



SETTLER VIOLENCE: AN ARMED WING OF SETTLEMENT EXPANSION IN THE OCCUPIED PALESTINIAN TERRITORY

FACT SHEET - MAY 2016



NATURE, TREND AND IMPACTS OF SETTLER VIOLENCE

For over ten years, Médecins du Monde France and Première Urgence Internationale have been intervening in the Northern West Bank, in the occupied Palestinian Territory, to mitigate the impacts of settlers' attacks against Palestinian communities.

Settlers' assaults against Palestinian communities take a variety of forms from intimidation to physical assault, stone throwing or destruction of property, trees, or crops. They tend to be repetitive, leading to a constant harassment of Palestinian communities or targeted houses. Some of them known as "price tag attacks" are more punctual and respond to actions or policies that settlers interpret as going against their interest (such as the dismantlement of an illegal outpost).

The phenomenon of settler violence has increased in the last decade. Between 2006 and 2012 only, settlers' attacks have almost quadrupled¹. In 2014, OCHA recorded 324 incidents targeting Palestinians, i.e an average of more than 6 attacks per week. The attacks have also increased in their intensity, leading to a triple murder in July 2015 in the arson of the Dawabsheh house in Duma, which has been internationally condemned.

A significant number of cases of settler violence are related to settlement outposts, creating a "circle of fear" where Palestinians do not dare to come anymore to the

areas where settlements are developing. This element illustrates how violence leads to a greater control over the territory and the expansion of existing settlements.

Settler violence against Palestinians remains largely unchecked, without adequate protection from Israeli authorities, and with virtually no accountability for the perpetrators. Israeli security forces, including police, usually refrain from intervening to prevent settler violence. Moreover, Palestinians have virtually no chance to see justice done since practically, only 1.9 % of complaints submitted by Palestinians against settlers' attacks result in a conviction.

Settlers' attacks can negatively affect the overall economic situation of Palestinians and their livelihood when they consist of preventing and/or restricting their access to natural resources (particularly land, grazing land and water), or target animals, fields, houses, farms or olive trees. In 2013 alone, OCHA recorded 10,672 vandalized olive trees by settlers and 9,390 for 2014². The olive oil industry in the oPt makes up to 25% of the agricultural income of the West Bank, which supports approximately 100,000 families.

The context of violence also has an impact on the psychosocial well-being and the mental health of the populations, even when they are not directly involved in critical incidents. Acute stress seems to be the norm. Victims can suffer from anxiety, sleep disorders or regression in academic progresses (for children). Since incidents are happening continuously, the communities can't find emotional balance. The Duma arson has worsened the situation

because of the severity of the attack and its consequences (three people were killed, burnt in their sleep). The event had unprecedented psychosocial impacts, going far beyond the village of Duma.

KEY TERMS

SETTLEMENT:

Israeli community established in the occupied Palestinian territory, illegal under international law.

OUTPOST:

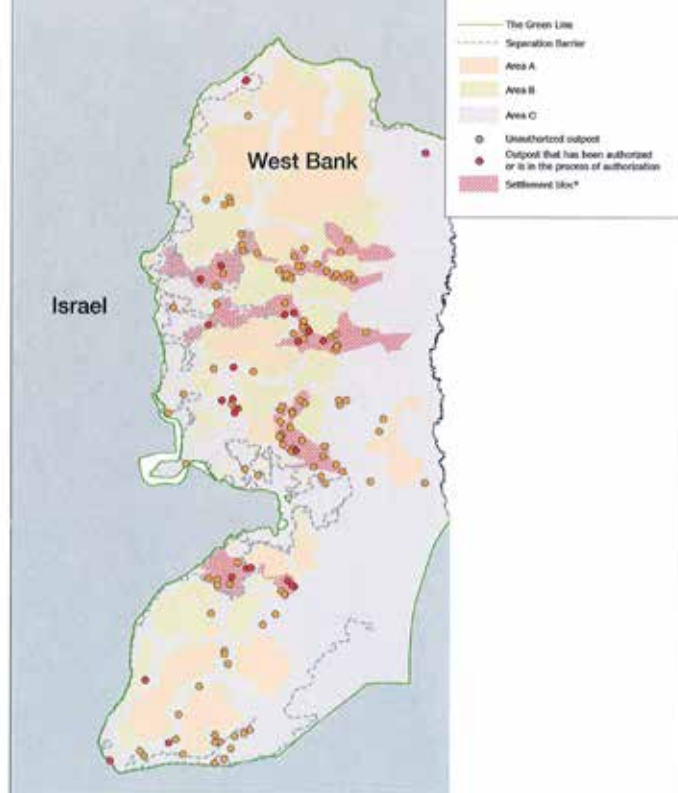
settlement built without permission from the Israeli government.

SETTLER:

inhabitant of a settlement or an outpost. Today there are more than 500,000 settlers in the West Bank and East Jerusalem.

¹ <http://www.independent.co.uk/news/world/middle-east/israeli-settler-attacks-on-palestinians-quadruple-says-un-9062456.html>

² Source: Médecins du Monde: <http://mdm-me.org/wp-content/uploads/2014/11/FACTSHEET-EN-8-10.pdf>



*Indication of the settlement blocs is for illustration only

BEYOND A SUCCESSION OF CRIMINAL ACTS: SETTLER VIOLENCE IN LIGHT OF INTERNATIONAL LAW

According to the Geneva Convention (IV), an occupying power has the duty to protect civilians in an occupied territory, referred to as “protected persons”. If States are not necessarily responsible for the acts of private individuals, they must prevent human rights violations and investigate, punish and ensure an effective remedy for such violations. The failure of Israeli authorities to ensure the protection of Palestinians against settlers’ attacks, or to ensure fair investigation and prosecutions in cases of complaints by Palestinians victims of settler violence represent a breach of these obligations as an occupying power and a party to the international Conventions stating these duties.

Settler violence has to be connected to the context of settlement expansion as a tool to extend settlers’ control over the territory. Israeli settlements in the West Bank are a violation of the Geneva Convention

(IV) that prohibit the transfer of civilian populations in an occupied territory, and settler violence is thus intrinsically linked to this violation that has been listed as a war crime under Article 8(2)(b)(viii) of the Statute of the International Criminal Court.

Finally, the loss of livelihood and the psychosocial impacts of harassment and violence by settlers surrounding Palestinian villages bear a risk of “forced displacement” of Palestinians from their land, when their living conditions become unbearable. Forced displacement is a grave breach of the Geneva Conventions. The international community has already raised concerns about actual displacements or risks of displacements caused by relocation plans or demolitions. Unfortunately, to this date, there is no systematic monitoring of the role of settlers’ violence and harassment in potential displacements of Palestinian families, beyond area C.

CONCLUSION

Settlers’ violence appears to be a succession of individual criminal acts that are not being properly investigated and brought to justice, but should also be viewed within a trend of settlement expansion and displacement of Palestinian populations, a policy in violation of international humanitarian law that compromises all possibilities of reaching a durable peace agreement between Israelis and Palestinians.

The perpetrators of these attacks should be held individually accountable, as they are personally liable for the crimes they commit.

The State of Israel should be held accountable for failing in its duty to protect human rights and respect international law in its territory and in the territory it occupies.

Third States are responsible for the respect of international law and human rights. Many of them have repeatedly raised concerns or condemned Israeli violations, with few results. Yet, international pressure can have an impact as the case of Duma shows – perpetrators were probably arrested thanks to international pressure and media attention. But it should not be limited to the most horrific cases and be methodical enough to tackle an issue that has proven to be systematic.

TESTIMONIES FROM THE NORTHERN WEST BANK

"I have never stopped thinking of leaving my home, for the sake of my children" (Nour³, mother of 4 children, Burin)

"Nisreen's family lives in a house that is located on the opposite side of the main entrance to the town in area B. It is the only Palestinian house located in that spot, which turned it into a soft target for settlers' attacks almost on a daily basis because settlers drive on the road adjacent to the house day and night."

The most destructive assault on the farm was on 3th April 2013 when settlers attacked the farm with arson substances and cocktail bombs. They also burned the family's farm vehicle and vandalized tools. "Since then, every member of the family feels afraid to go there...the risk is becoming more serious with every passing day, especially after the attack of Duma" (Ali, Madama)

"Sometimes they come twice a night attacking us with stones and

gunfire, and last year they hurdled a cocktail bomb...they smash windows, vandalize our cars, and terrify our children." (Ahmad, Jalud)

RECOMMENDATIONS

Third States, and particularly the EU and France, as privileged partners of Israel (EU-Israel Association Agreement, political dialogue) should:

- Continue to systematically condemn settlers' violence.
- Request periodic reports on the investigations and indictments related to settlers' attacks against Palestinians.
- Pressure the Israeli government to undertake measures to prevent crimes against Palestinians.
- Pressure the Israeli government to improve the awareness of the ISF regarding its duty to protect Palestinians in the occupied territory.
- Explore measures to ensure that their own citizens are not involved in any kind of violence against Palestinians.
- Undertake discussions with Israel to generally improve police and judicial cooperation on the cases of violent settlers.

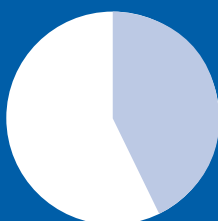
- Continue to call for the freezing of settlement expansion and the immediate dismantling of outposts.
- Request that Israel provide data about the most violent outposts and pressure Israel to dismantle them as a priority.
- Engage in a monitoring of displacement caused by settlers' violence, or support agencies to conduct this systematic monitoring.
- Consider more drastic diplomatic steps in case that despite all of the above, no progress is demonstrated in the fight against settlers' violence.



³ For confidentiality reasons, all the names have been changed

2015

130
Incidents leading to property/land damages



96
Incidents leading to casualties

1,9 % of complaints submitted by Palestinians against settlers' attacks result in a conviction.

x4 Between 2006 and 2012 only, settlers' attacks have almost quadrupled

More than one attack per week only in MdM and PUI communities of intervention

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