



Defence for Children International  
Palestine Section

# Under Attack:

Settler Violence against Palestinian  
Children in the Occupied Territory

November 2008

*Defence for Children International - Palestine Section (DCI/PS) 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/PS was established in 1992, and is dedicated to promoting and protecting the rights of Palestinian children in accordance with the United Nations Convention on the Rights of the Child (UNCRC), as well as other international, regional and local standards.*

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## Executive Summary

Since 1967, the Israeli government has supported the construction of settlements in the Occupied Territory and encouraged the relocation of Jewish nationals to those settlements in violation of international law. In 2006, there were 132 settlements and 102 unauthorised outposts housing a settler population of more than 450,000 on Palestinian land in the West Bank, including East Jerusalem. Of these total figures, ten official settlements and more than 40 per cent of the settler population could be found in East Jerusalem alone. Today, estimates place the settler population from anywhere between 480,000– 550,000 as the settler population grows at almost double the rate of the Israeli population.

The expansion of settlements and a growing settler population, emboldened by weak law enforcement by Israel authorities, has brought an increase in violent attacks against surrounding Palestinian communities. Since the start of the second *Intifada* in September 2000, the incidence of settler attacks against Palestinians has risen steadily. In 2007, the UN Office for the Coordination of Humanitarian Affairs (OCHA) documented a 20 per cent increase in reported cases of settler violence resulting in death or injury to Palestinians in comparison to the previous year. In the first five months of 2008 alone, OCHA documented 42 cases of settler attacks compared to 76 cases for all of 2007. From the beginning of January 2008 to the end of September 2008, OCHA documented 19 cases of child injuries and one child fatality as a direct result of settler attacks.

The Israeli military and police have consistently failed to prevent settler attacks and to take adequate law enforcement measures to hold perpetrators accountable for their crimes. Palestinians who fall victim to such attacks are hesitant to file complaints because they lack confidence in a law enforcement system that affords them little protection and allows settlers to act with impunity. Palestinians face several bureaucratic and physical obstacles when trying to file complaints with Israeli authorities and risk exposing themselves to reprisal attacks from settlers and harassment and abuse at the hands of Israeli law enforcement officials.

When Palestinians do lodge formal complaints of settler attacks, Israeli law enforcement officials fail to impartially and thoroughly investigate cases. The Israeli human rights group Yesh Din reports that cases are often closed despite evidence indicating insufficient investigations took place and even in cases when there is sufficient evidence for an indictment. In fact, in 2007 Yesh Din reported that 85 per cent of assault cases were closed without indictments.

Throughout 2007 and the first half of 2008, Defence for Children International - Palestine Section (DCI/PS) directly investigated nine separate incidents of settler attacks resulting in injuries to 12 Palestinian children. Included among them are five beatings, two shootings and two stone-throwing incidents. Five attacks took place in the Nablus Governorate and one in the Hebron Governorate where settler attacks are particularly widespread. Four attacks occurred while children grazed animals or collected fruit and wood from their family's land while one attack took place as schoolchildren walked to school.

This report is based on evidence gathered by DCI/PS from the period January 2007 – June 2008 and is limited to settler attacks on Palestinian children in the Israeli-occupied West Bank, including East Jerusalem.

## Introduction

*In late November 2007, 7-year-old Wasim from Beit Imrin, north of Nablus, was riding in a van with his mother Mervat, brother Hassan (9), sister Assel (3) and several other relatives heading north to 'Ajja for a family visit. As the van approached the evacuated settlement of Homesh, Wasim's mother reported seeing a group of about 30 settlers approaching from the hillside throwing stones. The settlers, who were mostly teenagers, surrounded the van, pummelling it with stones until all the windows were smashed. Inside the van, the women hid the children on the floor for their safety. Wasim was seated in the front passenger seat next to the driver, a male relative. Before his relative could pass Wasim back to his mother, a stone crashed through the van's front window and struck him in the head. The attack lasted approximately 20 minutes and left all the passengers in the van, especially the children, terrified. Fortunately, Wasim did not suffer any fractures to his head. Following this attack however, Wasim's mother reported he had problems with bed-wetting and was afraid to leave the house at night.*

Wasim's story is troubling, but it is not exceptional. For Palestinian children living in the midst of settlements in the Occupied Territory, settler violence ranging from verbal harassment and intimidation to physical attacks takes place almost daily but is rarely reported to Israeli authorities. This is because Palestinians are fearful of reprisals and lack confidence in a law enforcement system that does not hold settlers accountable for their crimes. Despite the illegality of settlements under international law, Israel presses on unabated with its policy of settlement-building activity on occupied Palestinian lands. As a result, Palestinian children have become increasingly exposed to violent settler attacks while going about their most basic daily activities, including going to school and playing outdoors.

Since the occupation of the West Bank, including East Jerusalem, and the Gaza Strip in 1967, successive Israeli governments have supported a policy of settlement building in the Occupied Territory in violation of international law. Today, more than 462,000 settlers live on occupied Palestinian land, of which 41 per cent live in East Jerusalem alone.<sup>1</sup> This figure represents about 20 per cent of the total Palestinian population living in the West Bank, including East Jerusalem.<sup>2</sup> Despite Israel's dismantling of settlements in the Gaza Strip and the evacuation of several settlements in the West Bank in 2005, 121 official

<sup>1</sup> B'Tselem, *Land Expropriation and Settlements – Statistics, 2007*. Figures based on Israel's Central Bureau of Statistics as of September 2007. See <http://www.btselem.org/english/Settlements/Statistics.asp>.

<sup>2</sup> As of 1 December 2007, the Palestinian population of the West Bank, including East Jerusalem, totaled 2,350,583 people. See Palestinian Central Bureau of Statistics, *2007 Census Final Results in the West Bank, Population and Housing (English Summary)*, August 2008. [http://www.pcbs.gov.ps/Portals/\\_PCBS/Downloads/book1487.pdf](http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1487.pdf).

settlements and 102 unauthorised outposts remained in the West Bank<sup>3</sup> in 2006, with an additional 10 settlements in East Jerusalem.<sup>4</sup> Many of the families who were evacuated from Gaza in 2005 relocated to the Jordan Valley where the Israeli government recently approved plans to create a new settlement called Maskiot, ending a nine-year moratorium on the building of new settlements.<sup>5</sup> During the 1990s, inclusive of the Oslo peace years, the annual growth rate of the settlement population peaked at seven to nine per cent,<sup>6</sup> effectively doubling the settler population over the course of the decade.

Israel has failed to respect its own commitments under the U.S.-sponsored Road Map of 2003 to halt settlement building and evacuate outposts set up since March 2001. Despite the Israeli government's renewed pledge to freeze settlement-building activity in advance of the recent Annapolis peace summit, in the first six months of 2008 alone Israel oversaw the expansion of settlements in the West Bank and East Jerusalem at a faster rate than in the previous seven years and revived previously shelved plans for the Maskiot settlement in the Jordan Valley.<sup>7</sup> This fact is highlighted in Peace Now's latest report which finds that between January–May 2008 the number of tenders for new housing construction in the West Bank settlements increased by 550 per cent whereas in East Jerusalem alone, there was a 38-fold increase in tenders for new housing construction over the same period in the previous year.<sup>8</sup>

Israel's illegal settlement-building activity, whether motivated by religious ideology or strict political aims, violates the Palestinians' inalienable right to self-determination and stands as one of the biggest obstacles to peace. The expansion of settlements and growth of the settler population has brought a concurrent increase in settler violence against surrounding Palestinian



*Less than five miles from Jerusalem, Ma'ale Adumim is among the largest settlements in the West Bank with a population approaching 35,000 residents.*

Photo Credit: Foundation for Middle East Peace

<sup>3</sup> Peace Now, June 2006.

<sup>4</sup> B'Tselem, "Settlement Population (spreadsheet) as of 12/31/2006" (hereafter B'Tselem, "Settlement Population"). See <http://www.btselem.org/english/Settlements/Index.asp>.

<sup>5</sup> Rory McCarthy, *Middle East: Israel plans new West Bank Settlement*, Guardian, 24 July 2008. See <http://www.guardian.co.uk/world/2008/jul/24/israelandthepalestinians.middleeast1>.

<sup>6</sup> Peace Now, June 2006.

<sup>7</sup> Amnesty International, *Israel and the Occupied Palestinian Territories: Submission to the UN Universal Periodic Review, Third Session of the UPR Working Group of the Human Rights Council*. July 2008, p. 4. See also Human Rights Watch, "Israel: Stop Plans for New West Bank Settlement", 6 August 2008 (hereafter Human Rights Watch, August 2008) <http://hrw.org/english/docs/2008/08/05/israb19542.htm>.

<sup>8</sup> Peace Now, *Israel is Eliminating the Green Line and Continuing to Build in the Isolated Settlements*, August 2008, p.1.

communities. Most recently, the Israeli human rights group B'Tselem reported an escalation in settler violence which peaked in early August 2008.<sup>9</sup> Statistics from the UN Office for the Coordination of Humanitarian Affairs (OCHA) support this finding, indicating a 46 per cent increase in reports of settler violence in July 2008 compared with the previous month.

Throughout 2007 and the first half of 2008, DCI/PS documented nine separate incidents of settler attacks, resulting in injuries to 12 Palestinian children. The vast majority of these incidents, which included shootings, beatings and stone-throwing, took place in the Hebron and Nablus Governorates where settler violence is particularly rife.

This report is based on data gathered by DCI/PS from the period January 2007 – June 2008. With the completion of Israel's dismantling and evacuation of 21 settlements in Gaza in 2005, there no longer remains an Israeli settler population in the Gaza Strip. As a result, no incidents of settler violence have been reported from the Gaza Strip since that time. Therefore, this report is limited to the geographic region of the Israeli-occupied West Bank, including East Jerusalem.

### **Growth in Settler Population in the Occupied Palestinian Territory, 1972 -2007:**

Year	West Bank	East Jerusalem	Gaza	Total
1972	1,182	8,649	700	10,531
1983	22,800	76,095	900	99,795
1993	111,600	152,800	4,800	269,200
2003	224,669	178,601	7,556	410,826
2007	271,400*	191,000*	0	462,400

Source: Foundation for Middle East Peace, data from Israel's Central Bureau of Statistics, *Statistical Abstract of Israel, 1992 - 2006, List of Localities, the Populations, and Symbols, 1995 - 2005. Statistical Yearbook of Jerusalem, Jerusalem Institute for Israel Studies, 1991 - 2004.*

\*B'Tselem, estimates for 2007, based on Israel's Central Bureau of Statistics. See <http://www.btselem.org/english/Settlements/Statistics.asp>

<sup>9</sup> B'Tselem. "Settler Violence, 7 August '08: Increase in settler violence." See [http://www.btselem.org/English/Settler\\_Violence/20080807\\_Surge\\_in\\_settler\\_violence.asp](http://www.btselem.org/English/Settler_Violence/20080807_Surge_in_settler_violence.asp).

# Settlements and International Law

The West Bank, including East Jerusalem, is under Israeli occupation and as such, international humanitarian law governs the legal obligations of Israel towards the population of the Occupied Territory. Israeli settlements on occupied Palestinian lands stand in direct violation of international law, including international humanitarian law and international human rights law, numerous UN Security Council Resolutions, and Israel's own Road Map commitments. Despite these established facts, there is very little international pressure on Israel to fulfil its duty to halt settlement construction and dismantle existing settlements.

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

- Art. 49, Fourth Geneva Convention

Furthermore, the inability of the Israeli military and police to enforce the law against settlers who willfully commit violent acts against the Palestinian population in the Occupied Territory further underscores Israel's failure to fulfil its basic international humanitarian law obligations and creates an atmosphere of lawlessness in the Occupied Territory in which settlers attack Palestinians with impunity.

## Transfer of Nationals to Occupied Territory

As defined by international humanitarian law, military occupation is meant to be temporary in nature.<sup>10</sup> As such, the Occupying Power is prohibited from transferring its civilians to the territory that it occupies (Article 49, Fourth Geneva Convention) or from making permanent changes in the Occupied Territory that do not benefit the local population (Article 55, Hague Regulations).<sup>11</sup>

*“...All measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and... Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention.”*

- UN Security Council Resolution 465,  
1 March 1980

<sup>10</sup> As embodied in The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) of 12 August 1949, The Hague Convention (IV) respecting the Laws and Customs of War on Land (Hague Convention) and its annexed Regulations respecting the Laws and Customs of War on Land (Hague Regulations) of 18 October 1907, and customary international law as applied to situations of military occupation. Israel is a High Contracting Party to the Fourth Geneva Convention and accepts the provisions of the Hague Convention and its annexed Regulations as customary law.

<sup>11</sup> For full discussion, see B'Tselem, *Israeli Settlement in the Occupied Territories as a Violation of Human Rights: Legal and Conceptual Aspects*, March 1997 (hereafter B'Tselem, March 1997).

This prohibition on transfer of civilians is meant to prevent the Occupying Power from colonizing the territory under its occupation.<sup>12</sup> Since 1967, the Israeli government has failed to uphold its international law obligations by not only actively supporting every aspect of the establishment of settlements, but also by offering generous economic incentives to encourage its citizens to move to them.

## Seizure of Private Property

International humanitarian law forbids the Occupying Power from seizing or destroying private property on occupied land except when justified by military necessity.<sup>13</sup> Between 1967 and 1979, the Israeli government invoked national security concerns to justify the requisition of Palestinian land for the establishment of settlements in the Occupied Territory.<sup>14</sup> Throughout the 1970s, Palestinians repeatedly failed in challenging this practice before the Israeli High Court of Justice (HCJ), which in the cases of Pithat Rafah (1972) and Beit El (1978) upheld that private land could be seized for settlement building provided the settlements served a military purpose, were temporary in nature, and the government provided compensation for the land.<sup>15</sup> In 1979 however, this practice came to an end when for the first time the HCJ ruled a settlement to be unlawful on the basis that it was intended to be permanently established on ideological grounds rather than a temporary settlement justified by national security interests.<sup>16</sup>

Following the HCJ's ruling in 1979, the Israeli government initiated a policy whereby privately owned land was proclaimed to be state land on which settlements could be constructed. This policy, which placed an unfair burden on Palestinians to prove private ownership whenever the question of property rights arose, resulted in Israel's further expropriation of 35 per cent of the land of the West Bank for settlement expansion, with the full backing of the Court.<sup>17</sup> The practice however violates Article 55 of the Hague Regulations, which limits the use of public lands by the Occupying Power and renders the building of whole towns and communities unlawful.<sup>18</sup>

<sup>12</sup> Jean S. Pictet (ed.), *Commentary: Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (Geneva: International Committee of the Red Cross, 1958), p. 283. See also B'Tselem, March 1997.

<sup>13</sup> Harvard Program on Humanitarian Policy and Conflict Research, *The Legal Status of Israeli Settlements Under IHL*, Policy Brief, June 2004, p. 4 (hereafter Harvard, June 2004). In accordance with Article 53 of the Fourth Geneva Convention, and Articles 43 and 46 of the Hague Regulations. See also B'Tselem, March 1997.

<sup>14</sup> Harvard, June 2004, p.12.

<sup>15</sup> 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 Defense et al*, Piskei Din 33 (2) 113, 120-122. See B'Tselem, March 1997. See also Article 52, Hague Regulations.

<sup>16</sup> 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. See B'Tselem, March 1997.

<sup>17</sup> B'Tselem, March 1997, p. 22.

<sup>18</sup> Harvard, June 2004, p.8.

## Ensuring Public Welfare

Article 43 of the Hague Regulations provides that Israel, as the Occupying Power, is responsible for ensuring public order and safety in the territory it occupies. The Israeli military is therefore legally obligated to enforce the law and protect the civilians under its control. Palestinians living under occupation are considered protected persons under international humanitarian law and as such *“must be protected against all acts of violence or threats thereof”* (Article 27, Fourth Geneva Convention).



*In the South Hebron Hills, Israeli soldiers escort Palestinian schoolchildren to protect them from settler attacks. However, the soldiers often fail in their duty to provide protection leaving the children exposed to violent attacks.*

Photo Credit: Sultana Begum/EAPPI

The Hague Convention further provides, *“protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs.”* International humanitarian law empowers the Israeli military to carry out law enforcement actions to maintain the security and safety of the Palestinian population living under occupation, including law enforcement actions taken against settlers who perpetrate violence against Palestinians.

## International Human Rights Law and the Principle of Non-Discrimination

The building of settlements and their related infrastructure on confiscated Palestinian lands for the exclusive benefit of Jewish-Israeli citizens violates the prohibition on discrimination enshrined in several international human rights treaties to which Israel is a signatory. The very existence of settlements in the Occupied Territory violates the Palestinians’ inalienable right to self-determination, deprives Palestinians of full enjoyment of their precious natural resources, and threatens the security of their homes, livelihoods and their lives.

Discriminatory laws exclude Palestinians from owning homes in Jewish-only settlements or from sending their children to the schools within them.

Palestinian-registered vehicles are also prohibited from driving on settler-only bypass roads, severely restricting their freedom of movement. Large settlement blocs with their associated infrastructure and network of roads cut Palestinians off from their land, vital social services, families and surrounding communities. Settlements are heavy consumers of water and electricity, diverting precious resources from and polluting adjacent Palestinian communities. The related policies of forced evictions and house demolitions meant to clear land for settlement expansion also violate the Palestinians' right to housing and to own property. Furthermore, numerous settlements in the West Bank are founded on the basis of extremist ideologies that advocate for the expulsion of Palestinians from their land through violent means, placing the lives of Palestinians in nearby communities at grave risk.

Article 1(1) of the International Convention on the Elimination of All Forms of Racial Discrimination, which Israel has ratified, defines the term racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic

*“[Israeli settlements] are not only illegal under international law but are an obstacle to the enjoyment of human rights by the whole population, without distinction as to national or ethnic origin.”*

- UN Committee on the Elimination of All  
Forms of Racial Discrimination, 2007

*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 field of public life.”* In 2007, the UN Committee on the Elimination of Racial Discrimination reaffirmed that Israeli settlements prevented the Palestinian population in the Occupied Territory from the full enjoyment of their fundamental rights.<sup>19</sup>

Likewise as a signatory to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, Israel must uphold their provisions “without discrimination of any kind on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”<sup>20</sup> In its deliberations, the Committee on Economic, Social and Cultural Rights has paid particular attention to the right to adequate housing, reaffirming its centrality for the enjoyment of all economic, social and cultural rights.<sup>21</sup> The Committee includes, inter alia, in its definition of the term adequate housing, security of tenure, which “guarantees legal protection against forced eviction, harassment and other threats,” and

<sup>19</sup> Human Rights Watch, August 2008.

<sup>20</sup> Article 2 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights contains this provision.

<sup>21</sup> Office of the High Commissioner for Human Rights, “General Comment 4: The right to adequate housing,” Article 11(1) of the International Covenant on Economic, Social and Cultural Rights, 1991. See [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+comment+4.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CESCR+General+comment+4.En?OpenDocument).

availability of services, including “sustainable access to natural and common resources.”<sup>22</sup> With regards to forced evictions, 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>23</sup> Israel’s well-documented practice of forced evictions, house demolitions, and confiscation of property for the purpose of building of Jewish-only settlements constitutes a clear breach of its international human rights law obligations and its application to the entire population without discrimination.

Furthermore, as a State Party to 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 humanitarian law (Article 38.4) and protect every child’s inherent right to life (Article 6) without discrimination of any kind (Article 2.1). By deploying the military and police for the protection of settlers in the Occupied Territory at the expense of the occupied population, Israel is failing to uphold its obligations to protect the rights of all children under its control without distinction.

Israel denies its legal responsibility to uphold international human rights law in the Occupied Territory by contending that human rights treaties to which it is a signatory are intended for the protection of its own nationals vis-à-vis their government in times of peace, and do not apply to the Palestinian population living under its occupation. The International Court of Justice’s 2004 Advisory Opinion on the Wall refutes this argument, ruling that Israel has a moral and legal obligation



*In Hebron, Israeli soldiers treat Palestinian schoolchildren as a security threat and fail to protect them when settlers attack.*

Photo Credit: Sultana Begum/ EAPPI

<sup>22</sup> Ibid.

<sup>23</sup> Office of the High Commissioner for Human Rights, “General Comment 7: The right to adequate housing: forced evictions,” Article 11(1) of the International Covenant on Economic, Social and Cultural Rights, 1997. See [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument).”

to uphold both international humanitarian law and international human rights law standards in its administration of the Occupied Territory. Although Article 4 of the International Covenant on Civil and Political Rights<sup>24</sup> allows for derogations of treaty provisions in exceptional situations when the State is under threat, the provision expressly states that any derogation must be free from discriminatory intentions and must be consistent with other international law obligations. Therefore Israel cannot invoke the security argument as justification for a blanket denial of the fundamental rights of the entire Palestinian population living under its occupation.

<sup>24</sup> Article 4 of the International Covenant on Civil and Political Rights states, *"In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin."*

# Settler Violence: An Overview

Settler violence is widespread in the Occupied Territory and takes on several different forms. It includes acts of verbal harassment, abuse and intimidation as well as more serious 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.

The Israeli settler movement was founded soon after the June 1967 war by religious nationalists who sought to lay claim to the land as pioneers. In the decades that followed, a radical and violent fringe movement developed in response to what was viewed as major concessions by the Israeli government in an effort to push the peace process forward. Yet another group of settlers, who are for the most part secular, have moved into settlements to take advantage of subsidies and other economic incentives offered by the government to encourage their relocation. It is the extremist settlers, those who advocate violence as a means to expel Palestinians from their lands, who most often perpetrate attacks intended to harm Palestinians or destroy their property.

While settler violence exists in many forms, this report is limited to physical assaults by settlers targeting Palestinian children. Since the start of the second *Intifada* in September 2000, the incidence of settler attacks against Palestinians has been steadily on the rise. In 2007, OCHA documented 76 cases of settler violence resulting in death or injury to Palestinians, a 20 per cent increase over 2006. Over the first five months (January-May) of 2008 alone, OCHA documented 42 cases of settler attacks. For the period January-September (9 months) OCHA documented 19 cases of child injuries and one child fatality as a direct result of Israeli settler attacks; almost 70 per cent of the incidents took place in the Hebron area. From May 2007 to March 2008, two children were killed and 31 injured as a result of settler attacks (1612 Working Group<sup>25</sup>). In these attacks, one child was killed and five injured in hit-and-run incidents; one child killed and one injured in shooting incidents; and 24 were injured in physical assaults.

<sup>25</sup> UN Security Council Resolution 1612 on Children and Armed Conflict, adopted in July 2005, established a monitoring, reporting and compliance mechanism on grave child rights violations occurring in conflict. The Israel/oPt monitoring and reporting Working Group was established in 2007, and reports on nine violations. It includes UN agencies and NGOs, and reports every two months to a working group mandated to make recommendations to the Security Council.

The most common types of physical assaults carried out against Palestinian children include shootings, beatings, stone-throwing, and hit-and-run attacks. During the months of March and April, Palestinian children are particularly vulnerable to settler attacks while grazing animals or working on their family's land lying adjacent to settlement and then once again in the autumn as olive harvest season begins.

During 2007 and throughout the first half of 2008, DCI/PS directly investigated nine separate incidents of settler attacks resulting in injuries to 12 Palestinian children. Included among them are five beatings, two shootings and two stone-throwing incidents. Five attacks took place in the Nablus area alone where settler attacks are particularly widespread. Four attacks occurred while children grazed animals or collected fruit and wood from their family's land while one attack took place as schoolchildren walked to school.

## Shootings

In 2007, DCI/PS investigated two shooting incidents involving settlers in which three Palestinian children were seriously injured. One incident involving a 13-year-old Palestinian boy, took place in the Bethlehem area. The second incident involving two Palestinian boys aged 15 and 16 years old, took place near Nablus.

**Name:** Haitham A. (13)  
**Type of assault:** Shooting

*On 17 April 2007 at around 5pm, 13-year-old Haitham left his home in Tuqu', Bethlehem Governorate, to pick almonds on his family's land 3 kilometres away from his home. The land is located on a hillside approximately 150 metres from the alternative road that runs through the area. Haitham was sitting under an almond tree when he heard the sound of a screeching car from the road below. He looked towards the road and saw a bearded man wearing a kippah get out of a small white car with yellow (Israeli) plates. Haitham saw that the man was armed with a gun and walking towards him. Afraid, Haitham began to run. Moments later, Haitham felt a severe hit to his head and then everything went black. A man grazing goats on the west side of the alternative road witnessed the attack. He reported that the settler fired three shots as he crossed the street, then fired a fourth shot before returning to his car and driving away. The eyewitness saw several young men running up the hillside to safety but he did not see Haitham. After approximately half an hour, when Haitham's father had heard about the incident and realized his son had not yet returned home, he returned*

*to the area with the eyewitness. There, they found Haitham lying on the ground, unconscious and bleeding. He was rushed to al-Ahli Hospital in Hebron where he underwent emergency surgery. Haitham's medical report reveals he was struck by a live bullet to the right side of his head, causing a brain hemorrhage and fractures to the right side of his skull. Miraculously, Haitham survived his injury. Following 10 days in the hospital and an additional three months of intensive rehabilitation in Bethlehem, he has made an almost full recovery. Today, Haitham experiences some weakness in his left wrist and fingers as a result of nerve damage from his head injury. However, his parents report he is doing well both physically and psychologically and recently began the 10th grade. Haitham's family filed a complaint with the Israeli authorities following the incident and although the Israeli police opened an investigation at the time, Haitham and his family have yet to hear about the result of the police investigation.*

**Name(s):** Hamdalla S. (16) and Jihad S. (15)  
**Type of assault:** Shooting

*In the early evening on 24 August 2007, Hamdalla and Jihad, relatives from Urif village south of Nablus were near a group of children who had been throwing stones at two Israeli soldiers who had earlier approached a nearby area where a wedding was taking place. The soldiers fired their weapons in the air to scare away the children and then withdrew towards the nearby Yitzhar settlement where a military jeep was parked. Several minutes later, a white Toyota approached and stopped next to the Israeli military jeep. A man got out of the car and spoke with the soldiers for a few minutes. They stood between 50-60 metres away from the children. The man then left the soldiers and began to approach the children. As he moved closer, Hamdalla realized the man was armed with a gun, and he, along with Jihad and the other children, started to run away. As Hamdalla and Jihad ran, they both reported hearing gunshots fired. Hamdalla was struck by a bullet to his right shoulder and Jihad was hit by a bullet in the back. Hamdalla continued to run after being shot while Jihad walked several more metres before collapsing to the ground. A group of young men attending the nearby wedding assisted Hamdalla and Jihad, who were transferred to Rafidiya Hospital in Nablus. Medical reports from the hospital indicate Hamdalla was hit in the right shoulder by a live bullet. Jihad too was hit by live bullet, which entered the right side of his back and settled in his right lung. Jihad underwent immediate surgery and was hospitalised for 17 days following the attack.*

## Beatings

In the summer of 2007, DCI/PS investigated the serious beating of a 15-year-old Palestinian boy at the hands of two settlers. The assault took place while the boy grazed sheep near his home village in the Nablus area.

**Name:** Amran F. (15)

**Type of assault:** Beating

*On the afternoon of 24 July 2007, 15-year-old Amran and two of his friends were herding sheep near their village in the Nablus area. Between 2-3pm, two Israeli settlers carrying firearms approached them on a small tractor. The settlers started shooting at the boys, and Amran's friends ran away, while he stood up to surrender to the settlers out of fear. The settlers grabbed him and began to beat and kick him on his face and body. Amran was then blindfolded with his shirt that the settlers ripped from his body, and his hands were bound behind his back with a plastic cord. He was dragged into the tractor and taken to another location where he was beaten further. Amran lost consciousness several times during the assault. He reported hearing one of the settlers ask, "Shall we shoot him?" He was taken to yet a third location, thrown to the ground, and again beaten. The settlers removed his underwear and trousers and beat him on his legs and around his genitals. He was then struck on the head and eventually lost consciousness once again. At around 5pm, he regained consciousness and found himself alone and naked, lying on the ground. Amran stood up and walked to the main road where he hailed a car from the passing traffic. He was taken to Etihad Hospital in Nablus where he remained for five days.*

## Stone-throwing

In 2008, a 15-year-old Palestinian boy required several stitches after being struck in the head by a stone thrown by a settler at close range.

**Name:** Hammam A. (15)

**Type of assault:** Stone-throwing

*On 3 May 2008 at 1:30pm, Hammam was at home in Asira al-Qibliya, south of Nablus, when he saw smoke rising from al-Burjemah agricultural area near the Yitzhar settlement. From the roof of his house Hammam could see tens of settlers setting fire to the wheat and barley fields in al-Burjemah. He went to the area with a friend to help extinguish the fire. When they arrived,*

*they saw about 30 youth gathered together, trying to put out the fire. A group of approximately 25 settlers had also gathered about 50 metres away from the youth. Hammam could distinguish that at least three of the settlers were armed. Another group of settlers arrived from the direction of Yitzhar settlement, increasing the number of settlers to about 40 altogether. Some of the youth began throwing stones at the settlers who responded by firing their weapons into the air. At the same time, five Israeli military vehicles arrived on the scene from inside the Yitzhar settlement. Hammam tried to run away but found himself surrounded by soldiers and was ordered to sit down on the ground. Most of the settlers had withdrawn to the settlement but four remained, standing close behind Hammam. Moments later, while still seated on the ground, Hammam heard footsteps approaching from behind. He turned and saw four settlers approaching him; one was carrying a stone. At that moment, the settler threw the stone from close range (approximately 8 metres), striking him in the head. The settlers fled the scene after the attack. One of the soldiers nearby administered first aid, following which Hammam was transferred to Rafidiya Hospital where he received four stitches to the forehead.*

### **Case Study 1: Settler Attacks on Palestinian Schoolchildren Attending Hebron’s Qurtuba School**

For the 35,000 Palestinians living alongside 800 Jewish settlers<sup>26</sup> in Hebron’s city centre and Tel Rumeida neighbourhood in Israeli-controlled H2, violence forms a part of everyday life. Anywhere from 500 to 2,000 Israeli soldiers<sup>27</sup> are stationed in the H2 area for the purpose of protecting the settler population, while Palestinians, especially children, are offered little to no protection from daily settler attacks. The four settlements in the immediate city centre and Tel Rumeida, as well as the massive Kiryat Arba settlement just on the outskirts of Hebron, house some of the West Bank’s most extremist and violent settlers<sup>28</sup> who perpetrate attacks against



*Shuhada Street, once the thriving commercial centre of Hebron, has been reduced to a ghost town.*

Photo Credit: DCI/PS

<sup>26</sup> There are approximately 800 settlers living in four settlements – Avraham Avinu, Beit Romano, Beit Hadassah and Tel Rumeida – in Hebron City and Tel Rumeida. The Kiryat Arba settlement just on the outskirts of Hebron houses approximately 7,000 settlers.

<sup>27</sup> Ecumenical Accompaniment Program in Palestine and Israel (EAPPI) Handover Report, Hebron, May 2008, p. 1 (hereafter EAPPI, May 2008).

<sup>28</sup> These settlers are supporters of Rabbi Meir Kahane’s extremist Kach movement, which advocates for the expulsion of Arabs from the biblical lands of Israel through violent means. Israel has banned the Kach movement for its violent and racist ideologies and considers it a terror threat. In addition, the U.S. Department of State has listed the group as a terrorist organization since 1994. See Council on Foreign Relations Backgrounder, 20 March 2008.

Palestinians in the name of racist religious ideologies. In Hebron, unlike other West Bank cities, violence runs rampant where Palestinians and settlers live side-by-side, separated only by thin walls and windows. But, much like other parts of the West Bank, the military and police fail to protect Palestinians from settler violence and hold perpetrators accountable.

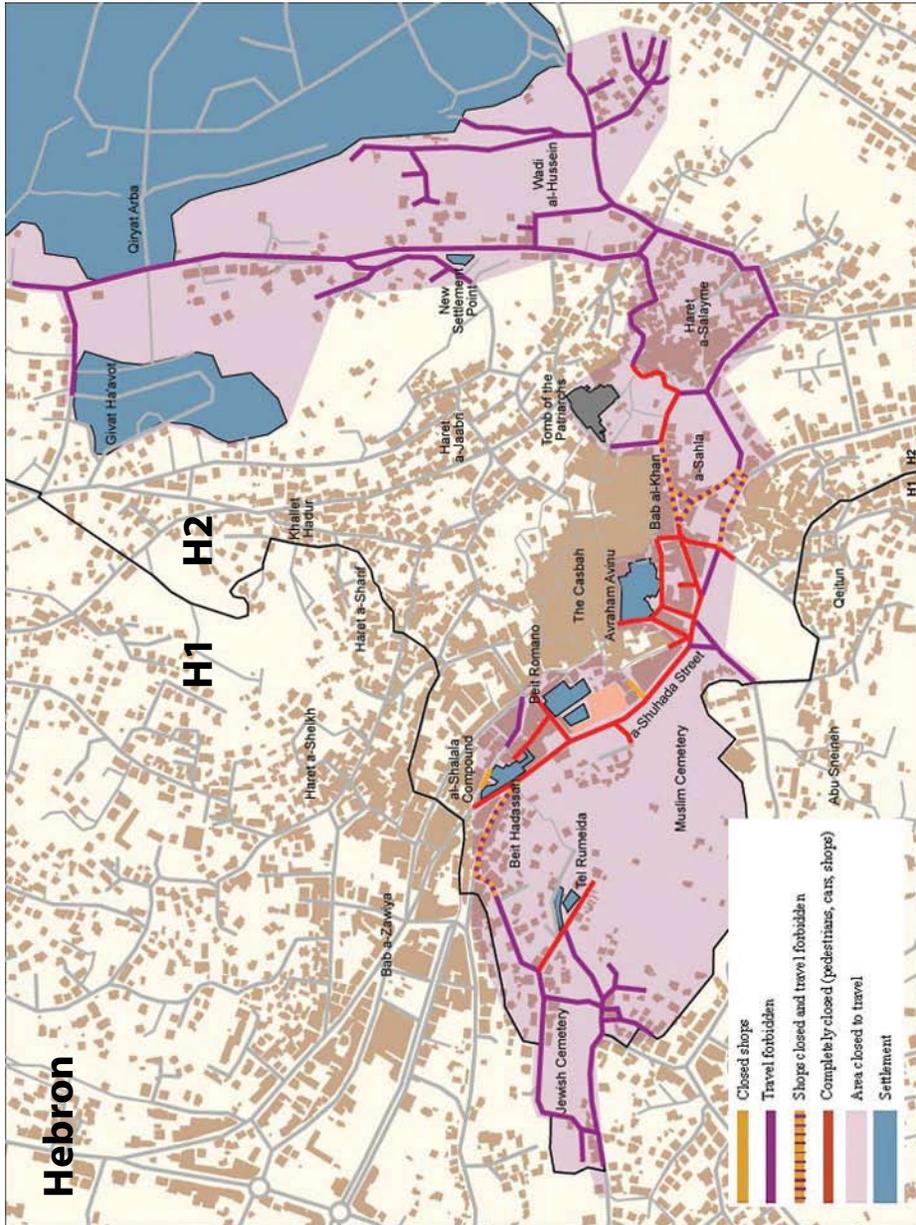
Shuhada Street, once the heart of the city centre's thriving economic, social and cultural life, has been reduced to a ghost town as a result of strict Israeli policies of forced separation between the Palestinian and settler population. These policies, which are meant to protect the settlers, have imposed severe restrictions on the movement of Palestinians and decimated the economy of the once vibrant city centre. Closed storefronts with their doors welded shut by the Israeli military and abandoned homes all defaced with settler graffiti now line Shuhada Street. Palestinians are forbidden from travelling by car in most of the area and almost all of Shuhada Street is completely closed off to even Palestinian foot traffic. A 2007 joint report published by B'Tselem and the Association for Civil Rights in Israel indicates more than 40 per cent of Palestinian homes in the area were vacated during the second *Intifada* as a direct result of economic collapse and ongoing settler violence<sup>29</sup>.

The Palestinian Qurtuba Primary School is located on Shuhada Street, directly opposite the Beit Hadassah and Beit Romano settlements. Most of the school's 118 students reside in Hebron City or nearby Tel Rumeida in H2. Twenty-two students reside in the H1 area under Palestinian autonomy and must cross a checkpoint (CP #56) before entering H2 en route to school<sup>30</sup>. In H2, Palestinian schoolchildren, some as young as six years old, are brutalized daily by settlers as they walk to and from school.

<sup>29</sup> B'Tselem, *Ghost Town, Israel's Separation Policy and Forced Eviction of Palestinians from the Centre of Hebron*, May 2007, p. 14 (hereafter B'Tselem, May 2007).

<sup>30</sup> EAPPI, May 2008, p. 6.

## Israeli Settlements in Hebron City Centre



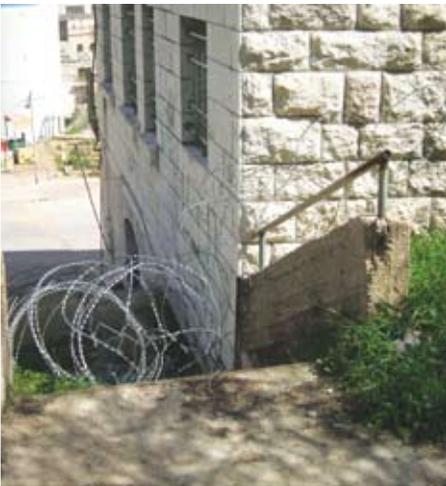
This map has been reproduced with permission from B'Tselem.

On 16 June 2008, DCI/PS met with Qurtuba School's headmistress, Reem al-Shareef, who works tirelessly to ensure a safe learning environment for the students and staff while avoiding unnecessary school closures. Outside of the school, Shuhada Street is often the scene of violent confrontations



*Recent renovations at Qurtuba School include high fencing and wire mesh over windows to protect from further settler attacks.*

Photo Credit: Sultana Begum/EAPPI



*The Israeli military blocks the original steps to Qurtuba School with razor wire as Palestinians are prohibited to walk on most of Shuhada Street.*

Photo Credit: Sultana Begum/EAPPI

between settlers and schoolchildren. Settler schoolchildren, who attend *yeshivas*<sup>31</sup> along the same street, taunt and abuse Palestinian schoolchildren under the watchful eyes of Israeli soldiers. Settler children routinely verbally harass, chase, hit and throw stones at Palestinian schoolchildren. Their parents and other adults engage in similar behaviour, blocking the school steps with their cars to make it difficult for students to pass or setting their dogs loose to chase and terrorize young children. Reem records a monthly log of settler attacks against Qurtuba schoolchildren, which she submits to the Directorate of Education in Hebron. DCI/PS examined the log sheet for April 2008 that documented seven separate physical assaults on schoolchildren including hitting and stone throwing. In one such attack, settlers turned their dog loose on a young boy causing him to fall down and break his arm as he tried to run away.

In response to the daily harassment and violence, Reem took matters into her own hands and successfully petitioned the Palestinian Ministry of Education to change the start of the school day from 8 to 7:30am and shortened the breaks in between classes so the schoolchildren could end their day before the settler schoolchildren leave their *yeshivas*. This stop-gap measure helped diffuse a deteriorating situation but is no substitute for effective policing and law enforcement by the police or military. Although Reem liaises closely with the Israeli police and Hebron District Coordination Office, her requests for a police presence in proximity to the school are rarely honoured.

<sup>31</sup> A *yeshiva* is a secondary school for Jewish students and includes a curriculum of religious, cultural and academic studies.

Reem told DCI/PS about an incident in which settlers set fire to the school during summer recess last year. On 6 August 2007, at around midnight, a group of settlers broke the main gate, collected the school furniture in front of the school, and set it on fire. The fire caused severe damage to the school's balcony and iron door and destroyed books, desks, chairs and other supplies. Because the attack took place late at night and during summer recess, there were fortunately no reported injuries. International organisations, including the International Committee of the Red Cross and the Temporary International Presence in Hebron, helped fund the school's renovation following this incident. Today, high fencing and windows covered with wire mesh provide extra security for the schoolchildren. In addition, a new set of school steps leading to a path that approaches the school from the hillside above Shuhada Street provides schoolchildren with alternative access to Qurtuba School as Shuhada Street remains closed to Palestinian foot traffic.



*Qurtuba schoolchildren trail behind settlers on the hill leading towards Tel Rumeida. The six settlements in and around Hebron City house some of the West Bank's most extremist settlers, such as Baruch Marzel, who terrorize the surrounding Palestinian communities.*

Photo Credit: Sultana Begum/EAPPI

## **Case Study 2: Settler Attacks Against Palestinian Children Living in Israeli-controlled H2**

For the majority of Qurtuba's students who reside in the city centre or nearby Tel Rumeida, settler violence does not cease with the close of the school day. These children face a similar, if not worse situation, outside of school where settler attacks threaten them from within the safety of their own homes. DCI/PS met two Palestinian families from Tel Rumeida – the Al-Azza and Sharabati families – who live precariously on the hillside just below the Tel Rumeida settlement placing them on the frontlines of settler violence. The settlers have cut their grape vines, damaged their trees, hurled refuse at their homes and yards, thrown stones and broken windows, and defaced their property with graffiti, in addition to the daily barrage of verbal abuse and assaults on family members. Children from both the al-Azza and Sharabati families shared their stories with DCI/PS.

Raghad Hashim Younis al-Azza is a 10-year-old student at Qurtuba School. On 16 June 2008 she told DCI/PS about a settler attack while on her way to school:



Photo Credit: DCI/PS

*“About a year ago, I was going to school with my classmate Ruwand who lives on Shuhada Street. I was with my cousin Ahmad and our neighbour’s daughter, Abrar. On the road, we came across a group of settlers, about 10 of them. They were about the same age as me except two girls who were around 18 years old. The two (older) girls attacked me and hit me. They asked the boys to make a circle around me and beat me. My cousin and the neighbour’s daughter ran to the checkpoint to inform the (Israeli) soldier. When the soldier approached us, the settlers ran away. He asked me what happened. I told him everything, but he did not respond to me.”*

Following this attack, like the many others that preceded and followed it, Raghad’s family did not file a complaint because they feel it is useless.

Raghad’s 12-year-old cousin, Yousef Hisham Younis al-Azza, lives next door and also attends Qurtuba School. He describes a particularly violent settler attack that took place while he stood outside of his home:



Photo Credit: DCI/PS

*“I was removing the razor wire that the settlers put on the main street near my house to control and restrict our movement outside of our homes. A soldier who is usually stationed at the checkpoint near our house called out to me and asked me what I was doing. As I was explaining to him, Afa’t Shalom al-Koubi, a settler in her forties who lives near our house, drove by. Afa’t is an extremist settler who is hateful towards Arabs. She stopped the car, got out, and pushed the soldier who was talking to me. She pushed him so hard that he fell down the stairs that the settlers use next to the checkpoint. She then grabbed a small stone and ground it against my teeth. My mouth was full of blood and I lost one of my molars. My father took me to the dentist who said the molar would not grow back. This is why the front of my teeth is deformed.”*

Yousef’s family filed a complaint with the police immediately following this incident. In the spring of 2008, more than a year and a half after the attack, Yousef and his family were summoned to the Israeli court in Tel Aviv. He was questioned about the case and then informed that his hearing before the court was postponed. Yousef was not provided with a reason for the postponement and he and his family continue to wait for further information on his case.

The Sharabati family lives a few houses up the hill from the al-Azza family. The Tel Rumeida settlement looms high above their house, making it a frequent target for attack. For the past 10 years, two soldiers have been stationed on the roof of the Sharabati house 24 hours a day, seven days a week. The soldiers are there to protect the settlers, while the Sharabati family and home suffers daily violent attacks. In fact, Mrs. Sharabati keeps the window shutters closed at all times to protect her family from the daily barrage of rocks and household waste that the settlers hurl at their home.

Her daughter, Islam Wael Mohammad Sharabati, a 12-year-old student at the Qurtuba School, told DCI/PS about a settler attack while walking near her home in 2007:

*“During Eid last year, I was going to the store with my younger sister around noon and came across about 70 settlers who had gathered on the road; the road to the store passes by al-Koubi’s house. He is a very hateful settler, as is his wife, A’fat. Several settlers surrounded me and started to hit and kick me while yelling at me in Hebrew. During the attack, al-Koubi pushed me towards his wife who would push me back towards him while hitting me. When the settlers first gathered around me, my sister ran back to the house to tell my mother. My mother yelled to the soldier on our rooftop to intervene. The Israeli army has a military post on the roof of our house. The soldier intervened and stopped the attack. He told me and my sister that it was forbidden to pass by al-Koubi’s house.”*



Photo Credit: DCI/PS

### **Case Study 3: Settler Attacks Against Palestinian Children in the South Hebron Hills**

At-Tuwani is a small agricultural village of approximately 175 residents situated in the South Hebron Hills. At-Tuwani and its neighbouring villages lie in Israeli-controlled Area C where thousands of houses are under demolition orders which may be executed at any time because they lack building permits<sup>32</sup>. OCHA reports that between January 2000 and September 2007 over 94 per cent of applications submitted to the Israeli authorities for building permits in Area C were denied. Palestinians are thus forced to build without permits despite the risk involved. Israel’s policy of denying building permits and demolishing Palestinian homes in Area C is part and parcel of the government’s overall policy of continued settlement expansion.

<sup>32</sup> OCHA/oPt, “Lack of Permit” Demolitions and Resultant Displacement in Area C, Special Focus, May 2008, p.1.

Directly on the northeastern edge of at-Tuwani lies the illegal Ma'on settlement and Havot Ma'on outpost, which taken together house a settler population more than double its own. To the southwest lies the Avi Gai outpost while further beyond, the settlements of Suseya, Karmel and Beit Yatir encircle Palestinian villages, cutting them off from one another. The largely agricultural villages of the South Hebron Hills have fallen into deep poverty as settlers have confiscated vast tracts of Palestinian land for over two and a half decades.

In 1982, settlers established the first caravans in the area that would later become Ma'on settlement. Since then, the settlement has grown in population to 370 residents<sup>33</sup> and has confiscated more than 1,500 dunums, which is equivalent to 375 acres.<sup>34</sup> A growing settler population with its unchecked violence, as well as continued confiscation of the village's land has severely impacted the lives and livelihoods of at-Tuwani's residents. Every family in at-Tuwani has suffered from harassment, physical assaults, and destruction of property at the hands of settlers. The settlers assault farmers working their land as well as shepherds grazing sheep on the hillsides near the Ma'on settlement and Havot Ma'on outpost. The settlers have also cut or damaged olive trees and burned crops during harvest seasons. There have been several reported incidents of settlers placing poisonous pellets on the hillsides where sheep graze, resulting in the death of many animals.



*Ma'on settlement (left) in the distance and Havot Ma'on outpost (forested area, right) cut off at-Tuwani village from nearby Tuba.*

Photo Credit: DCI/PS

The area's young schoolchildren perhaps suffer the most from the daily intimidation and violence of settlers. At-Tuwani's elementary school serves children from five neighbouring villages who are most vulnerable to attacks while on their way to and from school. Palestinian schoolchildren from the nearby villages of Tuba and Maghaer al-Abeed, some as young as six years old, are terrorized by settlers from Ma'on and Havot Ma'on as they walk from their village to their school in at-Tuwani. In 2002, settlers blocked the main road from Tuba to at-Tuwani, which cuts directly through Ma'on and Havot Ma'on settlements, turning what was once a 20-minute walk to and from school into a two-hour journey in each direction.

<sup>33</sup> Population as of 31/12/2006. B'Tselem, "Settlement Population."

<sup>34</sup> Christian Peacemakers Team, at-Tuwani Media Packet. [http://www.cpt.org/hebron/documents/Tuwani\\_media\\_packet.htm](http://www.cpt.org/hebron/documents/Tuwani_media_packet.htm).

Today, the road is closed to Palestinians except for the schoolchildren who rely on it to get to school. The children are forced to make the journey on foot all the while exposed to dangerous settler attacks.

After suffering from the violence of Israeli settlers for more than two decades, in 2004 the residents of at-Tuwani and surrounding communities requested the presence of international activists to act as observers and provide accompaniment to the Palestinian population. Since 2004, the U.S.-based Christian Peacemakers Team (CPT) and Italian-based Operation Dove have continuously placed foreign nationals in the area to observe and accompany Palestinian schoolchildren walking to and from school, as well as Palestinian farmers and shepherds in their fields. The presence of foreign activists however did not put an end to settler attacks and soon after their arrival, the foreigners themselves faced brutal attacks. After two consecutive incidents in which foreign activists were seriously injured by settlers in September 2004, the Israeli military prohibited them from providing accompaniment to schoolchildren and the Israeli Knesset recommended that the Israeli military provide a daily escort for the children of Tuba and nearby Maghaer al-Abeed villages to their school in at-Tuwani<sup>35</sup>.

The Israeli military escort, which is supposed to accompany the schoolchildren along the wooded route that cuts through Ma'on settlement and Havot Ma'on outpost, has not been effective at halting settler attacks against schoolchildren. This is because the military escort often arrives so late to the point of being ineffective, if it even arrives at all. There have also been reported cases of the soldiers abandoning schoolchildren before they complete the entire route, which recklessly exposes the children to dangerous attacks.



*Houses in at-Tuwani village lack access to reliable water and electricity services and are threatened by demolition orders issued by the Israeli military.*  
Photo Credit: DCI/PS

In 2006, the Israeli Defence Minister issued evacuation orders to the illegal outpost of Havot Ma'on because of the repeated attacks perpetrated by its residents against Palestinian schoolchildren. The orders have yet to be implemented, and in the meantime, settler attacks continue unpunished. During the 2007 - 2008 school year, CPT documented at least 14 incidents of settler violence on schoolchildren from villages neighbouring at-Tuwani. Most recently, settler attacks have prevented school children from the villages of Tuba and Maghaer al-Abeed from attending summer camp at the at-Tuwani Elementary School. The settlers have yelled, chased and thrown rocks

<sup>35</sup> Ibid.

at children walking along the road leading to at-Tuwani. The Israeli military escort has repeatedly refused to accompany the children and the Israeli police have failed to apprehend and hold the perpetrators accountable<sup>36</sup>.

**Name(s):** Dalal A. (10), Diana M. (9) and Riyad A. (7)

**Type of assault:** Stone-throwing, hitting and kicking

*On the afternoon of 8 April 2007 at approximately 1pm, 10-year-old Dalal A., her brother Riyad A. (7), and friend, Diana M. (9) left at-Tuwani Elementary School for their home in Tuba village. The children walked to where the Israeli military escort was waiting to accompany them through the Havot Ma'on outpost. Three Israeli soldiers walked with the children while the jeep followed next to them. Before the children reached the end of the road that cuts through the forest, the soldiers got into the jeep and drove away, leaving the three children to complete the route unaccompanied. Within minutes, six settlers emerged from the trees, one of whom called out to the children in Hebrew. The settlers were approximately 50 metres behind the children, and began throwing stones and chasing after them while yelling loudly in Hebrew. The children tried to run away but the settlers overtook them. One settler grabbed Dalal by her shoulder. He was speaking to her in Hebrew, which she does not understand. The settler took Dalal's*



*An Israeli military escort provides protection to Palestinian schoolchildren on the road between at-Tuwani and Tuba. The military escort often fails to arrive or accompany the children for the entire route exposing the children to great danger.*

Photo Credit: Christian Peacemakers Team

*backpack and punched her in the back. He opened her backpack and took out her schoolbooks, tearing up her math book. At the same time, one of the other settlers kicked Diana in the back as she was running, causing her to fall down. Diana fell on a stone resulting in a wound to her right leg. Dalal's younger brother, Riyad, was crying in fear as he witnessed the assault on his sister and her friend. After the attack, the settlers withdrew, taking Dalal's school bag and books with them. Terrified, the children completed their walk home.*

Located just 200 metres away from the forest of the Havot Ma'on outpost, the home of at-Tuwani resident Jamal Musa Jibreel Rabei is on the frontline of settler violence. The situation has become so dangerous in recent years that Jamal says he does not allow his six children to wander more than 30 metres away from the house. The family's economic situation is dire; they have limited land available for grazing sheep and their home is threatened by a demolition

<sup>36</sup> Christian Peacemakers Team Hebron, "at-Tuwani: Urgent Action Update, 8/3/08."

order that may be implemented at any time. Jamal tell DCI/PS, *“Settlers have turned our lives into a living hell, but we patiently hold on despite the difficult circumstance.”* Jamal’s 10-year-old son, Mohammad, explains that he lives with an uneasy feeling that settlers may attack him at any moment. He shares one recent experience:

*“I was grazing sheep with my uncle Amjad and my brother Hamza. Amjad and Hamza left with the sheep while I stayed behind at the spring. Afterwards, I called my cousins to help me water our olive and grape trees. We watered the trees and headed back home. A car passed us as we were near the house. My uncle Musab thought the driver was lost so he asked the driver where they were going. Three settlers came out of the car and pointed their guns at him. Then the settlers threw stones at the house and the people of the village threw stones back at them. The settlers went back to the forest for several minutes and returned with several more settlers. There were 12 altogether and they had covered their faces. The confrontation began once again and lasted for another five minutes.”*



Ten-year-old cousins, Ra'fat (left) and Mohammad (right), live in fear that a settler attack could happen at any time. Photo Credit: DCI/PS

Mohammad’s 10-year-old cousin, Ra’fat, lives next door. He too explains they live in constant danger of settler violence. Ra’fat shares an account of an attack in which he was seriously injured in 2003.

*“Around 1pm, I was playing catch-me-if-you-can near my house with my cousins Mohammad Jamal, Hamza Jamal and Qusai Guma’. My uncle Jamal was also outside, fixing his tractor. My other uncles, their wives and children were going in and out of the house as usual. A settler suddenly came out of a jeep about 300 metres west of where we were, and fired several gunshots towards us from what I learned later from my parents was an M16 assault rifle. A bullet grazed my left eyebrow as it fell to the ground, causing a hairline fracture to my skull. The settler who fired at us ran away immediately and my family rushed me to al-E’timad Hospital in Yatta. I was treated and released after six or seven hours. After the incident, my family tried to file a complaint with the Israeli police but the police would not accept the complaint and said they would investigate but they did not.”*

Ra'fat's uncle describes the process of filing complaints with the Israeli police as difficult and frustrating. He explained to DCI/PS that the police place the burden of proof on the victim, asking the families to produce photos and other evidence. He believes the soldiers, police officers, and settlers protect each other; they are there to serve one another, not the Palestinian population.



# Settler Violence and Law Enforcement

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. Palestinians who fall victim to settler attacks are hesitant to file complaints because they lack confidence in a law enforcement system that affords little protection and allows settlers to act with impunity. Victims fear further harassment or reprisal attacks from settlers if they file complaints against them. They also fear exposing themselves to harassment and threats from the Israeli police when filing complaints. In a complete distortion of the law enforcement system, Palestinians have been threatened with revocation of special permits, e.g. to enter Israel for work or medical treatment, when attempting to file complaints against settlers, or have themselves been detained and accused of attacking settlers or filing a false complaint.

## Why Palestinians Hesitate to File Complaints

- *Lack of confidence in the law enforcement system.*
- *Fear of reprisals or further harassment by settlers.*
- *Fear that special permits and/ or licenses to enter or work in Israel will be revoked.*
- *Fear of being detained and accused of attacking settlers or filing a false complaint.*

A 2006 report issued by the Israeli human rights group Yesh Din reveals the extent to which the law enforcement system fails to protect Palestinians living in the West Bank from settler attacks<sup>37</sup>. The report documents the failures in law enforcement at all levels: from the moment an attack takes place and Israeli soldiers turn a blind eye to the myriad physical and bureaucratic barriers Palestinians face when filing complaints to the inadequate follow up and investigations by the Israeli police. The law enforcement system in the Occupied Territory is clearly not meant to protect Palestinian civilians but rather, the Israeli settlers who reside there illegally. In 2006 and 2007, Yesh Din reported assault as the primary offence perpetrated by settlers against Palestinians, comprising 40 per cent and 34 per cent of all cases respectively<sup>38</sup>. Updated figures for 2007 indicate that 85 per cent of assault cases were closed without indictments being filed<sup>39</sup>.

Further compounding the situation, it appears that settlers intentionally use children under the age of 12 – the age of criminal responsibility – to carry out

<sup>37</sup> Yesh Din, *A Semblance of Law, Law Enforcement upon Israeli Civilians in the West Bank*, June 2006, (hereafter Yesh Din, June 2006).

<sup>38</sup> Yesh Din, *Law Enforcement upon Israeli Civilians in the OPT: Monitoring Data Sheet*, July 2008. Includes a total of 587 case files opened in 2006 and 551 cases files in 2007.

<sup>39</sup> Ibid.

attacks because they are immune from prosecution under Israeli law, a fact that even the Hebron District Police Commander acknowledges.

## Israeli Police

A single District of the Israeli police force, known as the Judea and Samaria District, has sole jurisdiction over the entirety of the West Bank. Despite the fact that this District serves the largest area geographically, it is allocated a mere 5.67 per cent of the Israeli police force and 2.5 per cent of the total budget<sup>40</sup>. Only ten police patrol vehicles are available for the entire District, making it impossible to maintain a regular police presence in particularly tense areas<sup>41</sup>.

When Palestinian victims of settler attacks choose to file complaints, they face several physical and bureaucratic barriers. They must lodge a complaint with a police officer at the nearest District Coordination Office (DCO). Complicating matters is the fact that DCOs are located within settlements, making them difficult, if not impossible, to access without prior coordination. Palestinians must schedule an appointment in advance, arrange to be picked up at a collection point, and then be accompanied by a policeman to and from the DCO. Once there, the police officer is tasked with recording complaints and serving as a liaison between complainants and investigators. However, Palestinians often arrive at the DCO only to find that a police officer is not present or unwilling to receive complaints.

*“They [the settlers] understand our weak point – and they use children under the age of criminal responsibility, under the age of twelve. They do this intentionally.”*

- Ali Zamir, Hebron District Police Commander, B’Tselem and ACRI Report, Ghost Town, 2007

Even when complaints are accepted and filed at the DCO, they are often lost or not thoroughly investigated before the case files are closed. Police officers record testimonies in Hebrew despite their being conveyed in Arabic, excluding the possibility of review by the complainant. Testimony is often not taken from eyewitnesses or possible suspects identified by complainants. The police rarely conduct live identification line-ups of suspects despite the fact that settlers are often repeat offenders of violent crimes. Even when a suspect is identified or questioned, the police very rarely follow up on alibis to aid in establishing innocence or guilt. Israeli police are required to have a military escort when entering Palestinian areas to conduct investigations, which delays or provides an obstacle to even carrying out investigations at all. As a result, police rarely visit crime scenes, but in instances when they do, Yesh Din has documented problems with the proper and thorough collection of evidence.

<sup>40</sup> Yesh Din, June 2006, pgs. 35-37.

<sup>41</sup> Ibid.

In early 2007, DCI/PS investigated the case of a 16-year-old Palestinian boy who was assaulted and injured by three settlers, one of whom wielded a knife. The police officer who took down his statement accused him of making a false complaint and tried to coerce him into signing a confession stating that he had thrown stones at his attackers.

**Name:** Ra'fat A., 16 years

**Type of assault:** Beating

*On 23 January 2007 at approximately 7:30pm, 16-year-old Ra'fat had just crossed Hizmah checkpoint, near Jerusalem, on foot when he was approached by a car with three men inside. One of the men asked Ra'fat "Are you Arab?" to which he replied, "Yes, I am." At that moment, one of the men got out of the car and hit him on the left side of his neck and left ear. Ra'fat lost consciousness from the force of the blow and found himself inside the moving vehicle when he awoke. One of the men pulled out a blade and pointed it at his face. He grabbed the man's hand in an act of self defence and in the ensuing struggle sustained a knife wound to his right arm requiring 14 stitches. While fighting off his attacker carrying the blade, one of the other men struck him causing him to lose consciousness once again. Ra'fat woke up to find himself on the ground in the same area where he was first approached by the car. He walked to a nearby gas station to summon help and was taken to Hadassah Hospital in al-'Isawiya, East Jerusalem. Later that evening, Ra'fat was transferred to Hadassah Ein Karem Hospital to see a specialist because he was bleeding from his left ear, and then released the following morning. In the meantime, Ra'fat's family had called the police, who sent an officer to the hospital to take a statement from him. The police officer accused him of making a false accusation, saying that he had thrown stones at the men and the perpetrators were Arabs who he had fought with before. The officer asked Ra'fat to sign a confession stating that he had thrown stones at the men, which he refused to do. While the police officer did provide Ra'fat with a photo album of suspects from which to identify his attackers, he refused to take down a description of the men when Ra'fat could not identify them from among the photos presented.*

In April 2008, settlers beat and robbed a 15-year-old Palestinian boy as he gathered wood on his family's land. After several failed attempts, the boy found an Israeli soldier willing to assist him with filing a complaint. Although he filed a complaint with the police, the vast majority of cases are closed without indictments being filed.

**Name:** Mohammad H., 15 years  
**Type of assault:** Beating

*On 9 April 2008 at approximately 7:30am, 15-year-old Mohammad left his home in Tell village near Nablus to collect wood from his family's land about 200 metres away from his house. As he returned home, Mohammad was approached and surrounded by tens of settlers armed with wooden and plastic sticks. At least one settler was armed with a weapon, which may have been an M16 assault rifle. One of the settlers approached Mohammad, who was seated on his donkey, and took his saw. Another settler searched Mohammad's pockets and took his mobile phone. When Mohammad asked the settler to return his phone, he hit Mohammad in the head with his stick. The other settlers moved in and started beating Mohammad with their sticks on his shoulders and back. The settlers beat Mohammad for several more minutes and then stole some of his money and personal effects, including his shoes. Then the settlers with the gun ordered Mohammad to leave the area, threatening to shoot him if he refused. Mohammad rode his donkey to the bypass road just west of his village and waited for an Israeli military jeep to pass. When a military jeep stopped, Mohammad explained what happened to the soldiers and they answered in Arabic: "We can't do anything" and then left. Mohammad proceeded to the Israeli military base overlooking his village to report the incident. At the base, Mohammad recounted his ordeal three separate times to three different soldiers before one of them offered any assistance. The third soldier he spoke with asked if he wanted to file a complaint to which Mohammad responded, "yes." The soldier accompanied him to the police station in Ariel settlement where he filed a report. Afterwards, another soldier took Mohammad to the Za'tara checkpoint about 10 kilometres from his village. Having left his donkey at the military base, Mohammad flagged a car to take him to the village of Madama from where he walked the remaining three kilometres home without shoes.*



Photo Credit: DCI/PS

In April 2007, a 17-year-old Palestinian boy was beaten by a settlement security guard and his two friends detained by Israeli soldiers for grazing their goats in close proximity to a nearby settlement. The soldiers and settlement security guard allied together in the presence of settlers to harass and intimidate the boys contrary to their law enforcement obligations.

**Name:** Thaer E. (17)  
**Type of assault:** Beating

*On 26 April 2007 at 9am, 17-year-old Thaer left his house in Salfit and went to an area called al-Khallah with his two friends to graze their goats. This area is located near the Tappuah and new Tappuah settlement. Thaer left his friends and walked about 50 metres in the direction towards the settlement. As he walked, he heard the sound of an approaching siren from behind and could see a settler shouting at him from a distance of 150 metres in front. Thaer ran back towards his friends and was stopped by an Israeli jeep, a blue Toyota settlement security vehicle with a light and siren on top, and a white Mitsubishi with three uniformed Israeli soldiers and a driver in civilian clothes. The drivers of the settlement security car and the Mitsubishi got out of their vehicles. The settlement security guard was carrying an M16 assault rifle and dressed in uniform. The driver of the Mitsubishi was in civilian clothes and carried a handgun. The security officer, settlers, and soldiers approached Thaer, and one of the soldiers asked what he was doing. Thaer responded he was gathering grass to feed the goats. The soldier accused Thaer of lying and motioned to Thaer's friends to approach. The settlement security guard questioned Thaer while the soldiers searched the area and questioned his friends. One of the soldiers blindfolded, handcuffed and placed Thaer's friend Yassin in the military jeep. The settler security guard slapped Thaer on the face and kicked him in the abdomen while questioning him. He fell to the ground and the officer grabbed him by the hair and hit him on his head with stones. Thaer began to bleed from his wounds to his head. The security officer then stood him up, brought some water from his car, and washed the blood from his face and head. The soldiers released Yassin and Thaer's other friend and told them never to return to this place. After the boys returned home, Thaer's family took him to Salfit Emergency Hospital for treatment of his injuries.*

## **Israeli Military**

International humanitarian law provides that, Israel, as the Occupying Power, is responsible for maintaining law and order in the Occupied Territory and ensuring the protection of civilians under its control<sup>42</sup>. The obligations imposed on the Israeli military are not limited to the duty to avoid harming the protected population, but includes the duty to ensure its well-being, including protection from violence at the hands of nationals of the Occupying Power<sup>43</sup>. The Israeli military has delegated (via Military Order) responsibility for law enforcement in the Occupied Territory to the Israeli police but the police remain accountable to the Military Commander who, under international humanitarian law, holds ultimate responsibility for the territory under occupation.

<sup>42</sup> Articles 43 and 46 of the Hague Regulations of 1907 and Article 27 of the Fourth Geneva Convention of 1949.

<sup>43</sup> Yesh Din, June 2006, p. 23.

Despite the obligations imposed on them under international humanitarian law, Israeli soldiers remain unaware of their duty and authority to take law enforcement action against settlers who perpetrate violence against the Palestinian population. According to Israel's Defence Regulations, soldiers have the authority and obligation "to enforce the law on every individual who commits an offence, including settlers."<sup>44</sup> Moreover, the Israeli military has its own procedure for enforcing the law on civilian offenders in the West Bank, which specifies "every soldier who is witness to the commission of an offence by an Israeli, either against a person or property, shall take immediate action to prevent and/or stop the offence, and, if necessary, detain and arrest the persons suspected of committing the offence, document the scene and preserve it."<sup>45</sup> Clearly, Israeli soldiers are empowered to enforce the law against settlers who perpetrate attacks but they are not made aware of this fact by their commanding officers nor are they specifically trained to deal with situations in which they come into direct conflict with their own nationals.

### Failures in Police Investigations of Settler Violence

- *Police take down testimonies in Hebrew even though they are conveyed in Arabic, excluding possibility of review by the complainant.*
- *Testimony is not taken from key witnesses, including suspects and eyewitnesses to the incident.*
- *The IDF must accompany police when they enter Palestinian areas to investigate crimes. As a result, investigators rarely visit crime scenes and when they do, there are problems related to documentation of evidence.*
- *Live identification line-ups with Israeli civilian suspects are rarely conducted.*
- *Alibi claims of suspects often go unchecked.*
- *Contents of files are not comprehensive and cases are closed shortly after a complaint is received.*
- *Cases are closed despite evidence that insufficient investigations took place.*
- *Cases are closed despite sufficient evidence causing grounds for indictment.*

Source: Yesh Din 2006 Report, *A Semblance of Law, Law Enforcement upon Israeli Civilians in the West Bank*

<sup>44</sup> Section 78 of the Order Regarding Defence Regulations. See B'Tselem, May 2007, p. 48.

<sup>45</sup> B'Tselem, May 2007. Taken from letter from Harel Weinberg, Office of the Legal Advisor for the West Bank, to the Association for Civil Rights, 31 July 2005.

## 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-building activity 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 racially motivated crimes based on extremist ideologies are meant to instill fear in the Palestinian population, causing them to leave their homes and lands, and thereby achieve simultaneous political, ideological and religious objectives.

Although the Israeli authorities have recently acknowledged the escalation in settler attacks against the Palestinian population since the beginning of 2008,<sup>46</sup> 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 lawlessness in which settlers enjoy impunity and Palestinians live in fear. Palestinian children remain especially vulnerable to settler attacks, oftentimes carried out by young children who are immune from criminal prosecution, and are in need of special protection. 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 and parents or guardians are held accountable.

<sup>46</sup> Haaretz, "Behind closed doors, police admit 'turning a blind eye' to settlers," 15 August 2008.

## Recommendations

DCI/PS therefore calls on the international community to demand that Israel:

- Protect the civilian population in the Occupied Territory, including children, from settler attacks and ensure that all cases of settler attacks are thoroughly and impartially investigated and perpetrators are brought to justice.
- Immediately halt all settlement activity and takes measures to dismantle existing settlements and begin the process of relocating its nationals inside the state's legally recognised borders.
- 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.
- Uphold its legal obligations to the Palestinian population under occupation in accordance with international humanitarian law and international human rights law.



# Under Attack:

Settler Violence against Palestinian  
Children in the Occupied Territory