residential area in the middle of the village [Burqa], by attacking our home and other residents' homes.'*²³

On 5 January 2022, a privately contracted Israeli settler driving a police truck ran over Suleiman Al-Hathalin, 66, a Palestinian resistance icon from Umm al-Khair village in the South Hebron Hills, dragging Al-Hathalin under the truck for at least seven meters, which might amount to the crime of willful killing. Al-Hathalin succumbed to his wounds on 17 January 2022.²⁴

Recommendations:

Accordingly, we call on Member States to:

1. Recognize settler violence exercised in coercive environment as means to maintain Israel's apartheid regime over the Palestinian people as a whole;
2. Call on Israel to dismantle all existing settlements and their infrastructure and withdraw Israeli settlers, and guarantee the protection of Palestinians, including by guaranteeing Israel's genuine law enforcement and investigation into settler violence, and affording victims access to justice and effective remedies;
3. Take immediate action against Israel's settlement enterprise, including by imposing sanctions on Israel, instituting a ban on settlement imports and supporting the UN Database of business enterprises involved with settlements;
4. Cooperate with the commission of inquiry to investigate the underlying root causes of systematic discrimination and repression in historic Palestine and ensure its sufficient funding;
5. Support the investigation of the International Criminal Court into the Situation in Palestine, including into the commission of the crime of apartheid.

[acks/>](https://english.wafa.ps/Pages/Details/127237); Wafa, 'Israeli settlers leave several villagers wounded, fractured south of Nablus' (17 December 2021) <<https://english.wafa.ps/Pages/Details/127237>>.

²¹ Hagar Shezaf, 'Palestinians Attacked After Pro-settler March in West Bank' (23 December 2021) <<https://www.haaretz.com/israel-news/.premium-thousands-march-near-west-bank-outpost-against-plans-to-demolish-yeshiva-1.10489989?lts=1641306526480>>.

²² AlJazeera, 'Israeli settlers attack village in occupied West Bank' (24 December 2021) <<https://www.aljazeera.com/news/2021/12/24/israeli-settlers-attack-village-in-occupied-west-bank>>.

²³ Al-Haq Affidavit 579/A, taken on 29 December 2021, Arafat Mohammad Salah, 56, resident of Burqa, Nablus.

²⁴ Al-Haq's documentation.

