

Settler crime and violence
inside Palestinian communities,
2017-2020



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Settler crime and violence inside Palestinian communities, 2017-2020



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Cover photo: A classroom in the Einabus village school after settlers set fire to it and graffitied: "Home demolitions? Only for enemies! Local regards from Kumi Ori", January 28, 2020. Yesh Din Case 4620/20 (Photo by Moneer Kadus)

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Introduction

On July 31, 2015, Amiram Ben Uliel murdered Sa'ad and Riham Dawabshe and their 18-month-old son 'Ali, and severely injured another son, four-year-old Ahmad. Ben Uliel committed the murder during the night by throwing Molotov cocktails into the Dawabshe's home in the village of Duma, as the family slept in their beds. The decision to target a home deep inside a community in the dead of night was not random. The court's guilty ruling noted Ben Uliel had chosen a home in the middle of the village deliberately, "in order to intensify the fear and intimidation effect."¹ Both the indictment and the conviction used the term "terrorist attack" to describe the depraved murder.

For a moment, the murder of the Dawabshe family drew the public's attention to settler violence as a whole and attacks inside Palestinian villages in particular. However, the gravity of this incident and the deep shock it caused failed to elicit resolute law enforcement action from Israeli authorities, and attacks of this nature continue today, five years later.² While the Duma murderer himself did not evade justice, he did get what he was after – Palestinians have felt much more menaced and much more fearful of attacks in their own homes and communities ever since.

This report looks at offenses Israeli civilians commit inside the built-up, inhabited areas of Palestinian towns and villages in the West Bank (Area B). It relies on the analysis of **63 incidents** documented by Yesh Din between 2017 and 2020,³ during which offenses involving violence, property damage and desecration of mosques were committed against Palestinians. These are only the incidents documented by Yesh Din researchers in the time period and do not cover all offenses committed by Israelis against Palestinians in that time. Other incidents took place then and continue to take place now - some are documented by other organizations and agencies, while others go undocumented and hidden from the public. Israeli settlements and unauthorized outposts in the West Bank - established in breach of international law⁴ - were built near Palestinian communities. Their establishment

1 SFC 932-01-16 **State of Israel v. Ben Uliel (in custody) et al.**, judgment, May 18, 2020. Ben Uliel's lawyers appealed the decision on October 29, 2020.

2 Attempting to crack down on settler violence, Israeli law enforcement has used administrative restraining orders to keep certain settlers from accessing the West Bank or certain parts of it, as well as administrative detention orders (see, e.g.: Chaim Levinson, "[IDF Issues Administrative Orders Against Some 10 Jewish Extremists](#)", **Haaretz English website**, August 23, 2015. These are undemocratic measures that evince the authorities' failure to conduct effective, reliable investigations and to prosecute offenders motivated by ideology.

3 Unless otherwise noted, figures in this position paper are current as of October 27, 2020.

4 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949), Art. 49(6). This article prohibits the occupying power from deporting or transferring parts of its own civilian population into the occupied territory. According to accepted interpretation, this prohibition is violated even if the population migrating into the occupied territories is not coerced to do so and certainly when the migration is supported or encouraged by the state. According to ICRC commentary, the drafters of the convention sought to preserve a demographic status quo in occupied

invariably involves landgrab and violations of Palestinians' property rights.⁵ Israel's policy, whereby the military supplies protection for all Israeli settlement points in the West Bank and their residents, means increased soldier presence in the West Bank, increased restrictions on the movement of Palestinians inside it and violations of other rights.

Relations between settlers and Palestinians often echo Israel's system of control over the Palestinians, with its hallmark hostility and sense of superiority. Attacks by Israeli civilians against Palestinians and their property are commonplace throughout the West Bank. They take place both inside and outside villages, and many Israelis are involved. In 2020 alone,⁶ Yesh Din documented 89 offenses committed by Israelis against Palestinians or Palestinian property in farmlands in the West Bank, including 36 violent assaults. These acts of violence and vandalism, also referred to as "ideologically motivated crime," are strategically motivated. The objective is to instill fear in the heart of Palestinians and create a real threat in order to dispossess Palestinians of their land and confine them to increasingly smaller areas of the West Bank.

As the occupying power in the West Bank, under international law, Israel has an obligation to protect Palestinians and their property.⁷ Nevertheless, Yesh Din's ongoing monitoring of responses to such incidents reveals Israel fails to discharge its duties under international law to keep Palestinians living in the occupied Palestinian territories safe and protect their property. Although these attacks are widespread and have been taking place for years, Israeli law enforcement agencies have exhibited criminal negligence in their responses to ideologically motivated crime against Palestinians. Over the years, official reports from the State Comptroller and Israeli government officials,⁸ as well as reports published by human

territories. Successive Israeli governments have interpreted the prohibition on transferring population into the occupied territory as applying to coerced transfers only and claimed that since Israeli civilians move to the settlements voluntarily, international law is not violated. Israeli governments have also claimed that the Fourth Geneva Convention does not apply to the West Bank since it is not occupied territory as it had not been seized from a sovereign ruler that had lawful possession of it. This position has been rejected by all international tribunals, most international legal experts and the international community. In its advisory opinion on the separation fence, the International Court of Justice in The Hague ruled that the settlements were established in contravention of Art. 49(6), and Resolution No. 446 of the UN Security Council from 1979. The Rome Statute, the constitution of the International Criminal Court, frames the prohibition in a manner that criminalizes both direct and indirect population transfers into an occupied territory. Given these interpretive developments, there is broad legal consensus that Israel's policy of enabling, encouraging and funding settlement activity is a violation of the prohibition on both direct and indirect population transfers into the occupied territory.

5 See, e.g. Yesh Din, **The illegal outpost of Amona: Theft of private Palestinian land - a chronology (1995 - ?)** (2020); Yesh Din, **The Road to Dispossession: A case study - the outpost of Adei-Ad** (2013).

6 From November 21, 2020 to January 1, 2020.

7 For more on Israel's obligation to enforce the law and protect Palestinians and their property, see: Yesh Din **Mock Enforcement: The failure to enforce the law on Israeli civilians in the West Bank** (2015), pp. 14-19.

8 Ministry of Justice, **The Investigation of Suspicions against Israelis in Judea and Samaria – Report of the Monitoring Team** (Karp Report) (May 1982) (Hebrew); **Report of the Commission of Inquiry into the Massacre at the Tomb of The Patriarchs in Hebron** (Shamgar Report) (June 1994) (Hebrew); **Opinion Concerning Unauthorized**

rights organizations, including Yesh Din, have been published.⁹ These reports analyzed the ongoing systemic failures of the law enforcement system in the West Bank and pointed to a lack of will on the part of Israel and its law enforcement agencies to tackle this violence.

In recent years, violence perpetrated in Palestinian spaces - village streets, schools, public buildings and even homes - has proliferated. Secluded homes and structures, and those located near settlements, unauthorized outposts or access roads, have become standing, preferred, targets. The home of the N. family from the village of Burin is an example. Located near the settlement of Yizhar and its satellite outposts, the home has been attacked at least four times since 2007,¹⁰ though structures located well within village limits have not been spared.

Responses to attacks inside villages are marred by existing profound systemic law enforcement failure in the West Bank. Time and again, investigation and enforcement agencies fail to prevent these incidents before they happen and to find and prosecute the offenders after the fact.

Police complaints were filed in 60 of the 63 incidents of offenses by Israeli civilians inside Palestinian villages documented by Yesh Din. The police has concluded the investigation in 38. Not a single indictment has been filed.

Attacks on Palestinians and their property take a physical, financial, social and psychological toll on Palestinians, especially when they are widespread. Settlers have a clear advantage over the Palestinians: They are citizens of the country that holds the West Bank under military occupation. They have the protection of the Israeli police and military. Palestinians, on the other hand, are abandoned by the law enforcement system that is tasked with keeping them safe and protecting them from harm. This state of affairs, where one national group dominates another and oppresses it by denying rights, practicing legal segregation and employing different legal systems for each group, is part of Israel's apartheid regime. This regime's objective is to entrench and cement Israeli colonization of the West Bank.¹¹

Outposts (Sasson Report) (February 2005) (Hebrew); **State Comptroller Reports** 52A (2001) 54B (2003), 56A (2005), 63B (2013), 68B (2018) (all in Hebrew).

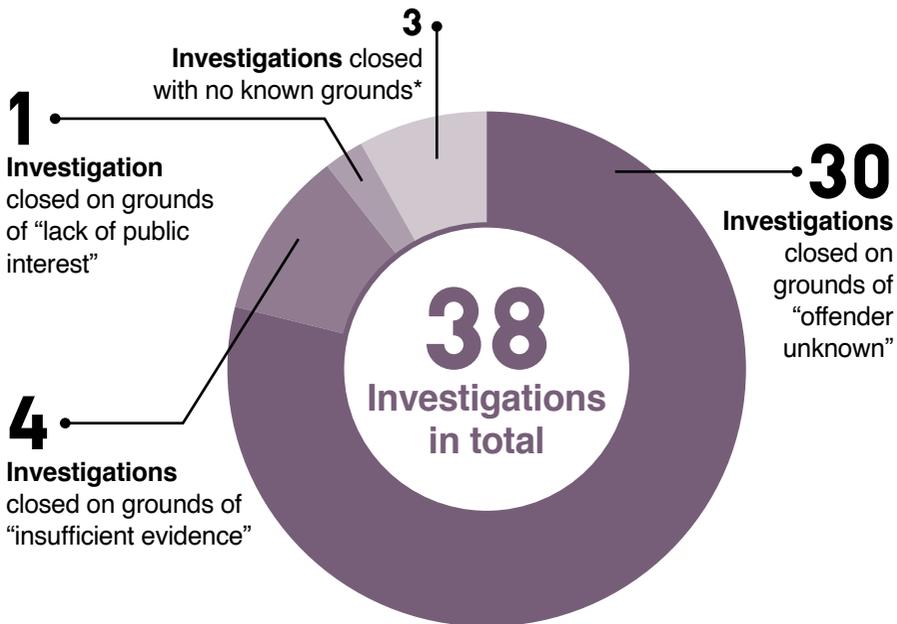
9 Yesh Din, **A Semblance of Law: Law Enforcement upon Israeli civilians in the West Bank** (2006); Yesh Din, **Mock Enforcement: The failure to enforce the law on Israeli civilians in the West Bank** (2015); Yesh Din, Data Sheet, **December 2019: Law enforcement on Israeli civilians in the West Bank**; and data sheets from previous years.

10 In most cases of settler attacks on homes inside Palestinian communities, the attack was perpetrated by groups who threw stones at residents and their property. For example, on June 21, 2007, settlers threw stones at the home of the N. family in Burin, damaging their property (Yesh Din Case 1282/07); on December 1, 2008, settlers threw stones at the house and damaged the family car (Yesh Din Case 1663/08); on December 4, 2008, settlers again threw stones at the home (Yesh Din Case 1683/08); and on December 13, 2017, settlers threw rocks at family members, who fled, and damaged property (Yesh Din Case 4027/17).

11 See: "[The Israeli Occupation of the West Bank and the Crime of Apartheid: Legal Opinion](#)", June 2020.

Israel's failure to deter and respond to crime leaves Palestinian streets, homes and workplaces vulnerable to the explosive violence settlers use as an ideological tool.

Settler crime inside Palestinian villages, 2017-2020: Concluded investigations



*The Israel Police had not provided Yesh Din with the grounds for closure in these investigations at the time of publication. Investigations are still underway in 22 other cases in which police complaints were filed. No complaint was filed in three cases.

Section I: Settler violence inside Palestinian communities

Settler violence inside Palestinian towns and villages includes verbal and physical threats, attacks with cold weapons and even gunfire. Most of the violent incidents covered in this report consisted of settlers throwing stones at Palestinians,¹² while the latter were inside their car or home, in their yard, or somewhere else near their house, or settlers beating Palestinians using clubs and other tools. In the time period covered by this report, Yesh Din researchers have also documented four incidents in which settlers fired at Palestinians.

Ziad Shehadah, a teacher from the village of Urif, and his family were attacked by settlers on April 13, 2019, as Ziad's wife and children were getting ready to go to a party in the village.

At around 4:40 P.M., my wife got the children into the car, and I went inside to get the keys. Then, a friend saw a group of young men approaching on the path from the east. They had kuffiyas on their heads, dressed like Palestinians. **And then they started throwing lots of heavy stones they had been carrying inside their clothes.** My wife had the baby in the front seat, and the kids were in the back seat.

I shut the side door to the kitchen to keep them from going inside **and ran quickly to get my wife and baby, who were completely exposed, out of the car. I managed to get them out under a barrage of stones. I got them inside. When the settlers were only about four meters away from the car, I ran to get the two kids out. Their lives were in real danger.** My son had opened the door, and my daughter had her head behind the window, so they could have gotten hit by a stone in the head at any moment. I managed to get them out safely too, but I got hit by a stone in the shoulder [...] After some young men from the village came, the settlers started climbing up the mountain towards Yizhar. A few armed settlers were standing at the top, yelling at them to come up.

It's clear to me that they came with the intention of hurting us physically, because they knew when we were outside. It was a miracle that we came out of it. **Since then, my wife and the kids have been sleeping at her parents' house in the village. My son is always scared and**

12 This occurred in 14 out of 19 violent incidents.

won't stop asking why they are doing this to us. He remembers our car was torched in 2018 too. He's been wetting the bed at night and asking us to go with him to the bathroom during the day. I sleep alone at home, on the couch, with one eye on the screen that shows the security camera footage. I'm willing to sell the house at a loss [just to] get out of this neighborhood."¹³



Settlers (on the path above) throwing stones at the Shehadah family (Ziad, Raja and their infant daughter are outside the car, two other children are in the back seat), Urif, April 13, 2019 (from Ziahd Shehadah's security camera footage).

In some cases, the violence has resulted in actual physical harm and even severe injury. This happened, for instance, when members of the T. family were attacked by five settlers inside their tent encampment in the community of Taybeh, near the settlement of Kochav Hashachar and the unauthorized outpost known as the “Baladim Outpost”:

“One of them, who had a stick, ran really fast towards S., my son, and hit him hard on the head from zero range. S. fainted on the spot and lost consciousness, and the settler kept beating him even when he was unconscious on the ground. He kept beating him for two minutes [...] S. started bleeding from the head. My wife, who was in the tent, came out [...] and then the same settler who had beaten S. came and beat her on the head too, and she started bleeding too.

¹³ From the testimony of Ziad Shehadah of Urif about an incident that took place on April 13, 2019. The police investigation into this incident was closed on the grounds of “offender unknown” (Yesh Din Case 4421/19).

She was examined, and it turned out she had a wound on her head. She got four stitches. My son's injury was worse. They found out he'd had a concussion and internal bleeding. He spent six days in the hospital."¹⁴

The effect of such severe violence against Palestinians in their own communities, and sometimes on their own property, in front of neighbors and relatives, goes beyond the direct harm to the victims of the attack. Although they are the first to be harmed and must recover from complex physical and psychological injury, individuals in their closer circles suffer as well. They must watch their loved ones being robbed of their liberty and dignity and see their bodies being pummeled.

Most of the violent attacks presented in this section were carried out during daylight hours.¹⁵ This pattern says something about the confidence felt by settlers who set out to hurt Palestinians, given the absence of deterring law enforcement presence. This confidence also results from the fact that law enforcement agencies in the West Bank are ineffective, and therefore, not only fail to deter and respond to crime, but also protect Israelis no matter the circumstances, even when they hurt Palestinians and break the law.

In the cases researched for the purpose of this document, soldiers provided settlers with two layers of protection. First, they refrained from preventing the offense, despite being on site. In cases of violence with soldier presence that occurred between 2017 and 2020, the soldiers intervened only after Palestinians were harmed (three cases) or not at all (four cases).¹⁶ Second, in four cases documented during this time, the soldiers intervened against the Palestinian victims, firing tear gas, stun grenades and rubber-coated metal bullets at them, while the settlers either remained in the area or left without the soldiers detaining them.¹⁷ The soldiers' conduct is a breach of their duty to protect the Palestinian population of the West Bank, recognized under international law as protected persons. The obligation to provide them with protection is prescribed both in international law and in the jurisprudence of Israel's Supreme Court.^{18,19} Soldiers stand by and refrain from defending

14 From the testimony of A.T. from Taybeh about an incident that took place on January 22, 2018. The police investigation into this incident was closed on the grounds of "insufficient evidence" (Yesh Din Case 4049/18).

15 Since 2017, Yesh Din researchers have documented 14 cases of violence inside towns and villages that took place during daylight hours. Five other incidents occurred at night.

16 For instance, on February 24, 2018, settlers threw stones at the A. family from Susiya. A soldier who was present intervened 45 minutes into the incident (Yesh Din Case 4068/18); on April 22, 2017, settlers threw stones at residents of Urif for three hours. Soldiers who were present at the scene failed to remove or detain them (Yesh Din Case 3894/17).

17 For instance, on April 29, 2017, settlers threw stones at residents of Urif. Soldiers present at the scene fired rubber-coated metal bullets and tear gas canisters at the residents and did not stop the settlers (Yesh Din Case 3899/17).

18 Article 43 of The Hague Regulations and Article 27 of the Fourth Geneva Convention stipulate the occupying power's duty to see to the welfare of the local population and protect their body and dignity, "especially against all acts of violence or threats thereof" (Fourth Geneva Convention, Art. 27).

19 HCJ 393/82 **Jam'iat Iscan Al-Ma'almoun v. IDF Commander in the Judea and Samaria Area**, judgment,

Palestinians who come under attack as a result of the military's policy in the West Bank, which prioritizes protecting settlers, and because they are not aware of their duty to protect the Palestinian population. They do not understand what powers they have or know what they are required to do during an incident in which Israeli civilians harm Palestinians. The lack of familiarity with their obligations and powers results in soldiers often taking action against the Palestinian victims rather than their assailants, whether by act or omission.²⁰ H.K., from the village of Madama, recounted:

"At around 1:00 P.M., I heard neighbors saying settlers were near the house. I opened the door and saw a military jeep standing on the dirt road above the house and settlers throwing stones at the house. There was a large group of settlers no farther than 4 meters [from the house] who threw stones [...] **I told the military: 'The settlers are throwing stones at the house. Arrest them. Do something.'** The soldiers said: **'Get inside. If you don't go inside, we'll shoot you.'**

I saw the settlers from the bedroom window. They were all masked, 16-17-year-old youths. They weren't armed. The Civilian Security Coordinator of Yizhar came with the settlers.²¹ I saw him with the soldiers. They let him drive around in his car in the neighborhood, and they wouldn't let me out of the house.

We were very scared. I took the whole family into the guest room, which has no windows. We yelled and called for village residents to come help us, and then a large group of village residents came.

What did the army do? Fired stun grenades at the residents who came to help us and didn't detain the settlers.²²

paragraphs 17-25; HCJ 10356/02, **Yoav Haas v. IDF Commander in the West Bank**, judgment, paragraph 8; HCJ 4764/04 **Physicians for Human Rights Israel et al. v. IDF Commander in the Gaza Strip**, judgment, paragraph 11.

20 See: Yesh Din, **Standing Idly By: IDF soldiers' inaction in the face of offenses perpetrated by Israelis against Palestinians in the West Bank**, (2015).

21 The civilian security coordinators (CSCs) and civilian guarding squads that operate in Israeli West Bank settlements are quasi-military forces comprised of Israeli civilian residents of the settlements and outposts in the area. According to the IDF, their role is to defend residents of Israeli settlements and outposts in the West Bank. For further reading about the contribution CSCs make to the chaotic Israeli rule of the West Bank, see: Yesh Din, [The Lawless Zone: The transfer of policing and security powers to the civilian security coordinators in the settlements and outposts](#) (June 2014).

22 From the testimony of H.K. from Madama about an incident that took place on January 31, 2020, (Yesh Din Case 4626/20).

In addition to the harm suffered by Palestinians during the act, they get neither protection nor justice after the fact. As Yesh Din figures have shown over the years, offenders are unlikely to be brought to justice. **According to Yesh Din's research, 82% of the investigations into ideologically motivated crime against Palestinians in the West Bank carried out between 2005 and 2019 closed due to police failure, and only 8% resulted in indictments.** Most of the files were closed on the grounds of "offender unknown," which means police investigators could not find suspects.²³ Given this state of affairs, settlers who set out to harm Palestinians can feel confident that they will not be caught, let alone punished.

Of the 63 incidents that occurred between 2017 and 2020 and reviewed for this publication, 19 involved violent offenses by Israeli settlers against Palestinians in the West Bank. In 18 of these, the victims filed a complaint with the police and an investigation was opened. Eight of the investigations are still underway. **Not a single indictment was served in the ten concluded files:** Seven were closed on the grounds of "offender unknown" and one closed on the grounds of "insufficient evidence."²⁴ This is an indication that the Samaria and Judea (SJ) District Police (the Israel Police district dedicated to the West Bank) failed in the investigation of offenses in its jurisdiction, as these grounds demonstrate the investigators acknowledge an offense had been committed but failed to name suspects or gather enough evidence to support an indictment.

The response to an incident that occurred in Burin on May 21, 2017, serves to illustrate the failures of law enforcement agencies and the impunity of offenders with respect to violence inside Palestinian villages. The incident began in the late afternoon when about 20 settlers raided the eastern neighborhood in the village, which is located near the unauthorized outpost of Giv'at Ronen and the settlement of Har Bracha. The settlers gathered near an abandoned home on the outskirts of the village, and a short while later, began advancing towards the neighborhood and throwing stones at homes and residents.

"[...] Then I saw the settlers starting to head south [...] I went in that direction, and when I got closer, I saw a large group of settlers near the neighborhood homes. They threw stones at the houses, and they also threw stones at several young men from the neighborhood who had come. I filmed the incident, **and then four or five soldiers came and started following the settlers. The soldiers started yelling at the young guys from the neighborhood and driving them away.** In the meantime, the settlers continued throwing stones, and I was struck by one that hit me on my left side."²⁵

23 See: Yesh Din, **Data Sheet, December 2019: Law enforcement on Israeli civilians in the West Bank.**

24 The Israel Police has not provided Yesh Din with the grounds for closure in two other investigation files at the time of publication.

25 From the testimony of Moneer Kadus, Yesh Din's Field Researcher, about an incident that took place in Burin on May 21,

According to eyewitness accounts from Palestinians who were present at the scene, the soldiers arrived about half an hour after the settlers began their assault. They fired tear gas at the Palestinians, and after a while, when it got dark, the settlers left towards Giv'at Ronen with the soldiers accompanying them.



A masked settler throwing a stone at residents of Burin, with a soldier standing idly by: Record of the attack in Burin, May 21, 2017, Yesh Din Case 3913/17 (photo by Moneer Kadus, Yesh Din).

Moneer Kadus, a field researcher with Yesh Din and resident of Burin, who was injured by a stone thrown by a settler, filed a complaint with the Israeli police at the Israeli DCO in Nablus²⁶ two days after the incident, on May 23. Yesh Din lawyers were given power of attorney to follow up on the case. Yesh Din was initially told the investigation was underway, but by the third time we asked the police for an update, we were informed that the investigation of the assault in Burin had been closed on the grounds of “offender unknown” back in May 2018 - a year after the incident.²⁷

A review of the investigation file raised concern that the investigators had not watched footage of the incident, which was submitted along with the complaint. The investigation file did not contain the footage itself or any reports of having watched any footage whatsoever. In the videos filmed, the faces of three of the settlers who took part in the assault are clearly visible. However, the police made no attempt to find the suspects and the investigation closed without them being questioned. Yesh Din appealed the closure and resubmitted the video footage.²⁸

2017, (Yesh Din Case 3913/17).

26 DCOs are district liaison and coordination offices whose role is to mediate between the Palestinian civilian population and the Israeli military. They function as representatives of the Coordination of Government Activities in the Territories, which belongs to the Civil Administration.

27 Letter from Shomron Investigation Department to Yesh Din, August 20, 2018.

28 Appeal against the closure of Police file number 224140/17, January 10, 2019, Yesh Din Case 3913/17.

The response of the Legal Advisor to the Shomron Police Station in Ariel was sent about a month later,²⁹ claiming the investigators had, in fact, watched footage from the incident prior to their decision to close the case on the grounds of “offender unknown.” Perplexed by the inexplicable inconsistency between the grounds for closing the investigation and the existence of clear images of three of the assailants, Yesh Din’s legal team sent another letter to the Shomron Legal Advisor, highlighting that point.³⁰ The team enclosed still photos captured from the footage clearly showing the faces of three of the settlers.³¹

It was not until five months later that the Israel Police informed Yesh Din’s legal team that the investigation had again been closed on the grounds of “offender unknown.”³² However, as of the date of publication, Yesh Din has no information as to whether a decision has been made in the appeal, since the Israel Police has not notified Yesh Din whether the appeal had been referred to the State Attorney’s Office along with the recommendation of the agency that closed the investigation, as required by law.

In other words, four years after the offense was committed, the investigation file had not been concluded. Despite evidence that could lead to suspects, the Israel Police made no attempt to locate them, dragged its feet processing the file and ultimately closed it on improper grounds. The concluding remarks of the appeal capture the essence of the situation: “The ineptitude and tolerance law enforcement agencies consistently exhibit towards aggression aimed by settlers against Palestinians in the oPt is nothing new. Such cases, where despite clear evidence, the investigation closes, undermine the rule of law and send a clear message to the assailants that they may continue to attack without ever facing justice.”³³ The inordinate amount of time taken to process the file and look into the arguments made in the appeal are a cause for significant concern that even if the arguments are ultimately accepted, and the investigation resumes, the prospect for an effective investigation capable of producing an indictment is greatly diminished so long after the incident.

Civilian Security Coordinators (CSCs) and civilian guarding squads operate in the West Bank alongside official law enforcement agencies - the military, the police and the Shin Bet. Their role is to help guard Israeli communities, and they function as semi-military civilian forces. CSCs are agents of the military. They are outfitted with military weapons.

29 Letter from Israel Police Shomron Area Legal Advisor to Yesh Din’s Legal Team, February 4, 2019.

30 The police uses “offender unknown” as grounds to close investigations when there is no information whatsoever about who the offender might be or when there are only vague suspicions as to their identity: [“Grounds and considerations for the closure of criminal files”](#), Investigation and Intelligence Department Procedures, Israel Police, February 1, 2014 (Hebrew).

31 Letter from Yesh Din’s Legal Team to Atty. Gil Deshe, Israel Police Shomron Area Legal Advisor, February 10, 2019.

32 Information provided to Yesh Din’s legal team during a meeting with the Shomron Investigation Department, July 15, 2019.

33 Ibid.

They are trained by the army, and they are delegated powers by the Military Commander of the West Bank to engage in policing activities such as search and arrest. They may also use force. On paper, their activities are monitored by the military. At the same time, they are appointed by the settlements and see themselves as representing the settlements' interests. This conflict of interests, combined with the lack of clearly defined powers and weak supervision, creates daily friction and clashes between the CSCs and settlement civilian guard squads, on the one hand, and Palestinian farmers on the other.³⁴ CSCs are permitted to operate and have powers only within the "guarding zone," an area defined by military order.³⁵ According to the military's official position, CSCs "are absolutely prohibited from acting outside the borders of their permitted areas of operation as defined in a map signed by the brigade commander."³⁶ Nevertheless, CSCs are often involved in violent incidents inside Palestinian communities, even though these lie outside the official guarding zones, and therefore, where they are not permitted to operate.

A clear example of the problematic status of the CSCs, their abuse of power and the reversal of roles and power hierarchy between them and soldiers on the ground can be seen in an incident that took place in December of 2019 in the village of al-Janiyah, near the settlement of Talmon. Most of the village is designated as Area C, and a small part of it is considered Area B. On the day of the incident in question, Mahmoud Mazlum, a journalist and local resident, arrived at a barbershop in the village around 3:30 P.M. As the barber began working, Mahmoud heard gunfire and children shouting:

"I wanted to see what was going on outside and check on my car, which was parked outside. I stopped the barber in the middle. I was still in the barber apron he had put on me, and my face had shaving cream on it, and I went outside.

I saw Yaakov [Elharar], the Talmon CSC, about 200 meters away from me. Everyone in the village, including me, knows him. He fired his M16 inside the village. The children were screaming in fear. They had been playing outside, and suddenly someone fired. The children scattered everywhere and hid.

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- 34 For further reading about the CSCs' function, powers and their conflict of interests, see: Yesh Din, **The Lawless Zone: The transfer of policing and security powers to the civilian security coordinators in the settlements and outposts** (2014).
- 35 Guarding zones include the built-up areas of the settlements, the outposts, and industrial zones and extend to areas around settlements that lie outside their municipal boundaries such as roads, agricultural structures and more. *Ibid.*, p. 19.
- 36 Letter from Captain Sandra Ofinkaru, Security and Criminal Desk Officer in the Office of the Legal Advisor for the Judea and Samaria Area, to Attorney Michael Sfarid dated July 29, 2010. The letter was received during the course of an appeal submitted following the closure of the investigation into an incident in which the CSC of the outpost of Avigayil assaulted Palestinian shepherds (Yesh Din Case 1892/09).

Within seconds there was no one to be seen. Everyone ran and took shelter. I did too. I was so scared I would get shot, I went back inside the barbershop. The village was quiet. There was no reason for the CSC to even come into the village.

A few minutes later, the CSC came into the barbershop, grabbed me by the shoulder with one hand and dragged me forcefully with the other. I was afraid he was going to kill me. I still had the apron on, and I had shaving cream on my beard. I said: 'What do you want? What are you doing?' and he said, 'Shut up. Shut up.'

He dragged me for about 200 meters, to the main road towards the settlement [Talmon], while I was shouting in Hebrew: 'Police, police, I want the police.' He held me with one hand, and with the other, he fired three times in the air while yelling at me to shut up."³⁷

When the CSC noticed a neighbor watching the scene, he shouted at him to get inside and fired three shots at him. The CSC dragged Mahmoud over to a group of soldiers who were standing at the edge of the village, left him there, and returned to the village with another armed civilian. The soldiers began interrogating Mahmoud about stones that had allegedly been thrown towards Talmon a short while earlier. They appeared to suspect Mahmoud had thrown the stones himself or knew who had. Mahmoud said he had been sitting in a barber's chair, insisted he knew nothing about the stone-throwing and tried to convince them he was speaking truthfully, but to no avail.

In the meantime, the CSC and the other civilian returned to the village and fired randomly. Some of the bullets hit houses and caused damage. 'Ayid, Mahmoud's father, noticed what was going on and went over to the CSC, demanding to be told what he had done to his son. After a short argument, the CSC and his companion aimed their guns at the father and another relative who was standing nearby, threatening to shoot them. 'Ayid asked the CSC to leave the village as he had no powers in it, pointing out to him that this was not the first time he invaded the community. Soldiers who were standing nearby and saw what was transpiring did not intervene, even after Mahmoud's father asked the officer present to remove the CSC from the village and release Mahmoud. The soldiers did not respond to 'Ayid's requests. A short while later, the CSC returned to Mahmoud, who was still being watched by the soldiers:

"After arguing with them [Mahmoud's family members], the CSC came back and told me: 'I was at your house. Your father's name is 'Ayid Mazlum.'

37 From the testimony of Mahmoud Mazlum from al-Janiyah about an incident that took place on December 13, 2019, (Yesh Din Case 4599/19).

I didn't answer. I did not want to speak to him as I do not recognize his authority and refuse to give him legitimacy. The CSC demanded my ID card, and the soldiers who were standing around said nothing, as if he, the CSC, commanded them. I gave the CSC my ID card. He saw my father's name and started cursing my father's name in Hebrew, saying: 'You're a son of a bitch, and your father is a son of a bitch.'

The soldiers stood around as he swore, doing nothing. After the CSC swore at me and my father, he gave me back my ID card. While all this was happening, there were eight soldiers standing around the CSC and not one of them opened his mouth. The CSC gave the soldiers an order to let me go, and it was only then that they let me go."³⁸



Mahmoud Mazlum being interrogated by soldiers and Talmon CSC Yaakov Elharar (shown with his back to the camera, wearing a plain black jacket), footage from the incident in al-Janiyah, Yesh Din Case 4599/19 (Photo by Yesh Din).

Although the CSCs are functionally subordinate to the military, they are Israeli citizens, which is why when they are suspected of having committed a criminal offense (even on duty), the agency in charge of investigating is the Israel Police. Mahmoud filed a complaint with the Israel Police at the Binyamin station on January 1, 2020, regarding unlawful use of a firearm and assault. He empowered Yesh Din lawyers to follow up. Eight months after the offenses were committed, Yesh Din found out, from the police

38 Ibid.

database, that the file had been closed on the grounds of “absence of criminal culpability.”³⁹ **In other words, police investigators found nothing wrong with the CSC entering a Palestinian community located in Area B, outside the guarding zone of the relevant settlement, abducting and falsely detaining an innocent Palestinian, unlawfully discharging a firearm in a residential area, potentially putting lives at risk, and damaging property.** In the appeal against the file’s closure, Yesh Din noted that several obvious investigative measures had not been taken. For example, the soldiers who were present during the incident were not summoned to give a statement, nor were any other soldiers with possible connections, or village residents whose homes had been damaged. Additionally, the CSC’s armed companion, who had also fired at homes in the village, should have been interrogated under caution.⁴⁰ As of the date of publication, the State Attorney’s Office has yet to respond to the appeal, and it remains pending.

Because the CSCs are functionally subordinate to the military, complaints regarding abuse of authority are referred to the military for administrative action. Therefore, in addition to the police complaint, Yesh Din also contacted the IDF Commander in the West Bank and the Military Advocate General (MAG), demanding the CSC’s immediate suspension.⁴¹ As of the date of publication, the MAG has yet to make a decision, and the CSC has not been suspended.⁴²

In addition to the criminal and administrative procedures against the CSC, Yesh Din also assisted Mahmoud in filing a complaint with the MAG Corps against the soldiers. The military took its time with the file. The factual inquiry, a preliminary stage during which the military collects information in order to determine whether the Military Police Criminal Investigation Division (MPCID) should formally investigate, took more than five months. The end result was a decision, on July 7, 2020, that no investigation was warranted.⁴³ In its response, **the MAG Corps referred only to the allegations the military and the CSC had made about stone-throwing prior to the incident, completely ignoring the illegal actions of the soldiers who stood idly by, allowed the CSC to engage in**

39 Information received through access to the police database on August 16, 2020.

40 Appeal against the closure of Police file number 958/20, October 14, 2020, Yesh Din Case 4599/19.

41 Letter from Yesh Din’s legal team to Nadav Padan, IDF Commander in the West Bank and Sharon Afek, Military Advocate General, February 5, 2020.

42 Yaakov Elharar, Talmon CSC, was awarded a merit badge from the Judea and Samaria Division in honor of Israel’s 71st Independence Day on May 20, 2019, about seven months prior to the incident in al-Janiyah. Source: [Talmon Facebook page - Feel at Home](#) (Hebrew).

43 The Legal Service for Operational Matters notified Yesh Din’s legal team that “the conduct of the military force present during the incident does not give rise to suspected criminal offenses that could justify the launching of an MPCID investigation in the circumstances [...] Given the complainants’ allegations with regards to the troops’ conduct, your request has been referred to the command, at the discretion of the relevant command officials.” The letter did not specify what sort of action the command would take. Letter from the Legal Service for Operational Matters, July 7, 2020.

unlawful acts and cooperated with these acts. Yesh Din appealed the decision not to launch an MPCID investigation. As of the date of publication, no decision has been made.

Although the State of Israel has a duty to protect the rights of the Palestinian population in the West Bank, it gives settlers policing powers and authority to use force. By arming and delegating powers to settlers on the one hand and failing to enforce the law on the very same public on the other, the State of Israel allows governmental chaos to continue to reign in the West Bank. This state of affairs clearly benefits one side.

Even now, more than a year after an armed Israeli invaded a Palestinian village, putting lives in danger without any justification, despite the fact that the incident was well documented and brought to the attention of the authorities, none of the individuals involved has been held to account. The law enforcement agencies tasked with maintaining public order and seeing justice done found there was no evidence to substantiate criminal guilt, closed the investigation and continue to stall after an appeal was filed.

The examples presented here illustrate how the State of Israel fails to prevent crime and deter ideological offenders and how state authorities repeatedly botch investigations after the fact. The isolated, extreme cases that have received public attention, and thanks to that, also relatively rigorous enforcement action are the exception that proves the rule. The best-known example of this is the attack on the Dawabshe family in the village of Duma in 2015, in which the two parents and their infant son were murdered, and their four-year-old son was severely injured. The case drew condemnations from Israeli and international political leaders,⁴⁴ and led to a wave of administrative arrest and restraining orders against settlers suspected of involvement in the attack itself or with other, similar, groups.⁴⁵ It even prompted the Shin Bet to employ “special measures,” a euphemism used in Israel for torture, in order to extract information from suspects.⁴⁶ The strong reaction to this attack and the international attention to its investigation motivated Israel to put a great deal of effort into solving the case. Eventually, Amiram Ben Uliel was charged with murder, convicted, and handed a heavy sentence.⁴⁷

44 See, e.g. [a post on the Facebook page of Israel's president, Rubi Rivlin](#), July 31, 2015 (Hebrew); [Statement from PM Netanyahu in Wake of the Murder of Ali Dawabsha](#), July 31, 2015; and various speeches made in a rally after the murder - TOI Staff, [“Thousands attend anti-violence protests across Israel”](#), **The Times of Israel**, August 1, 2015.

45 See, e.g., Itamar Eichner and Tova Zimouky, [“Cabinet approves administrative detention for Jewish terrorists”](#), **ynet**, August 2, 2015 (Hebrew); Ofer Hadad, [“Breaking: Attorney General approves administrative detention of three right-wing extremists”](#), **N12 News**, August 4, 2015 (Hebrew).

46 Chaim Levinson, [“Shin Bet Torturing Jewish Terror Suspects, Say Lawyers”](#), **Haaretz English website**, December 18, 2015.

47 [SFC 932-01-16 State of Israel v. Ben Uliel \(in custody\)](#), judgment, September 14, 2020 (Hebrew). Ben Uliel's lawyers appealed the decision on October 29, 2020.

Because of its exceptionally grievous outcome, the Israeli authorities' response to the murder of the Dawabshe family in Duma was unusually strong as well. However, **in the absolute majority of cases** (see figures at the end of this section), **the Israeli authorities do not make serious efforts, and the attacks continue unabated, with assailants enjoying near-complete immunity.** This immunity is the result of the conduct of law enforcement agencies in the West Bank: the military forces who are present on the scene but do nothing to stop the attacks and detain the assailants; and the police that does not investigate complaints about such incidents properly. The message this conduct sends is clear and deeply internalized, both by the assailants, the settlers, who see it as license to carry on, and by their Palestinian victims who know they are left to fend for themselves with no one to protect them from violent attacks.

The decentralized nature and unpredictability of these attacks instill a constant sense of danger and uncertainty. This produces daily terror, an oppressive atmosphere in which Palestinians can never know if they will be able to set about their daily activities and live in genuine, profound fear for their personal safety. Raja Shehadah, Ziad's wife, spoke about how the incident in which settlers threw stones at the family in their own yard affected her and her children (the incident is described on page 9 of this section):

“After the incident, for a whole week, my children and I did not sleep in the house. Only my husband stayed overnight. My son, M., wakes up at night in a fright and has started wetting the bed again too.”⁴⁸

48 From the testimony of Raja Shehadah of Urif about an incident that took place on April 13, 2019. The police investigation into this incident was closed on the grounds of “offender unknown” (Yesh Din Case 4421/19).

Section 2:

Damage to private property and mosques inside Palestinian communities

Most incidents of ideologically motivated crime inside Palestinian villages include damage to residents' private property: **41 of the 63 incidents covered in this position paper involved property damage.** They include damage to cars ranging from tire slashing to torching the entire vehicle, stone-throwing at homes and cars and torching homes and other structures. Most cases (31 of 41) also involved graffiti, some containing hate messages.⁴⁹

“What happened was, while I was parked, I went inside, had a shower - it all took about ten minutes - settlers came and managed to torch the cars and run away. As I was talking on the phone, I heard an explosion outside the house. I threw the phone down and ran towards the living room window (which directly overlooks where the cars were parked), and I saw the cars on fire and two silhouettes running among the olive trees [...]. It took us about forty minutes to put out the fire, but the cars were completely burnt. One of the neighbors drew my attention to graffiti on the fence, 'caution' in Arabic in black paint, with a Star of David next to it.”⁵⁰

Property offenses, including graffiti, are reported by the media under the moniker “price tag” - chosen by the settlers themselves. **Originally, the phrase ‘price tag’ was meant to convey the price Israeli law enforcement agencies would pay for actions that allegedly harm settlers, such as removing or planning to remove illegal structures, issuing restraining orders against settlers or arresting them.**⁵¹ The term has since become so widespread it has lost its original meaning and is now used to describe a large variety of acts taken against Palestinians, especially when graffiti is

49 Some of these messages protested law enforcement action by Israeli authorities against settlers (arrests, removal of illegal construction, etc.). In cases in which Palestinians harmed Israelis, the slogans are sometimes more generally directed against the authorities or Palestinians.

50 From the testimony of Ziad Shehadah of Urif about an incident that took place on July 13, 2018 (Yesh Din Case 4184/18).

51 “[...] If we continue on this path, through persistent, resolute struggle for every outpost, for every home, attempting to delay as much as possible, by putting up obstacles, barricading, and various other proactive moves, every evacuation of a home or outpost will become a complex operation with tremendous costs for the government [...] our persistence might influence decision makers and make them understand that the endeavor is not financially, socially or publicly worthwhile [...].” From: Komemeiut Movement: [Price Tag: A message following events in Hebron](#), p. 65 (undated) (Hebrew). The Komemeiut Movement was an organization that was founded by ultra-orthodox nationalists following Israel's withdrawal from Gush Katif and four settlements in northern Samaria in 2005 (as part of the Disengagement Plan). It addressed various issues connected to religion and state power dynamics and aspired to establish a Jewish theocracy in Israel.

left behind. Whatever the exact meaning of the term, these are ideologically motivated offenses that are not materially or practically different from other ideologically motivated, clearly criminal, offenses carried out by Israeli civilians against Palestinians in the West Bank.

Numerous testimonies about property damage indicate that such damage is discovered in the early morning hours, usually when men from the village set out for morning prayers at the mosque or head to work. **Many acts of vandalism against Palestinian property inside villages are carried out overnight.** Under cover of darkness, settlers find it easier to enter a village, inflict whatever damage they were planning to do and leave undetected. The type of damage settlers typically inflict requires little time and minimum effort: puncturing tires takes seconds and requires nothing more than a knife. This allows settlers to damage a large number of vehicles within minutes. Spraying graffiti is not time-consuming either, and settlers spray cars, fences and walls on village streets. Unlike violent incidents that take place during daylight, when the attacks occur at night, Israeli military and police forces are rarely on the scene and arrive only after the damage is discovered by the Palestinian residents.

Akram Fahida, from the village of al-Janiyah, is a poultry supplier and works at the poultry slaughterhouse in Ras Karkar. The slaughterhouse is located on the main road between Ras Karkar and al-Janiyah, and the two villages are surrounded by settlements and unauthorized outposts, which were built on their lands. The settlement of Dolev is located two kilometers to the northeast. The outpost Zayit Ra'anana and the settlement of Nerya are located to the north, and the settlement of Nahaliel lies to the east. Fahida says local residents have grown accustomed to settler violence on farmlands belonging to the two villages, which involves farmers being attacked in their fields and driven off the land. Locals are also familiar with incidents Fahida refers to as "price tag," including car torching, hate graffiti and even the torching of a home.

"On Thursday, February 21, 2019, I worked at the poultry warehouse in Ras Karkar until 1:00 A.M. I left and locked up. I had left the truck I use for shipping in the lot in front of the building [...] The first worker who showed up at work the next day was M. from the village of Deir Abu lbzi'. **He saw the hate graffiti on the truck and the punctured tires of the cars that were parked on the street.** He called me and said the settlers must have been by.

I got there at 5:10 A.M. and saw the graffiti on the truck: **'The penalty for murder is death, not a cell'** [meaning, jail cell]. The two front tires and four back tires of the truck were punctured. **Along the road, eight cars had their tires punctured. There was hate graffiti and Stars of David on four cars.**

I called the Palestinian DCO⁵² immediately and told them what had happened. They informed the Israeli DCO. At around 11:00 A.M., the Israeli DCO, police, soldiers and forensic team came.⁵³ They collected fingerprints and took a statement from me and the worker who saw the results of the incident first. **We turned on the security cameras together and saw that at 3:12 A.M., two figures with masks and hoodies on and holding bags showed up. They were there for five minutes.**⁵⁴

In some cases, there is video footage of the offenses originating from security cameras installed by Palestinian residents. These security cameras have become part of the scenery in Palestinian villages, and they can help solve crimes that occur in the area they cover and increase residents' sense of security.

"I heard knocking on the door at about 4:00 A.M. I got up quickly and saw a neighbor who told me: 'Get dressed quickly. Settlers are on a rampage in the village.' When I went outside, I saw all my car tires and all the tires on a truck belonging to my family had been punctured, and Hebrew graffiti had been sprayed on the doors of the warehouses that are right next to our house. I don't know what it said, but it was translated for me - 'Terrorism supporters live here - expel or kill.'

In the meantime, the street filled up with neighbors who said there were 30 more cars whose tires had been punctured [...].

The military, police, Shin Bet, and forensics came, took statements, from me too, took pictures and collected fingerprints. I also gave them a DVR from the security camera in my house, where you can see two masked settlers puncturing the tires. They promised they'd give it back within two days, but it's been eight days, and they still haven't given it back. I've been living in fear since that incident, especially without a camera."⁵⁵

52 DCOs are district liaison and coordination offices. The Palestinian DCOs mediate between the Palestinian civilian population and the Israeli Civil Administration.

53 The police Forensics Department is tasked with "locating and examining findings in crime scenes using scientific and technological methods [...] scientifically obtained evidence are a major element in supporting police investigations and indictments." From, [Israel Police Forensics Department](#), Annual Report 68C, State Comptroller and Ombudsman of Israel, p. 315, published May 8, 2018 (Hebrew).

54 From the testimony of Akram Fahida of al-Janiyah about an incident that took place in Ras Karkar on February 21, 2019. The police investigation into this incident was closed on the grounds of "offender unknown" (Yesh Din Case 4369/19).

55 From the testimony of Nidam Matan of Burqah about an incident that took place on April 20, 2018, in which settlers damaged vehicles and sprayed hate graffiti on structures in the community. The police investigation into this incident was closed on the grounds of "offender unknown" (Yesh Din Case 4119/18).



“Terrorism supporters live here - expel or kill” - hate graffiti sprayed by settlers in Burqah, April 20, 2018, Yesh Din Case 4119/18, (Photo by Yesh Din).

Notably, the military itself put up security cameras throughout the West Bank,⁵⁶ and though they are usually located near settlements and major traffic arteries, footage from these cameras could presumably be helpful in at least some cases, for instance, with identifying what vehicles the settlers used to carry out the offenses. Still, even if investigators insist on obtaining security camera footage, its usefulness is limited as offenders tend to cover their faces and hide other identifying features. Either way, it appears that the availability of footage does not necessarily help the investigations, which, in the vast majority of cases, do not lead to indictments and convictions. Thaer Shawakha from the village of Rammun spoke about his low level of confidence in the work carried out by the police.

“I left the house at 7:00 A.M., as usual, and headed towards the car, which was parked near the house. When I got to the car, I saw all four tires had been punctured with spikes. There was graffiti on the wall: ‘Let’s take our fate into our own hands,’ and ‘Let us handle them.’ When I saw the graffiti and the tires, I knew settlers had done it. We were very surprised, because our village is very quiet, and we’ve never had these sorts of incidents. At the same time, the neighbors came out of their house. I heard shouting, and I

56 See, e.g., press reports about the network of cameras and use of biometrics in the West Bank, Ami Roheks Dumba, [“Criticism of Israeli Biometrics Company AnyVision”](#), **IsraelDefense**, October 30, 2019 (Hebrew); Amitay Ziv, [“Revealed: The interesting Israeli start-up that operates secretly in the Territories, surveilling Palestinians”](#), **TheMarker**, July 14, 2019 (Hebrew); Olivia Solon, [“Why did Microsoft fund an Israeli firm that surveils West Bank Palestinians?”](#), **NBC News**, October 28, 2019.

realized something had happened. I saw along the road about 20 parked cars with their tires punctured and graffiti in Hebrew on the walls.

At 9:30 A.M., a large contingent of military, police, Shin Bet and a lot of press came. The police officers collected fingerprints, took photos of my car and other cars, and of the graffiti on the walls. They took a statement from me.

I had the feeling it was all a show. There are cameras that enable controlling traffic at every intersection, and there's no way the settlers can go into the village freely. But still, there are 'price tag' incidents every day. Terrorism is on the rise, and I haven't heard about anyone trying to stop them and prevent the terrorism. I don't believe the authorities are going to do anything in this case either."⁵⁷

In some of the incidents labeled as "price tag," military and police forces arrive in the village within several hours. This allows police officers to take statements from village residents willing to give them, collect fingerprints, search for DNA traces at the scene, and, if there are security cameras in the area, collect footage. However, to access the scene, the police requires a military escort, which can take time to coordinate, usually several hours. During this precious time, the scene could become contaminated (for instance, as a result of rainy weather or of touching by curious individuals), with evidence or traces potentially destroyed.

The effect of property offenses committed inside Palestinian villages is felt beyond the actual physical damage, and their toll is more than financial. The very fact that individuals known to be violent penetrate deep into the village, close to homes, undermines residents' sense of security and induces fear and concern rooted in bitter experience.

"The financial damage of four punctured tires is about a thousand shekels, but the emotional damage is much greater. Life in the village has changed. We fear we are in danger, and feelings are hard. The children and women are in shock, and residents fear something worse will happen. Residents of the village fear they will end up like the Dawabshe family in Duma, and it's frightening."⁵⁸

Repeated attacks on homes and a lack of protection from Israeli law enforcement authorities have prompted many Palestinians to secure their homes by installing fences, netting and bars on windows, heavy gates and security cameras. While these measures

57 From the testimony of Thaer Shawakha of Rammun about an incident that took place on April 23, 2018. The police investigation into this incident was closed on the grounds of "offender unknown" (Yesh Din Case 4113/18).

58 Ibid.

are helpful in improving the sense of security, they do little to reduce the damage and do not prevent settler attacks. Even security camera footage is no guarantee that the offenders will be caught and punished, as they usually hide their faces and avoid displaying identifying features.⁵⁹

While the state provides and funds a plethora of security measures for settlers, it provides none to Palestinians who are attacked by them, despite the fact that most of the built-up areas of Palestinian towns and villages are defined as Area B, where Israel maintains security control. So, for example, Ziad Shehadah, whose family home is located about 400 meters in a straight line from the settlement of Yizhar,⁶⁰ and constantly attacked by settlers, relates:

“In the first year that we lived here, it was quiet, and then the trouble started with the settlers from Yizhar on the hill across from us. In July 2018, two cars were torched in our yard, and in August 2018, I bought an old car, and it was vandalized in the parking too. It was damaged, and its tires were punctured, like the neighbor’s car. In hindsight, I realized the settlers had done it as revenge for the army removing an illegal caravan they had.

In both cases, I got no help from anyone, **and I had to build a fence around the house by myself, from my own money.**⁶¹

A year later, with the help of friends, Shehadah installed more security features to protect the home and yard, and added protective netting to the concrete fence.⁶²

59 For instance, in Yesh Din Cases 3894/17, 3899/17 and 4048/18, testimonies indicated settlers hid their faces using various means.

60 For more information on the violence of Yizhar residents, see: [Yitzhar – A Case Study: Settler violence as a vehicle for taking over Palestinian land with state and military backing \(August 2018\)](#).

61 In the testimony Ziad Shehadah of Urif gave about an incident that took place on April 13, 2019 (see p. 9 in this document), he spoke about previous incidents in which settlers damaged the family’s property (Yesh Din Case 4421/19).

62 Ibid.

No holiness on occupied land: Attacks on mosques inside Palestinian villages

Among the various forms of attacks on Palestinian property, cases in which mosques were marked as targets for defacement, defilement and destruction are particularly glaring. Over the past three years, Yesh Din researchers collected testimonies about the desecration of three mosques in three different communities in the West Bank.⁶³ These attacks include hate and/or threatening graffiti sprayed on mosque walls and one case of attempted arson.

“On June 16, 2019, at 10:00 P.M., I came out of the mosque. I was the last person out. The next morning, before dawn prayers, when I went into the mosque’s yard, I was shocked to see Hebrew graffiti had been sprayed on the mosque walls. I can’t read Hebrew, but I was told the [graffiti on the] mosque wall said, ‘There will be a war for Judea and Samaria.’ I walked around the mosque to check. I saw there was no further damage, and I felt relieved.

Worshippers started coming, and we prayed the dawn prayers. I stayed in the mosque until 7:00 A.M., and then I notified the head of the Council, who reported it to the Palestinian DCO, and they reported it to the Israeli DCO. When people in the village started waking up, they saw settlers had gone into yards too, punctured the tires of about ten cars and sprayed them too. There were Star of David drawings too.

At around 11:30 A.M., Israeli soldiers, police, forensics and DCO people came. They collected fingerprints and took a statement from me. When the DCO and the forensics team checked the scene, we, the local residents, were removed from the area, so we couldn’t see where exactly they took fingerprints from and the likes. One of the houses has security cameras that caught three figures puncturing car tires. Aside from the footage, no one saw the settlers.

63 The police investigations into vandalism at the mosque in Aqraba on April 13, 2018 (Yesh Din Case 4106/18) and in Deir Dobwan on February 4, 2019 (Yesh Din Case 4356/19) were closed on the grounds of “offender unknown.” The police investigation into vandalism at the mosque in Kfar Malik on June 17, 2019 (Yesh Din Case 4472/19) was closed on the grounds of “insufficient evidence”. On July 27, 2020, another mosque, in the town of al-Birah, near Ramallah was also vandalized: there was an attempt to torch the mosque and hate graffiti was sprayed on its walls. Yesh Din did not collect testimonies about this case. See, [“Hate crime near Ramallah: mosque torched and sprayed with hate graffiti”](#), Yanir Yegane, Walla!, July 27, 2020 (Hebrew).

Until this incident, residents of the village felt safe, but we've lost that feeling now. We feel threatened. The women and children are scared. We have to organize night watches and change the way we live.”⁶⁴



There will be a war for Judea and Samaria - hate graffiti sprayed by settlers on the walls of the mosque in Kfar Malik, June 17, 2019, Yesh Din Case 4472/19, Photo by (Yesh Din).

Practically, there is no significant difference between the offenses described in this testimony and other offenses against Palestinian property (as described at the beginning of this section). **However, an attack on a mosque does carry a different and particularly bleak meaning as it is a holy and symbolic site.** Mosques are places of religious worship and prayer, as well as a meeting place for members of the community. As such, for the faithful, they are a symbol of stability, safety, unity, and more than anything, sanctity. Any harm to a mosque, even the most minute, is sacrilege for the faithful and harmful to the fabric of life of the entire community.⁶⁵

Over the years, Israeli security officials have spoken out against the defacement of mosques, going so far as to say such actions could ignite unrest in the area. After the mosque torching in Aqraba in April 2018, military, police and Shin Bet officials expressed concern:

“A string of hate crimes in recent weeks [...], after a mosque was torched last week in the village of Aqraba near Nablus, have raised concern in the IDF, the police and the Shin Bet. Officials fear these incidents will be translated into

64 From the testimony of the Kfar Malik Mosque Imam, ‘Abdallah B’uirat about an incident that took place on June 16, 2019. The police investigation into this incident was closed on the grounds of “insufficient evidence” (Yesh Din Case 4472/19).

65 A.R. Meftah & H. Mottaghi (2015), “The Role of the Mosque and Church in Rites of Worship”, **Kom**, 2015, vol. IV (2): 1-16.

*retaliatory attacks by Palestinian terrorists [...] Security establishment officials note that the mosque torching [...] is **a doubly severe escalation** since not only was it a torching of a Palestinian structure, **but a direct assault on a religious holy site.***⁶⁶

Like other cases of property damage, experience shows that in the vast majority of the cases in which mosques are attacked, law enforcement is weak, and even if evidence is collected at the scene, most investigations close with no suspects apprehended.⁶⁷

In years past, attempted attacks on mosques elicited strong reactions in Israeli public opinion. For example, in 2009, a mosque in the village of Kafr Yasuf was torched and graffitied with different slogans. The act drew rebuke from key figures, such as the country's President, the Prime Minister, the Minister of Defense and Chairman of the Yesha Council,^{68, 69} and has even led to a visit to the site by Israel's Chief Rabbi, who sharply criticized such acts.⁷⁰ Ten years later, only three opposition MKs spoke out against the 2018 Aqraba mosque torching.⁷¹ There is no record of any reaction from Israeli public figures to the last two incidents in which West Bank mosques were targeted, in Deir Dobwan and Kfar Malik (both in 2019).⁷² It appears that like other ideological crime against Palestinians in the West Bank, attacks on mosques have become a routine matter that fails to draw a reaction from the Israeli public.

Imam 'Abdallah B'uirat from Kfar Malik expanded on how local residents felt after the mosque torching:

"Every holy place - whether it's a synagogue, a church or a mosque - any violation of a holy place is grave. Attacking people's sensibilities, a religious

66 Yoav Zeitun, "[Security establishment warns: fear of escalation in West Bank over hate crimes](#)", **ynet**, April 20, 2018 (Hebrew), emphasis added. See also, statements made by former GOC Central Command Nitzan Alon in: Yehoshua Breiner, "[Jewish terrorism: 12 mosques torched, no indictments](#)", **Walla!**, July 25, 2012 (Hebrew); See also statements made by former head of the Shin Bet Yoram Cohen in: Moran Azulay, "[Shin Bet head: We foiled an attempted kidnapping in the 11th hour](#)", **ynet**, May 30, 2012 (Hebrew).

67 As of June 2020, the three investigation files opened in cases of mosque defacement have been closed.

68 Chaim Levinson, "[Palestinians: Settlers torched a mosque in the West Bank; Barak: This hurts Israel's future](#)", **Haaretz**, December 11, 2009 (Hebrew).

69 "[PM: We will bring mosque arsonists to justice](#)", Israel Hayom, January 13, 2012 (Hebrew).

70 Anshel Pfeffer, "[Chief Rabbi: Palestinian Mosque Burning Harkens to Kristallnacht](#)", **Haaretz English website**, December 14, 2009.

71 MK Amir Peretz (HaTnua/Labor) and MK Nachman Shai (Labor) in an interview with Alon Hachmon, Yami Rott and Yasser Oqabi, "[Price tag in Aqraba near Nablus: Graffiti on mosque wall and attempted torching](#)", **Maariv**, April 13, 2018 (Hebrew). MK Mossi Raz (Meretz) joins Tag Meir visit to vandalized mosque, "[Solidarity visit to the 50th desecrated house of prayer](#)", Tag Meir website, April 15, 2018 (Hebrew).

72 Websites checked: Walla!, Haaretz, Israel Hayom, News 13; Hakol Hayehudi; INN; Megaphone; Davar Rishon.

symbol, is also very significant. There are attacks on homes, trees, property - but when a place dedicated to God, holiness, religion, is attacked, it's a symbolic, psychological, spiritual and religious violation.

I never thought it would come to this - that violent, extremist settlers could hurt anything. I didn't think they would attack a mosque. It caught me, and the village, by surprise. We didn't have experience with 'price tag.' At first, people were shocked. They took it very hard. They were mad too. Then fear came too: What will happen next? The sense of security, that 'this won't happen to us, I walk around freely in the village, I go to prayer' - that sense of security has been broken, lost.

There were times when the mosque was empty. People didn't come out for prayer, especially dawn prayer - when it's scary, dark, quiet. We, the men, were scared, so obviously, the women and children were too. Feeling hurt, mad, over a violation of a holy place, especially for religious people like in our village - people were angry, and it came across in how they behaved and talked. Some took it very hard, especially those who are more devout. Something has broken, and it could happen again. But we go on living - the circle of life keeps spinning."⁷³

Since 2017, Yesh Din researchers have collected testimonies about 44 incidents of ideologically motivated crime during which settlers damaged Palestinian property and mosques inside towns and villages. In 42 of these, complaints were filed with the police. Police investigations are still underway in 14 of the cases. **In the 28 in which the investigation has concluded, not a single indictment has been filed.**

- 23 investigations were closed on the grounds of "offender unknown," indicating the police acknowledges an offense had been committed but failed to name suspects.
- Three investigations were closed on the grounds of "insufficient evidence," indicating the police acknowledges an offense had been committed but failed to collect enough evidence to support an indictment.
- One investigation was closed on the grounds of "lack of public interest."
- In one case, the Israel Police had not provided Yesh Din with the grounds for closure at the time of publication.

The three investigations concerning attacks on mosques were closed with no indictments served.

73 From the testimony of the Kfar Malik Mosque Imam, 'Abdallah B'uirat about an incident that took place on June 16, 2019. The police investigation into this incident was closed on the grounds of "insufficient evidence" (Yesh Din Case 4472/19).



Settler attacks on Palestinian property and mosques inside villages in the West Bank, 2017-2020



Not a single indictment was served in the 28 cases in which the investigation has concluded.

* The Israel Police has not provided Yesh Din with the grounds for closure in this case.

** Investigations are still underway in 15 cases in which police complaints were filed.

*** No complaint was filed in two cases.

Conclusion

Ideologically motivated offenses committed by Israeli settlers inside Palestinian towns and villages in recent years are not divorced from Israel's policy in the West Bank, which includes countless violations of Palestinians' rights in an attempt to establish Israeli control over the area. In her book, *Living Law - Police and Sovereignty in an Occupation Regime*, Eilat Maoz writes: "The settler sees himself as executing the regime's secret desires, often imitating the violent methods disseminated by the state."⁷⁴ Israeli law enforcement's softness in responding to these offenses shows that, at the very least, Israel does not consider stopping this crime important enough, and perhaps even that these acts are welcomed by the state, albeit not openly or explicitly.

Military forces, which are often present at or near the scene as offenses are committed, do not stop the incidents or protect Palestinians and their property from harm, as they are required to do, despite having the power to stop the assaults and the duty to detain the assailants. The Israel Police - tasked with law enforcement in the West Bank, which includes investigating offenses committed by Israeli civilians - also fails to discharge its duties properly, conduct effective investigations, apprehend the offenders and bring them to justice.

It is not difficult to imagine how Israeli authorities would react if a Palestinian were to abduct a settler at gunpoint in broad day light, or if a group of Palestinians were to throw stones at a Jewish family in their own yard. Both in real-time enforcement and in investigations after the fact, discrimination against the Palestinian population in the oPt is a clear and blatant injustice. It is all the more disturbing when the offenses are committed inside Palestinian communities, on streets and in private yards, in other words, places that are meant to symbolize the safety and security of home.

Of the 63 incidents documented by Yesh Din during the relevant time period, Palestinians avoided complaining to the Israel Police only in three. This figure indicates high motivation to use official channels against the assailants. In contrast, in other incidents brought to Yesh Din's attention, which occurred outside Palestinian communities, many Palestinian victims preferred not to file an official complaint with the Israeli authorities.⁷⁵ This willingness to file complaints might reflect the need to protect one's home from grave, palpable danger, even though it means cooperating with the Israeli authorities, which fail to enforce the law or create any significant deterrence against the offenders. The fact that the police does arrive at the scene of the crime to collect evidence and take statements presumably encourages Palestinians to cooperate with the authorities. However, as noted in this publication

74 Eilat Maoz, **Living Law Police and Sovereignty in an Occupation Regime**, Van Leer Institute Press and Hakibbutz Hameuchad, Jerusalem 2020, p. 9 (Hebrew).

75 For more on this issue, see: Yesh Din, **[Avoiding complaining to police: facts and figures on Palestinian victims of offenses who decide not to file complaints with the police](#)** (2016).

several times, investigation outcomes do not indicate genuine efforts to deter offenders motivated by ideology. Cooperation with the Israeli authorities fails to result in successful investigations that lead to indictments and convictions, which is why settler violence can be expected to continue.

Of the cases monitored by Yesh Din, 38 police investigations opened into settler attacks inside Palestinian communities between 2017 and 2020 have been concluded, with 34 closing on grounds attesting to investigative failure. Not a single indictment has been filed.⁷⁶

These failures effectively award immunity to ideologically motivated crime by settlers. **The message sent by the conduct of the Israeli authorities is plain to all. It is deeply internalized, both by the assailants, the settlers, who see it as license to carry on, and by their Palestinian victims who know they are left to fend for themselves with no one to protect them from violent attacks.**

'Abdallah B'uirat, the Imam of the desecrated mosque in Kfar Malik, captured the situation:

"I keep asking myself: Do the settlers do it on their own initiative, for their own agenda, a strategy they devised for themselves, or is it policy? And I have an answer: It's the state. Much more than individual settlers."⁷⁷

⁷⁶ Of the 38 files, 30 were closed on the grounds of "offender unknown," and four on the grounds of "insufficient evidence."

⁷⁷ From the testimony of the Kfar Malik Mosque Imam, 'Abdallah B'uirat about an incident that took place on June 16, 2019. The police investigation into this incident was closed on the grounds of "insufficient evidence" (Yesh Din Case 4472/19).

Winter 2021: Attacks on Palestinians following the death of Ahuvia Sandak

On December 21, 2020, Ahuvia Sandak was killed during a police chase after a car he was in with several friends. Detectives from the SJ District Central Unit chased the car as they suspected its occupants had thrown stones at Palestinian cars on a road near the settlement of Kochav Hashachar in the central West Bank.⁷⁸

The incident led to a surge of protests and violent attacks in the West Bank and in Israel. Settlers and their supporters protested the alleged persecution of settlers by the authorities, harming Palestinian residents of the West Bank along the way.⁷⁹

Yesh Din's field department collected verified accounts about 52 similar incidents that can be linked to the protest following Sandak's death. From December 21, 2020, to February 6, 2021, 42 cases were recorded in which major intersections in the West Bank were blocked, and stones were thrown at Palestinian vehicles. In addition, ten cases of settler invasions into Palestinian communities involving bodily harm and property damage to Palestinians were recorded as well. Sixteen Palestinians were injured in these incidents, including four children.

Yesh Din researchers collected testimonies regarding 15 of the 52 incidents, including three different assaults inside Palestinian communities. In 11 of these cases, Palestinian victims opted not to file a complaint. In the four cases in which police complaints were filed, two were closed,⁸⁰ one is still ongoing⁸¹, and an indictment was served in another case.⁸²

The feeble response from law enforcement agencies often boiled down to soldier and Border Police presence in intersections where violent protests took place. According to testimonies collected by Yesh Din field researchers, these forces made no effort to tame settler violence when it was directed against Palestinians who happened

78 See, e.g. ["Teen killed during Samaria chase. The police: Passengers threw stones at Palestinians"](#), Yanir Yegane, Walla!, December 21, 2020 (Hebrew); Hagar Shezaf and Josh Breiner, ["Settlers and Police Clash After Stone-throwing Suspect Dies in Police Chase Accident"](#), **Haaretz English edition**, December 21, 2020.

79 See, e.g. ["21 violent incidents against Arabs and cops since Ahuvia Sandak's death"](#), Moshe Nusbaum and Lia Spilkin, N12 News, January 3, 2021.

80 The police investigation into one incident in which a Palestinian was injured by stones thrown by settlers at Shilo Junction was closed on the grounds of "offender unknown" (Yesh Din Case 4836/21). The police investigation into an incident in which a mother and son were injured by stones thrown by settlers at Beit El Junction was closed on the grounds of "unsuitable for criminal prosecution" (Yesh Din Case 4843/21).

81 The police investigation into a settler attack on homes in Huwarah is still ongoing (Yesh Din Case 4830/21).

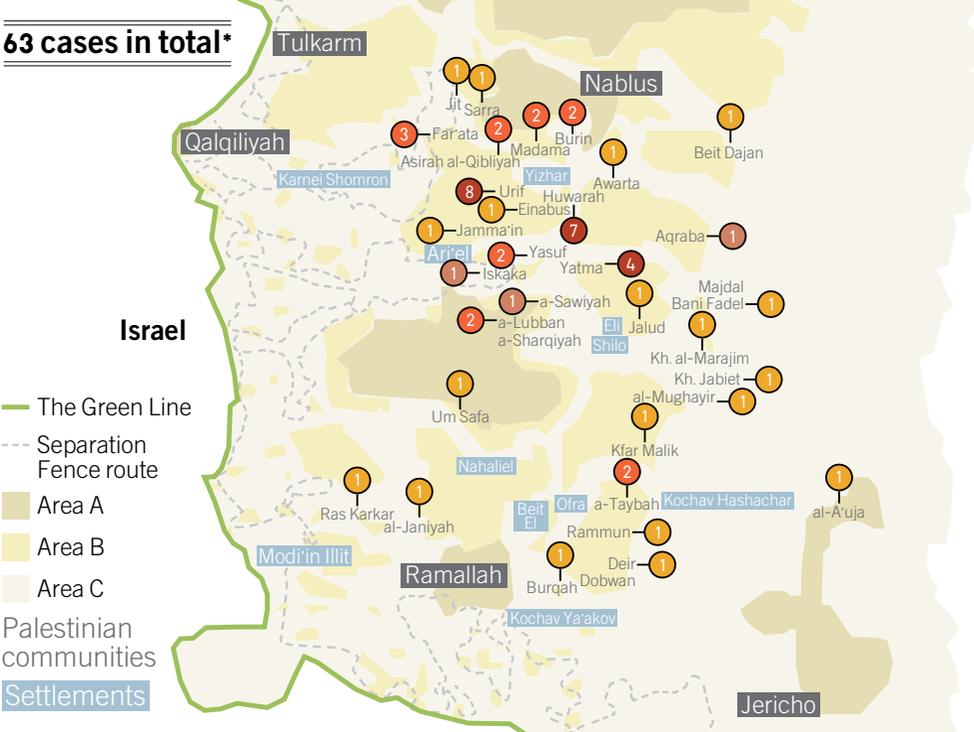
82 The police investigation into the injury of a man and property damage by settlers in Sarta resulted in an indictment (Yesh Din Case 4832/21).

to pass by. Positioning forces to separate between violent settlers and residents of Palestinian towns and villages remained a fantasy. As an example, the first settler assault on Huwarah took place on December 21, 2020. During the attack, soldiers accompanied the settlers as they blocked streets in the town, verbally abused local residents and physically assaulted them. Soldiers made no attempt to protect Palestinians and their property. Their sole purpose appeared to be protecting the violent settlers. Despite the fact that due to its proximity to the settlement of Yizhar and its satellite unauthorized outposts, Huwara is at risk, the military did not draw any conclusions and did not make advance preparations to protect the town. This resulted in similar settler invasions and attacks on December 23 and 31.

Testimonies regarding settler attacks inside Palestinian communities and law enforcement incompetence lead to a clear conclusion: West Bank Palestinians are abandoned to their fate in the West Bank with no one to keep them safe even inside their own homes.

Settler violence and property offenses inside Palestinian communities in the central West Bank, 2017-2020

63 cases in total*



* Seven additional offenses committed in the southern and northern West Bank do not appear on this map. These figures reflect only incidents recorded by Yesh Din. They do not reflect the total number of incidents in the West Bank in the relevant time period.

Annex A: Investigation outcomes in cases mentioned in testimonies in this document

- The police investigation in Yesh Din Case 4421/19, concerning the attack on the Shehadah family of Urif by a group of settlers on April 13, 2019, was closed on the grounds of “offender unknown”.
- The police investigation in Yesh Din Case 4049/18, concerning the attack on the T. family of a-Taybah by a group of settlers on January 22, 2018, was closed on the grounds of “insufficient evidence”.
- The police investigation in Yesh Din Case 4369/19, concerning vandalization of cars and hate graffiti spraying by settlers in Ras Karkar on February 21, 2019, was closed on the grounds of “offender unknown”.
- The police investigation in Yesh Din Case 4119/18, concerning vandalization of cars and hate graffiti spraying by settlers on the property of Nidam Matan of Burqah on April 20, 2018, was closed on the grounds of “offender unknown”.
- The police investigation in Yesh Din Case 4113/18, concerning vandalization of cars and hate graffiti spraying by settlers on the property of Thaer Shawakha of Rammun on April 23, 2018, was closed on the grounds of “offender unknown”.
- The police investigation in Yesh Din Case 4472/19, concerning the settler attack on a mosque in Kfar Malik on June 17, 2019, was closed on the grounds of “insufficient evidence.”

Annex B: Responses

Yesh Din contacted Yaakov Elharar, Talmon CSC, asking for his response to the allegations made in this document with respect to the incident in which he was involved (pp. 16-19). Elharar declined to respond.