DISPLACED COMMUNITIES, FORGOTTEN PEOPLE

Israel's Forcible Transfer of Palestinians in the West Bank



PHYSICIANS FOR HUMAN RIGHTS ISRAEL
רופאים לזכויות אדם בישראל
أطباء لحقوق الإنسان في إسرائيل

YESH DIN
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بيتسيلم

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Introduction

On October 7, militias of armed settlers showed up in our residential area and demanded we leave immediately, saying that if we didn't, they'd come and burn down our houses and anyone in them. We were helpless. We had no choice but to leave.

Harun Kahlah, Wadi a-Seeq

Displaced Communities, Forgotten People is the product of a joint project launched by Yesh Din and Physicians for Human Rights Israel (PHRI). Planned in 2022, the project aimed to focus on a particular part of the West Bank and examine the impact settler shepherding outposts have had on the resilience of the Palestinian shepherding communities forced to live next to them. However, in 2023, due to a combination of Israeli policies and settler violence, the area chosen for the project was almost completely emptied of Palestinian communities, and the roughly 1,000 people living in it were forcibly transferred out of the lands and homes they inhabited for decades.

The knowledge infrastructure for this project was supplied by Yesh Din's report Plundered Pastures, released in December 2021. The report's concluding paragraph asserted that through shepherding outposts, Israel seeks to implement significant, long-term change to the map of Israeli settlement in the OPT, and that this policy could lead to ethnic-based forced displacement and the dispossession of many Palestinian communities from their land.[1] Less than two years later, the research assessment presented in Plundered Pastures was catastrophically realized.

In early 2023, a new Israeli government was sworn in, openly intent on annexing the West Bank and retroactively approving outposts as formal policy.[2] Furthermore, the appointments of Itamar Ben Gvir and Bezalel Smotrich, both settlers, as the ministers in charge of the Israel Police and the Civil Administration respectively, gave the settlers the green light to step up their aggression against Palestinians. On October 7, 2023, following Hamas' murderous attack on civilian communities and military bases, Israel launched a deadly war on the Gaza Strip. In its wake, an unprecedented wave of violence and acts of displaced revenge against innocent Palestinians swept over the West Bank,

1 Yesh Din, **Plundered Pastures: Israeli settler shepherding outposts in the West Bank and their infringement on Palestinians' human rights** (December 2021); As expounded below, the exact legal term is forcible transfer. However, for the sake of convenience, more vernacular terms such as expulsion, deportation and displacement will also be used.

2 Yesh Din, The Association for Civil Rights in Israel, Breaking the Silence, and Ofek, **The Silent Overhaul: Changing the nature of Israeli control in the West Bank. Analysis of the Israeli government's annexation policy** (July 2024).

perpetrated by settlers working closely with members of Israeli armed forces. These developments made 2023 a record-breaking year in terms of the number of violent attacks on Palestinians in the West Bank, the number of Israelis participating in them, their severity and their outcomes.[3]

The area selected for the project is located in the Ramallah District, east of Allon Road. It spans roughly 100,000 dunams, and in the middle of 2022, it was home to seven Palestinian communities with a combined total of more than 1,000 members. Two Israeli settlements were located in this area along with two established unauthorized outposts and seven shepherding outposts (with four more added since).

Over the past two years, Yesh Din and PHRI staff and volunteers have conducted numerous visits to Palestinian shepherding communities, in which testimonies were collected, personal interviews were conducted, and members of the community filled out questionnaires. The organizations also held information sessions, rights workshops, health education meetings, a first aid course and mobile clinic medical days. The frequent visits fostered a deeper understanding of community members, encouraged open and reciprocal dialogue, and provided a comprehensive, current perspective on various issues.

As the area chosen underwent a drastic transformation, the project's aims were adapted to the new reality. Displaced Communities, Forgotten People presents the state of Palestinian shepherding communities east of Allon Road before and after their forced displacement and analyzes the effects of settler shepherding outposts on the lives and health of Palestinian shepherds and on the resilience of their communities.

The report's factual section begins with information about seven Palestinian shepherding communities that lived east of Ramallah for decades and the events that ultimately led to their displacement. This section is followed by an overview of the 11 shepherding outposts set up by settlers in this area, their objectives and the violence they inflict on Palestinians. The third section presents the policies employed in the area by the Israeli government and demonstrates how all state authorities work together with violent settlers, fund them and support them.

The second part of the report presents the study's findings. It begins with a comprehensive analysis of the impact settler violence and Israeli policies have had on the physical and mental health of the Palestinian population and on the resilience of shepherding communities, both before the forced displacement and after it. The report concludes with a legal analysis of Israel's involvement in the crime of forcible transfer and ethnic cleansing in the West Bank and its ramifications. The report incorporates first-person

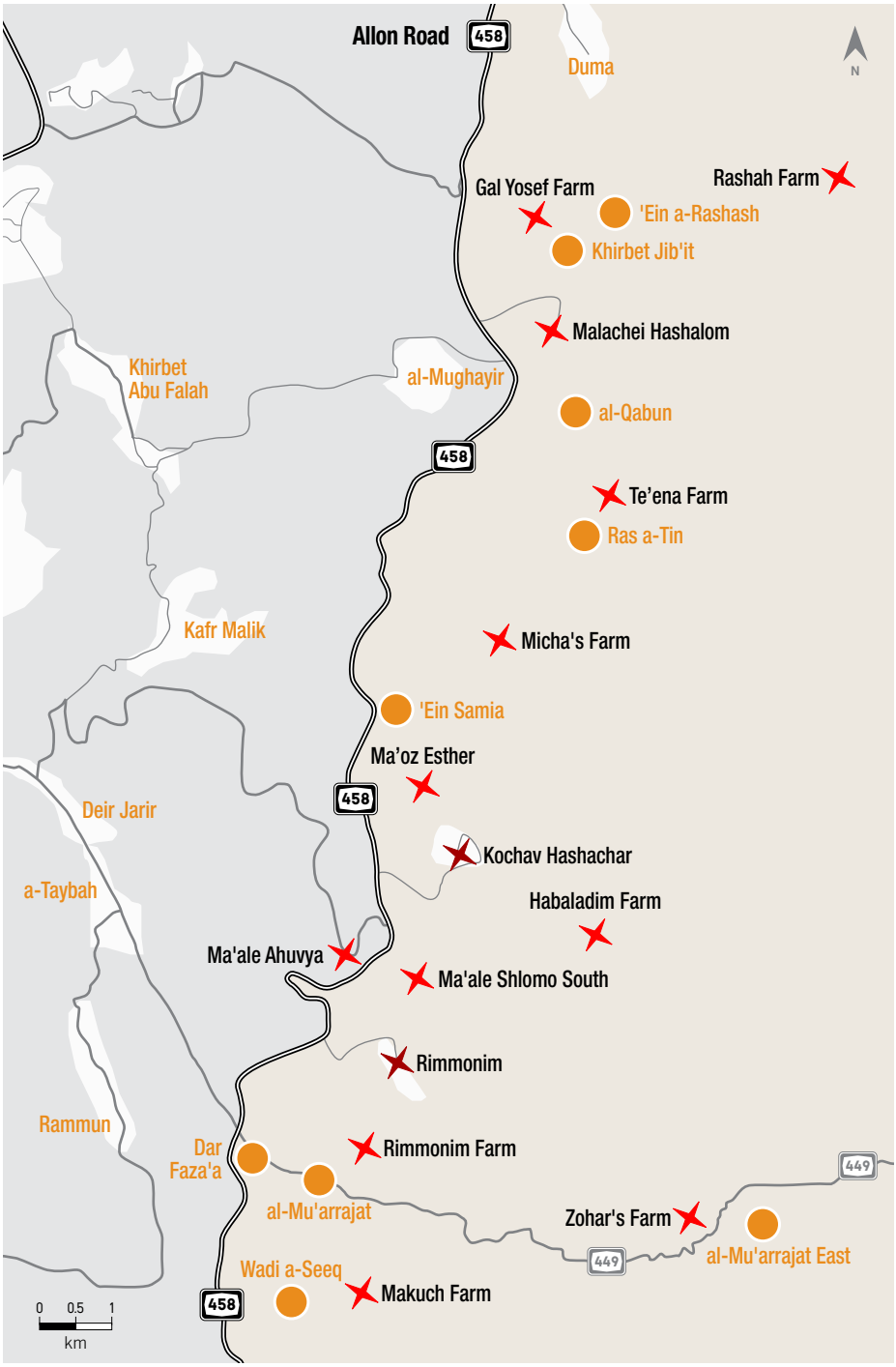
3 The Platform, **State of the Occupation - Year 57 - A Joint Situation Report** (June 2024).

testimonies from members of Palestinian shepherding communities as given to Yesh Din and PHRI.

The Israeli policies presented here grievously violate the human rights of Palestinian women, men and children in the West Bank simply because they belong to the occupied Palestinian population. The shepherding communities covered in this report are impoverished and marginalized even in comparison to other Palestinian residents of the West Bank. For years, these communities' fundamental rights - to life and health, to access to food and water, to their property and livelihoods, to education and culture - have been suppressed and trampled underfoot by the Israeli military regime and the settlers. This policy has resulted in the loss of personal security, an ongoing erosion of community resilience and a breakdown of social cohesion.

The main conclusion of Displaced Communities, Forgotten People is that Israel is responsible for the commission of the war crime of forcible transfer of Palestinians in the West Bank. This crime is committed with the state's support, by its agents or citizens. Moreover, the state's deep involvement in the commission of these crimes, its practices, their systemic nature and their replication in various locations, lead to the grim conclusion that, in certain parts of the West Bank, the State of Israel is implementing practices of ethnic cleansing against Palestinians.

The area covered in this report is a test case confined to a limited space, but the same Israeli policies and settler methods are implemented in other parts of the West Bank as well. There is concern that these patterns and practices, which result in the forcible transfer of many Palestinian communities, will evolve into a long-term government strategy of ethnically cleansing Palestinians, at least from Area C, which accounts for 60% of the West Bank's territory.


Allon Road
458
Duma
N
Gal Yosef Farm
Rashah Farm
'Ein a-Rashash
Khirbet Jib'it
Malachei Hashalom
Khirbet
Abu Falah
al-Mughayir
al-Qabun
458
Te'ena Farm
Ras a-Tin
Kafr Malik
Micha's Farm
'Ein Samia
Ma'oz Esther
458
Deir Jarir
Kochav Hashachar
a-Taybah
Habaladim Farm
Ma'ale Ahuvya
Ma'ale Shlomo South
Rimmonim
Rammun
Dar
Faza'a
Rimmonim Farm
449
al-Mu'arrajat
Zohar's Farm
449
al-Mu'arrajat East
Wadi a-Seeq
Makuch Farm
458
0 0.5 1
km

Palestinian Shepherding Communities

In 1972, Israel began work on a road on the central mountain ridge in the West Bank. The road would run from the newly established settlement of Mehola in the northern Jordan Valley, to the site of the planned settlement of Ma'ale Adumim. It was named Allon Road, after Minister Yigal Allon, the politician who masterminded the plan to make the Jordan Valley an inseparable part of Israel.[4] The route would go on to become a major traffic artery, around which numerous settlements and outposts were built.

In 1976, even before the first settlements were established in the area, Israeli newspaper Davar wrote about the route:

> Samaria Desert Road. This is a wide route, heading north and reaching, after a kilometer and a half, the edge of Taybeh's large olive grove. Here, the edge of the desert is marked by the edge of the grove. From this point east, land is used for growing crops in good years and for grazing sheep. Bedouin tent encampments are not too far away, and you see with your own eyes, where desert nomads meet sedentary dwellers.[5]

As described in Davar, the Palestinian villages to the west of Allon Road predate it by centuries. Bedouin communities interspersed around them graze their goats and sheep on the mountainside descending toward the Jordan Valley. After the 1967 war, more Palestinian shepherding communities arrived in the area, having been expelled from other parts of the West Bank by Israel.

Most of the Palestinian shepherding communities in Area C are Bedouin. Striving to preserve their traditional way of life, they maintain distinctive social, economic, and cultural structures. Their livelihood is rooted in livestock husbandry and relies heavily on access to pastureland and natural water sources, which are fundamental for their survival.

The area on which Displaced Communities, Forgotten People focuses spans about 100,000 dunams of land belonging to the villages of Duma, al-Mughayir, Kafr Malik, Deir Jarir, a-Taybah, Rammun and Deir Dobwan. It lies between Allon Road (Road 458), the main traffic artery in the area, to the west, and the pasturelands of the foothills descending to the Jordan Valley to the east.

4 While the plan was never officially accepted by the government, it did have a significant impact on the establishment of Israeli settlements in the Jordan Valley by Israeli governments up until 1977.

5 Zvi Ilan, "Scenes of the New Road in the Samarian Desert", **Davar**, September 24, 1976 (Hebrew).

This area was selected for the project when planning began in the summer of 2022, as it was home to seven Palestinian shepherding communities, with a total of more than 1,000 members who had lived there for decades. Israeli shepherding outposts first appeared in the area in 2019. Their residents have engaged in hostile activities towards local Palestinians, and their influence in the area has progressively expanded.



A shepherd from the community of 'Ein a-Rashash, September 2023 (Photo: Omri Eran Vardi, ActiveStills)

Ras a-Tin and al-Qabun

Members of the communities of al-Qabun and Ras a-Tin are Bedouin from the Ka'abneh tribe. In 1948, they were expelled by Israel from the Negev desert and moved to the South Hebron Hills. They were repeatedly expelled by the Israeli military following the 1967 occupation of the West Bank, on pretexts such as closing off firing zones and building army bases. Ultimately, in the late 1980s, the communities reached an agreement with landowners from Kafr Malik and permanently settled on their private lands. The distance between the two communities is 1.5 kilometers, and some of the families moved between the two sites according to the seasons, pasture conditions and the availability of natural water sources.

In the summer of 2020, a small school was built for the two communities on privately owned Palestinian land near al-Qabun, with funding from the European Union. Within days, the Civil Administration issued a demolition order for the structure and confiscated building supplies and desks meant for 50 schoolchildren. A dedicated legal campaign saved the school from demolition at the time, but, residents say, "put them on the radar"

of Regavim, a right-wing association partly funded by taxpayer money, which took part in the efforts to have the school demolished.[6]



The school in Ras a-Tin, October 2020 (Photo: Alon Cohen-Lifshitz, Bimkom)



The abandoned school in Ras a-Tin, August 2023 (Photo: Oren Ziv, ActiveStills)

A little under a year later, Civil Administration enforcement agents returned to Ras a-Tin. When they left, all one hundred members of the community were homeless. The agents confiscated residential tents, sheep pens, water storage tanks, a tractor, and solar energy panels.[7] Still, the community held on and managed to survive.

The Israeli authorities harassed the community for years, but the breaking point came after the shepherding outpost of Micha's Farm was built in 2020, just 1.5 km from Ras a-Tin. The outpost's establishment ushered in an era of repeated attacks by groups of armed settlers, sometimes escorted by soldiers. For instance, on June 14, 2022, about 15 settlers escorted by several soldiers came to Hajar and Mustafa Ka'abneh's tent and brutally assaulted the couple. As a result of the attack, Hajar suffered a brain hemorrhage and fractures in her skull and arm. She was hospitalized for 18 days. Absurdly, her husband, who was also hospitalized following the attack, was arrested by soldiers immediately upon returning home, along with his two sons, due to a complaint filed by the attacking settlers. All three were released without charge.[8]

Ras a-Tin's 100 residents remained helpless in the face of daily attacks by settlers. In July of 2022, they left the land that had been their home for about 30 years.[9] The community scattered, with some families moving to the village of Khirbet Abu Falah, and others to Kafr Malik. Some people from Ras a-Tin joined the community of al-Qabun, only to face a similar fate a year later.

6 Gideon Levy and Alex Levac, "This Pastoral Palestinian Community Built a School of Its Own. Now Israel Wants to Demolish It", **Haaretz English website**, November 20, 2020; Hagar Shezaf, "Bedouin Shepherds Used Palestinian Land With Permission. Israel Seized Their Tents Anyway", **Haaretz English website**, July 19, 2021.

7 Ibid.

8 Mustafa Ka'abneh to Yesh Din, November 2024.

9 UN Office for the Coordination of Humanitarian Affairs (OCHA) "About 100 Palestinians leave Ras a Tin", August 3, 2022.

We were forced to leave Ras a-Tin. It was after three years of suffering, violence, and harassment that turned our lives into a nightmare. We lost everything. We had no security at home or outside.

The ordeal began when Micah's Farm was established. Our lives have changed since the day the outpost was established. Settlers who came from the direction of the outpost used violence, slaughtered sheep, stole livestock, took over water sources, and waited for us on the roads to throw stones at us. They would bring their flock of sheep right to our doorstep.

On the night before we were forced to flee, settlers set fire to the house next to us. We feared it would be a repeat of the Dawabsheh family.[10]

'Omar Ka'abneh, Ras a-Tin

In early 2023, another Israeli outpost, Te'enah (Fig) Farm, was established less than a kilometer away from the community of al-Qabun. Violence against members of the community escalated around the same time. Settlers rode horses and ATVs all the way to village houses and stopped Palestinian shepherds from grazing their sheep. They sometimes went inside the tents, terrorizing families and damaging belongings. They flew drones to harass residents and even placed sheep carcasses at the entrance to the school. Al-Qabun resident Muhammad Hassan Abu al-Kabash told B'Tselem that one day a settler came to his house, went inside, sat down, and said: "I'm the government. I'm the state. I'm the police, and I'm the army."[11]

10 Sa'ed and Riham Dawabsheh and their 18-month-old son 'Ali were murdered in a Jewish terrorist attack in the village of Duma in 2015, after a settler set fire to their home.

11 B'Tselem, "Israeli settlers raid two Palestinian communities, assault shepherds in Kh. Jab'it & Qabun, 16.2.2020", March 31, 2020; B'Tselem "Al-Qabun Ramallah District: Israeli settlers vandalize four shacks in the summer compound of a Palestinian family", February 12, 2023; Looking the Occupation in the Eye X page, "Qabun. Central Mountian Ridge this Morning. In white shirts in honor of the Holy Sabbath, an ATV appears with settler terrorists, who invade the community, threaten and throw stones at the sheep and houses", July 29, 2023; B'Tselem, "Killings, pogroms, expulsion: Israel dispossesses Palestinians of their lands using settler violence", August 10, 2023; Avishay Mohar, "Settlers Have a Very Effective System for Forcing Palestinians Out of Their Homes", **Haaretz English website**, August 30, 2023



The expulsion from al-Qabun, August 2023 (Photo: Sarit Michaeli, B'Tselem)

In August 2023, after constant attacks and threats, the 90 members of the al-Qabun community were forced to pack up and leave the land that had been their home for decades. Some families moved to the village of Khirbet Abu Falah, and others scattered to other locations.



The al-Qabun community: above – May 2023, below – August 2024



Members of the community were not spared settler violence in their new location either, despite being in Area B. On November 5, 2024, settlers went to the homes of the community in Khirbet Abu Falah, set fire to Mustafa Ka'abneh's car and sprayed hate graffiti. Ka'abneh said members again felt unsafe in their own homes and that, "since then, we've been taking turns guarding at night, fearing the incidents will be repeated."[12]

12 Mustafa Ka'abneh to Yesh Din, November 2024.



Mustafa Ka'abneh's car, torched by settlers, November 2024 (Photo: Yesh Din)

ʿEin Samia

The large shepherding community of the Ka'abneh tribe, displaced from the Negev region in 1948, has been living on private land belonging to residents of the village of Kafr Malik in ʿEin Samia since the early 1980s. Members of the community have long since suffered harassment at the hands of the Civil Administration. Because Israel refuses to issue building permits to Palestinians in Area C, any tent or temporary structure erected by the community was immediately put under a demolition order. Salamah Ka'abneh said: "Every week, the DCO people came with a drone, stood there, and flew it above us to observe, film and check the whole area. If there are new buildings, they come there."[13]

Sometimes soldiers came to demolish the structures. At other times, they ordered residents to carry out the demolitions themselves. On the other hand, a few hundred meters away, settlements and outposts grew and prospered. Mohammed Haseen shared the ongoing frustration with Local Call and +972 Magazine: "On the mountain across from the village, we can see the large houses made of concrete that belong to the

13 Salameh Ka'abneh to PHRI, July 2024.

settlers. We can see them from our tents and our houses made of tin. We can see that they get electricity and water and whatever they want from the state."[14]



The 'Ein Samia community before the expulsion, May 2023 (Photo: Sarit Michaeli, B'Tselem)

In 2022, residents of 'Ein Samia managed to build a small elementary school for the community's children with assistance from the European Union. The Civil Administration issued demolition orders for the school, and petitions residents filed against them were dismissed by Israeli courts.[15]

Settler violence against the community in 'Ein Samia began over a decade ago, after the establishment of the Habaladim outpost. It deteriorated soon after the establishment of Micha's Farm in its current location in 2020.

> **The situation escalated with time, and in 2020, when another outpost was established, it became intolerable. Violence against our shepherds became a daily occurrence and very dangerous. They scattered their flocks all over our pastures and damaged our water pipes.**
>
> **They said: "The lands are ours. We'll kill you if you bring your flocks to our lands." These altercations didn't always**

14 Basel Adra, "Under settler terror, Palestinians tear down and flee their village", **+972 Magazine**, May 24, 2023.

15 See, e.g.: HCJ 9052/22 **B'uirat et al. v. Head of the Civil Administration et al.** (judgment dated April 20, 2023).

> **end with just verbal threats. There was physical harm too. I myself was threatened: "We will slaughter you; we will kill you." Life has become a nightmare. Families started leaving – the violence worked.**
>
> Yunes Abu 'Eid, 'Ein Samia

In May 2023, the 200 members of the 'Ein Samia community were forcibly displaced from their homes. Their final decision to leave came after five days of settler attacks on the tents that did not stop at night and included stone-throwing at the homes and blocking access roads to the community. "We decided to leave out of fear of the settlers. […] My youngest said to me, 'I don't want to live here – the settlers come and throw stones. Tomorrow they could kill me.'"[16]

Members of the community, who managed to withstand the pressure the Civil Administration and military put on them, were defeated by the daily settler violence that the Israeli authorities failed to address.

> **The Civil Administration used to demolish our buildings in the morning, afternoon and night, any time of day, and people weren't bothered. They held on. Soldiers would come and arrest the shepherds. They'd go on trial and still held on. But the settlers, when they come and install themselves in front of your door, what can you do? Can you protect your children? It's become an intolerable situation. We were scared. We didn't sleep at night, because we were constantly waiting for something to happen, to be attacked.**
>
> **There's no land left; they took it all, the settlers and the army, so where are you going to sow? Back in the day, we would sow for three-four months and graze in the lands of a-Taybah and Deir Jarir. Then, a settler came and drove everyone out of there, drove out the landowners and the sheep, and nothing was left.**
>
> Suliman Ka'abneh, 'Ein Samia

After the expulsion, the UN Office for the Coordination of Humanitarian Affairs (OCHA) stated: "These families are not leaving by choice; the Israeli authorities have repeatedly demolished homes and other structures they own and have threatened to destroy their only school. At the same time, land available for the grazing of livestock has decreased due to settlement expansion and both children and adults have been subjected to settler

16 Hagar Shezaf, "'I Left for My Children' | West Bank Palestinian Village Residents Flee Amid Ongoing Israeli Settler Violence", **Haaretz English website**, May 24, 2023.

violence. [...] We are witnessing the tragic consequences of longstanding Israeli practices and settler violence."[17]

The settlers on the WhatsApp Group "News from the Hills,"[18] did not hide their joy at the expulsion of 200 people from their homes. A post from that day reads:



Screenshot: News from the Hills WhatsApp Group (courtesy of Sarit Michaeli, B'Tselem)

Good News! Two Bedouin tent encampments that have taken over areas near Kochav Hashachar in recent years are leaving! The Bedouin in the tent encampments of 'Ein Samia were responsible for antiquity destruction, livestock theft and damage to Jewish pastureland. Praise the Lord, thanks to the large Jewish presence in the area and Jewish shepherds who reclaimed the land, the Bedouin are leaving. Here at News from the Hills, we wish all Bedouin to follow their path and leave the country. There's better grazing in Saudi Arabia. Go there!

Provocatively, and to demolish any hope of ever returning, in August 2023, three months after the forcible transfer of the 'Ein Samia community, Civil Administration enforcement agents arrived and demolished the abandoned elementary school.[19]

17 OCHA, "Palestinian community compelled to relocate amid Israeli settlement practices", May 25, 2023.

18 The WhatsApp group has several thousand members. Its admins describe it as: "Reports, updates and investigations. First. Real. Jewish."

19 OCHA, "Elementary school of Ein Samiya demolished", August 17, 2023.



The ‘Ein Samia community: left - May 2023, right - August 2024

After the expulsion, most members of the community settled on lands belonging to the villages of al-Mughayir and Khirbet Abu Falah. Though this is Area B, Israeli settlers kept hounding Palestinian shepherds in the community’s new location.



Settlers in the tent encampment of the displaced ‘Ein Samia community, October 2024 (Photo: al-Mughayir Village Council)

ʻEin a-Rashash

ʻEin a-Rashash was the home of a shepherding community of 18 families for about three decades. The 85 members of the community, 25 of whom are children, are Bedouin from the Jahalin tribe, expelled by Israel from Tel Arad to the West Bank in 1948. They settled in ʻEin a-Rashash in the 1990s, on lands leased long-term from residents of the village al-Mughayir.



Children of the ʻEin a-Rashash community before the expulsion, August 2023 (Photo: Omri Eran Vardi, ActiveStills)

The Israeli authorities considered ʻEin a-Rashash an unrecognized village and harassed its residents for years. The Civil Administration did not provide community members with basic services and blocked them from installing and developing basic infrastructure, roads and educational facilities on their own. Left with no other options, community members erected temporary residential structures without permits, all of which were designated for demolition by the Israeli authorities. In February 2016, the Civil Administration demolished 43 structures in the community.[20] Additionally, Firing Zone 906, which is adjacent to the community, significantly limited Palestinian shepherds' access to pasturelands, hurting their livelihoods.

20 OCHA, "Palestinian Bedouin community almost totally demolished", February 16, 2016.

In 2015, the unauthorized outpost of Malachei Hashalom ('Angels of Peace' in Hebrew) was established near 'Ein a-Rashash, changing life in the community beyond recognition. Settlers arriving from the direction of the outpost began to systematically harass the community's residents, first in the pasturelands and later in the residential tents themselves. The aggression included physical assaults, harm to livestock, property damage, threats, and harassment. In 2020, another outpost, Rashash Farm, was established on Duma village lands, east of 'Ein a-Rashash. A gravel road was made to connect the outpost to the outpost of Malachei Hashalom, and settler violence, designed to take over pasturelands, increased.

The turning point came in 2023. Throughout that year, settlers arriving from the direction of Malachei Hashalom and Rashash Farm terrorized the community of 'Ein a-Rashash on a daily basis. Often armed with rifles and clubs, the settlers attacked shepherds, invaded residential compounds, torched tents, and stole livestock and property. At night, they used horns and lights near the community's residential structures, and during the day, they raced on ATVs into flocks of sheep to scare and scatter them.[21] The military and the Israel Police, the authorities responsible for the Palestinian residents' safety, did nothing in any of these incidents either to prevent the violence and harassment or to arrest and prosecute the assailants.

The Israeli invaders grazed their animals on the privately owned Palestinian lands where the people of 'Ein a-Rashash grew grains to feed the sheep and prevented them from accessing other pasturelands. The settlers also took control of most of the natural water sources in the area, forcing community members to rely almost exclusively on purchased animal feed and water. Members of the community suffered grave financial harm as a result, with many forced to sell some of their livestock and seek work as laborers in Israeli settlements.

In the wake of the severe attacks, international and Israeli volunteers began maintaining a "protective presence" in 'Ein a-Rashash, staying with the community at all times. Volunteers went out to graze with Palestinian shepherds, documented the settlers and tried to stop them from attacking and harassing community members.[22]

21 B'Tselem, "Khirbet 'Ein a-Rashash, Ramallah District: armed settlers attack residents with stones, injure an 86-year-old man in the head and set fire to a home. Israeli soldiers arrest three of the community residents for a week", June 24, 2023; B'Tselem, "Khirbet 'Ein a-Rashash, Ramallah District: Israeli settlers enter Palestinian community and home in it, harass residents and graze sheep in their fields. Soldiers detain two Palestinian residents", September 5, 2023; B'Tselem, "Ein a-Rashash, Ramallah District: Armed Israeli settlers enter Palestinian community, harass locals with loudspeakers and try to enter a tent", September 16, 2023.

22 Hagar Shezaf, "After Shepherds Flee the Area Terrorized by Settler Violence, Activists Try to Protect the One Village Left", **Haaretz**, September 22, 2023 (Hebrew). Hagar Shezaf, "Israel Blocks Left-wing Activists From Touring Palestinian Village", **Haaretz English website**, September 23, 2023.



A checkpoint set up by Israelis on the road from the ‘Ein a-Rashash community to Allon Road, October 13, 2023 (Photo: Sarit Michaeli, B’Tselem)

The outbreak of the war in Gaza signaled the final phase ahead of forced displacement. In the weeks that followed October 7, 2023, displaced revenge attacks by Israelis against Palestinians swept over the West Bank, and the community’s access roads were blocked.[23] Members of the community felt they had to take matters into their own hands.



Musa Zawahreh

We’ve been suffering from violence, intimidation, invasions of our tents, and acts of vandalism ever since 2015, when the outpost was set up. As soon as the war broke out, Israelis blocked access to our compound in ‘Ein a-Rashash with piles of dirt and rocks. They came right up to our doorstep at night, armed, and even fired. We were terrified of the settlers waging a killing campaign against us. A week after the war broke out, we decided we had no choice but to leave.

Musa Zawahreh, ‘Ein a-Rashash

23 Yesh Din, "Israeli settler violence against Palestinians in the West Bank under the guise of war", November 28, 2023.

On October 9, 2023, residents of the community moved all their sheep to lands belonging to the village of Duma. A week later, all members of the community – children, women and men – left their homes, abandoning the place where they had lived for 30 years.



The 'Ein a-Rash community: above – May 2023, below – August 2024



Residents who tried to return later to collect items left behind discovered that most of their possessions had been stolen. Some residents were beaten again by settlers.[24] Community members moved to live on leased farmland outside Duma. However, they remain at risk of further displacement, as the site is located in Area C. In May 2024, the

24 Human Rights Watch, "West Bank: Israel Responsible for Rising Settler Violence", April 17, 2024.

Civil Administration demolished four residential tents and two huts belonging to two families expelled from ‘Ein a-Rashash.[25]



The community of ‘Ein a-Rashash in its new location near Duma, December 2023 (Photo: Omri Eran Vardi, ActiveStills)

Khirbet Jib’it

For decades, the shepherding community of Khirbet Jib’it lived on private lands belonging to residents of al-Mughayir. The community withstood the military base built near them and the firing zone declared next to it and continued grazing their flocks on local pasturelands and scratching out a living from their livestock.

As in the other communities, the Civil Administration blocked construction in Khirbet Jib’it as well, and residents lived in tents, tin shacks and caves. In March 2020, for example, Civil Administration enforcement agents arrived in Khirbet Jib’it, demolished buildings and residential tents, and left two families homeless.[26]

Like in ‘Ein a-Rashash, the establishment of the unauthorized outpost of Malachei Hashalom and later Rashah Farm changed life in Khirbet Jib’it beyond recognition. Yesh Din and other organizations documented dozens of incidents in which settlers attacked community members in pasturelands and tent encampments, took over land and water sources, harmed animals and damaged property, threatened residents, and verbally assaulted them.[27]

25 B’Tselem, “Israel demolishes homes in Duma of two families expelled from ‘Ein a-Rashash”, May 9, 2024.

26 B’Tselem, “Violently and viciously - settlers threaten shepherding communities, beat residents and steal 25 lambs”, April 10, 2020.

27 See, e.g.: Yesh Din, **Plundered Pastures**, pp. 37, 41, 45; Nurit Yohanan, “Documented: Israeli Go into Palestinian

On April 16, 2022, in the early afternoon, I was out to pasture with my cousin and our flock, three kilometers east of the encampment. Suddenly, we saw an ATV coming from the east. It sped towards us, running over a dog on the way and killing it on impact. There were four people on the ATV. Behind it, there was another ATV with six settlers. They had iron rods, clubs, and pepper spray. They started shouting in Hebrew, but we didn't understand what they were saying. They started kicking and hitting us with sticks and clubs. I felt like they were going to kill me. They knocked me to the ground and five of them kept hitting me. Another group of settlers beat up my cousin for about five minutes. I was struck on my chest, neck and right leg. When they saw that we were almost passed out, they left us. My cousin was bleeding from the head, and I felt pain all over my body. A military jeep arrived. There were four soldiers in the jeep who didn't let us speak. They did nothing, even though we asked them to catch the settlers.

Shaker Abu 'Alia, Khirbet Jib'it



A settler riding an ATV among the homes of the Khirbet Jib'it community, August 2023 (Photo: Avishay Mohar)

Tent at Gunpoint", **Kan 11**, February 18, 2020 (Hebrew); B'Tselem, "Khirbet Jib'it, Ramallah District: Settlers attack two shepherds with sticks and pipes", April 16, 2022; B'Tselem, "Khirbet Jib'it, Ramallah District: Settlers uproot and steal olive seedlings", April 22, 2022; B'Tselem, "Khirbet Jib'it, Ramallah District: Israeli settlers vandalize tents, a toilet, a sink, and two solar panels in Palestinian community", September 9, 2023.

The harassment, violence, and threats that had gone on for many years peaked immediately after October 7, 2023. Settlers came to Khirbet Jib'it from the direction of Malachei Hashalom and told members of the community they had an hour to pack and leave. 'Imran Abu 'Alia recounted: "they came with a big tractor, destroyed structures and said that if we didn't leave, they would kill us."[28] Without minimal protection from the Israeli security forces responsible for their safety, all community members, which number several dozen, were forced to leave the land that had been their home for decades.

Some of the displaced families moved to a site located at the western edge of the village of al-Mughayir. "It's not ideal for flocks here. There's not enough pastureland," said Hamzah Abu 'Alia, "but we wanted to feel safer."[29] Still, settler violence caught up to the community in its new home too, with even greater force.

On April 12, 2024, immediately after reports that a Jewish teen, Binyamin Ahimeir, had gone missing after leaving the outpost of Gal Yosef Farm with a flock, hundreds of settlers launched a brutally violent attack on innocent Palestinians. When Ahimeir's body was found, the attacks spread to ten Palestinian villages and continued for about three days. Four Palestinians were shot dead during the rampage, and settlers set fire to homes and vehicles, slaughtered livestock and destroyed property on a massive scale.[30]

> **I am one of the displaced people from Khirbet Jib'it. On Friday, April 12, 2024, hundreds of settlers, armed with every possible weapon, descended on the village of al-Mughayir and attacked everything in their path. When they got to our compound, they burned everything. Thirteen animals were burned alive. We were also left without a roof over our heads. The sights are unimaginable - burnt houses, vehicles, livestock pens, businesses – everything is burned and black. We looked for a safe place and ended up in a horrific disaster.**
>
> 'Amar Abu 'Alia, Khirbet Jib'it

> **We lived in Khirbet Jib'it, but we left after October 7, because we were attacked by settlers coming from the direction of Malachei Hashalom. The pogrom started in the early**

28 Oded Shalom, "A Photographer at the Heart of Vengeful Acts", **Yedioth Ahronoth**, April 19, 2024 (Hebrew).

29 Hamzah Abu 'Alia to Yesh Din, April, 2024.

30 Yesh Din YouTube channel, "Aftermath of Israeli settler attack on al Mughayyir", April 24, 2024; Hagar Shezaf, "West Bank Palestinians Return to Rubble After Israeli Settlers Ravaged Their Homes", **Haaretz English website**, April 16, 2024; Amira Hess, "Israeli Settlers Aren't Content With Expelling Palestinian Shepherds, They Also Steal Their Sheep", **Haaretz English website**, May 2, 2024; Elisha Ben Kimon, "'Murder as an Act of Terrorism': Beit El Resident Arrested for Allegedly Fatally Shooting a Palestinian Youth in West Bank Riots", **ynet**, May 3, 2024 (Hebrew).

afternoon of Friday. The settlers had rifles, handguns, sticks, clubs, and flamethrowers. The army blocked all entrances and exits from the village, so we were cut off from the world and could not escape. The army let the settlers rampage and maybe even encouraged them. In the early afternoon, we saw smoke rising from the center of the village and saw that our place of residence had been set on fire. Everything burned down, including the car. Now we live out in the open. We're homeless again.

Hamzah Abu 'Ali, Khirbet Jib'it



Damage inflicted during the settler attack on the Abu 'Alia family home in al-Mughayir, April 2024 (Photo: Yesh Din)

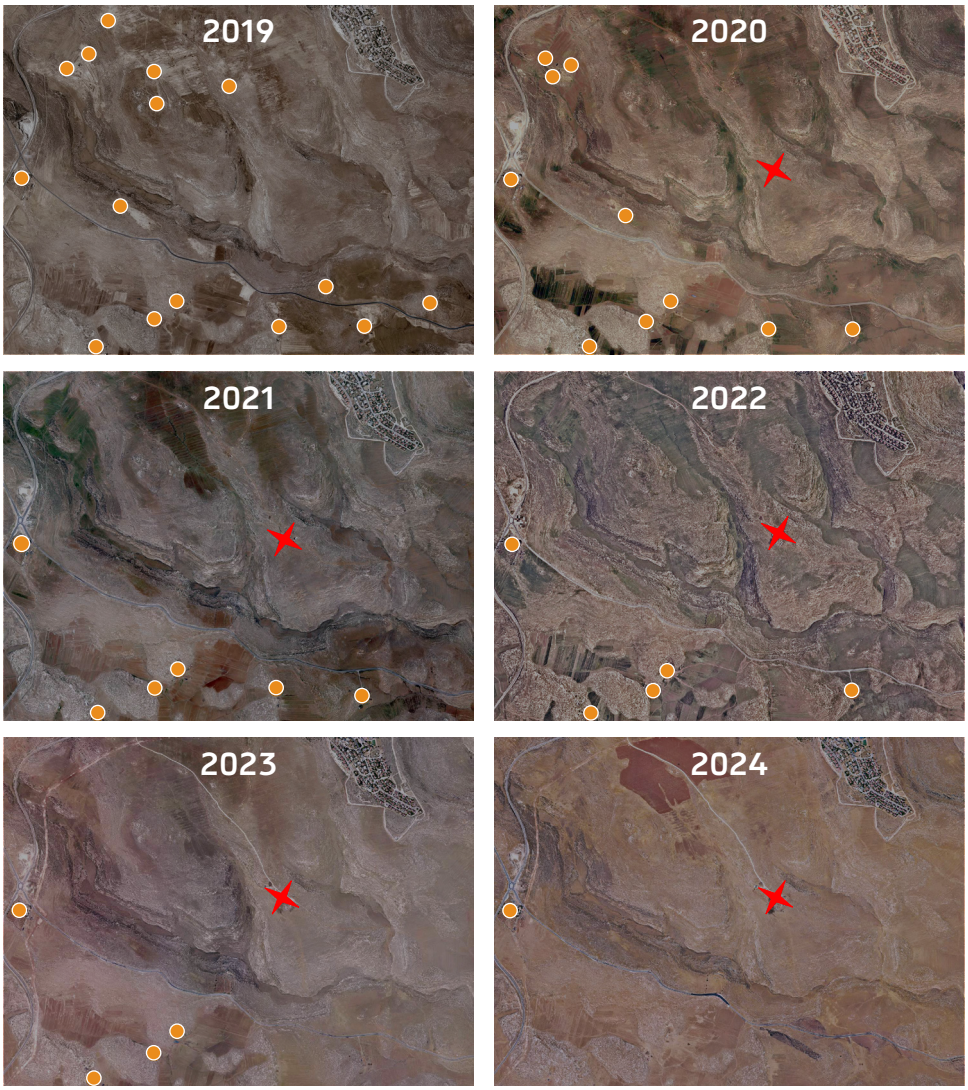
Al-Mu'arrajat

The community of al-Mu'arrajat numbers more than 100 families, spread out in lands belonging to the villages of Rammun and a-Taybah, along Route 449, from the a-Taybah (Rimmonim) junction in the west to the Jordan Valley in the east. Most of the families are Bedouin from the Ka'abneh tribe who were expelled from Israeli territory in 1948 and had lived on these lands since the early 1980s, some even earlier. For years, the Civil

Administration has made their lives miserable by issuing demolition orders for residential structures and minimal infrastructure, but the turning point came in 2019, when settlers established the unauthorized outpost of Rimmonim Farm (also known as Neria's Farm) near the settlement of Rimmonim.

Through violence, harassment, and threats, settlers coming from the direction of the outpost made the lives of the Palestinians a living hell, meanwhile taking over more and more pasturelands. The families who lived closest to the site where the outpost was built were forced out back in 2020. They were the first victims of the shepherding-outpost method of expulsion in the area.

> **Until 2019, we lived relatively well. We leased pastureland and farm fields from the village of a-Taybah and made a living from them. Ever since the outpost was established, our lives have become a nightmare. Thirteen families from our tribe lived and grazed their flocks in the area occupied by the farm and around it. Today, there's not a single family there. They all abandoned the area because of the violence of the outpost's people.**
>
> **It didn't happen overnight, but gradually. The outpost settlers started by threatening the families with violence and pointing guns at them. They assaulted some of the people from the tribe and even injured several. They slaughtered sheep and stole essential equipment such as generators, water tanks, and agricultural equipment.**
>
> **This area, hundreds of dunams, which we used for agriculture and grazing and from which we all made a living, has been lost to us. Today, only the settlers cultivate these lands and graze their flocks there.**
>
> 'Eid Ka'abneh, Al-Mu'arrajat



Aerial photographs documenting the ongoing forced displacement of families from the al-Mu'arrajat community (marked in orange) following the establishment of the unauthorized outpost of Rimmonim Farm in late 2019 (marked in red)

Unauthorized outposts established later on, Zohar's Farm and Makuch Farm, impacted the entire community, forcing out most members. Some moved west of Allon Road and some east, toward the Jordan Valley. As of late 2024, only two out of dozens of residential compounds belonging to the al-Mu'arrajat community remain, one at a-Taybah (Dar

Faza'a junction), and the other at al-Mu'arrjat East (Mleihat). Both sites constantly suffer from violence by settlers from the farming outpost.[31]

> **Our tent compound was right across from the settler, Neria Ben Pazi's farm. We survived almost three years of hell until we couldn't take it anymore and decided to leave. The settlers would come right up to our homes, graze their sheep on our lands, scare the children and women, and steal property. They took over our water, and we were left without pastureland for our sheep. For 30 years, I lived in a supportive community, raised children, and made a decent living, until the settler scourge descended upon us, and the army, police and Civil Administration fully support them.**
>
> Salman Ka'abneh, Al-Mu'arrajat



An abandoned tent encampment in al-Mu'arrjat community, with the unauthorized outpost of Rimmonim Farm in the background, January 2023 (Photo: Yesh Din)

31 B'Tselem, "Al-Mu'arrajat, Jordan Valley: Settlers attack shepherd on pastureland; soldiers beat and arrest Palestinians trying to fend them off", June 18, 2022; B'Tselem, "Wadi al-Mu'arrajat, Jericho District: Israeli settlers assault Palestinian and international hikers with clubs, injuring two", January 13, 2023; B'Tselem, "Armed settlers and soldiers assault residents of Jordan Valley community of Badu al-Mu'arrajat", November 28, 2023; Liran Tamari, "'Where are the goats?' Settlers Stormed a Palestinian family's Home, Reservist Opened Fire", **ynet**, December 2, 2023 (Hebrew); Gideon Levy and Alex Levac, "18 Palestinian Shepherding Communities Have Been Recently Erased in the West Bank. This One Might Be Next", **Haaretz English website**, May 17, 2024; Hagar Shezaf, "Five Israeli Settlers Charged With Attack on Palestinians, Left-wing Activists in West Bank School", **Haaretz English website**, September 26, 2024.

Wadi a-Seeq

Members of the Wadi a-Seeq community were displaced by Israel several times before they settled on land owned by residents of Deir Dobwan in the 1980s. Even there, for years, the 180 members of the community continued to feel uncertain and unsafe due to the Civil Administration's policies of blocking infrastructure development and construction and demolishing homes.

The establishment of the unauthorized outpost of Rimmonim Farm in 2019 impacted access to pasturelands, but the Wadi a-Seeq community, located about two kilometers away from the outpost, managed to hold on to the land. In February 2023, settlers set up another unauthorized outpost, Makuch Farm, right next to the Wadi a-Seeq tent encampment, changing life in the community immeasurably. In addition to being denied access to pasturelands and water sources, community members suffered daily harassment, threats, and violence. After the unauthorized outpost of Makuch Farm was established, residents of Wadi a-Seeq began leaving their homes, fearing for their lives.

> **Two weeks ago, a new extension to the outpost was set up 200 meters from us. On the very first day they settled there, the hooligans came right up to our tents. Four families living there left that night. We had four water wells where we watered the flock. Now we don't have access to them.**
>
> **The community school is located 300-400 meters from the tent compound, but some families are afraid to send their kids to school. It's not easy to leave an area after living there for 40 years. It's not an easy decision, but it's necessary if my family's life is at risk.**
>
> Suleiman Ka'abneh, Wadi a-Seeq



The tent encampments Wadi a-Seeq residents were first forced to leave, days after the establishment of the unauthorized outpost of Makuch Farm, March 2023 (Photo: Yesh Din)

On October 11, 2023, settlers coming from the direction of nearby farm outposts launched a violent attack against the remaining residents. Soldiers and armed settlers, some in military uniforms, arrived at Wadi a-Seeq in several vehicles. They fired in the air, went into tents, beat residents, threatened them, and damaged property. The next day, a similar but larger group of Israelis came. The soldiers took residents' cell phones, car keys, and ID cards, beat them, and caused significant property damage. The attackers told the Palestinian residents that they would shoot them if they did not leave within the hour.[32]



Armed settlers and soldiers in Wadi a-Seeq on the day of the expulsion, October 12, 2023 (Photo: Omri Eran Vardi, ActiveStills)

Over the course of that day, soldiers and settlers detained and handcuffed three Palestinians from Wadi a-Seeq, stripped them, beat them for hours, took pictures of them handcuffed and in their underwear, and used other forms of torture. The severe abuse lasted almost an entire day, with the attackers posting photos of the victims on social media.[33] All residents of the Wadi a-Seeq community were driven out of their homes that same day.

32 Human Rights Watch, "West Bank: Israel Responsible for Rising Settler Violence", April 17, 2024.

33 Hagar Shezaf, "Cigarette Burns, Beatings, Attempted Sexual Assault: Settlers and Soldiers Abused Palestinians", **Haaretz English website**, October 21, 2023; Hagar Shezaf, "Five Israeli Soldiers Dismissed From Settler Activist Unit for Assaulting Palestinians in West Bank", **Haaretz English website**, December 27, 2023.



The expulsion from Wadi a-Seeq, October 2023 (Photo: Omri Eran Vardi, ActiveStills)

Several days after the displacement, the police escorted some of the residents back to Wadi a-Seeq to collect belongings that were left behind. They discovered that most of their valuables, belongings and equipment, estimated to be worth hundreds of thousands of shekels, had been stolen or destroyed. The school in Wadi a-Seeq, which opened in 2017 with support from the European Union and served more than 100 students, was also destroyed by the settlers.[34]

> **I lived with my family in Wadi a-Seeq for 28 years. We lived quietly, made an honest living, and felt safe. The only occasional disruption was the Civil Administration enforcement agents.**
>
> **At the beginning of 2023, an outpost was established about 200 meters away from us, and our lives have been turned upside down since. Residents of the outpost terrorized [us] day and night. They took over our pasturelands, started grazing their sheep in our fields, and took control of our**

34 Yuval Avraham, "'The lands are gone, we sold the sheep.' Residents of Expelled Villages in the West Bank Left with Nothing", **Local Call**, January 7, 2024 (Hebrew); Human Rights Watch, "West Bank: Israel Responsible for Rising Settler Violence", April 17, 2024.

water sources. They sent a drone up to scare and drive away the sheep. At night, they came into the tent compound, made a ruckus and terrified us all.

For seven months I tried to hold on, but finally, I broke down and left the land on which we had lived for decades. When I uprooted, I left my community and my memories too.

Na'im Abu 'Eid, Wadi a-Seeq



The Wadi a-Seeq community: above – May 2023, below – August 2024



***

We feel like we're worthless people, forgotten people.

Salameh Ka'abneh, 'Ein Samia

Seven Palestinian shepherding communities, numbering over 1,000 people, were forced out of their homes in less than two years - 100,000 dunams virtually cleared of indigenous Palestinians. A combination of years of abuse by the authorities, settler violence, daily threats and severe financial harm drove hundreds of families to leave the land they called home for decades, effectively leading to their forced displacement.

Forced displacement, however, is not limited to the area selected for this project. The pattern was repeated in many places in the OPT. In the months that followed October 7, 2023, Israelis forced 20 Palestinian communities from their homes across the West Bank.[35]



'Ein Samia after the expulsion, May 2023 (Photo: Oren Ziv, ActiveStills)

35 B'Tselem, "Forcible transfer of isolated Palestinian communities and families in Area C under cover of Gaza fighting" (Last updated, October 30, 2024).

Settler Shepherding Outposts

Over the past decade, with help from the state, Israeli settlers built more than 100 shepherding outposts throughout the West Bank. These outposts are usually established on land declared by Israel as "state land" and have very few occupants, often a young family and some volunteers. By building illegal structures, grazing flocks in vast areas, taking over water resources and oftentimes perpetrating violence against the Palestinian residents, settlers from these outposts take control of large swaths of land.[36] Shepherding outposts have mostly been built in Area C, however, in 2024, settlers began establishing new shepherding outposts in Area B as well, where no Israeli settlements had been established before.[37]

The area on which Displaced Communities, Forgotten People focuses has 11 shepherding outposts established between 2019 and 2024. They are concentrated in three main clusters, all in Area C. The older settlements of Kochav Hashachar and Rimmonim are also located in this area, as are the established unauthorized outposts of Ma'ale Shlomo and Mitzpe Kramim, built in the early 2000s. The Ma'ale Ahuvya shepherding outpost, established in 2020, is located on the west side of Allon Road. It is also a source of violence that impacts the ability of Palestinian communities in the area to graze their animals.

The vast majority of shepherding outposts in the OPT were established without formal government approval and in defiance of official government policy, and they are officially considered illegal. Moreover, all Israeli settlements and outposts in the West Bank were built in defiance of international law.[38] In its July 2024 advisory opinion, the International Court of Justice in The Hague ruled Israel's settlement policy in the West Bank is unlawful and Israel must end its presence in the OPT.[39]

The dictionary definition of the word "terrorism" refers to the systematic use of violence against a civilian population in pursuit of private goals or political objectives.[40] Shepherding outposts systematically use intimidation and violence to sow fear among Palestinian shepherding communities, with the stated goal of driving them out of their homes. As such, the settlers are in effect committing acts of terrorism against Palestinians.

36 Yesh Din, **Plundered Pastures** (2021).

37 Peace Now, "At Least Seven Outposts Established in Palestinian-Controlled Area B", December 22, 2024; Hagar Shezaf, "Israeli Settlers Pressured, the Cabinet Approved. Now Annexation Is Creeping Into West Bank's Area B", **Haaretz English website**, December 30, 2024.

38 **Fourth Geneva Convention** (1949), Article 49.

39 International Court of Justice, Advisory Opinion, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem (July 2024).

40 Avneon Hebrew Dictionary – "Terrorism", Britannica – "Terrorism", Cambridge Dictionary – "Terrorism".



Damage caused during a settler attack on a home in the community of 'Ein a-Rashash, August 2023 (Photo: Omri Eran Vardi, ActiveStills)

The Malachei Hashalom Cluster: Malachei Hashalom Farm, Rashash Farm, Te'ena Farm, Gal Yosef Farm

Malachei Hashalom Farm was established in 2015 in an abandoned military base located on the lands of the village of al-Mughayir. The illegal outpost was built partly within the limits of an area put under a military seizure order in 1976, and partly on privately owned Palestinian land to which the owners are denied access due to a military closure order from 1995.

Yesh Din contacted the army on behalf of the al-Mughayir landowners back in 2016, demanding it allow them to access their land and remove the trespassing settlers. In the letter, Yesh Din noted that aside from Israelis' illegal use of both private land and an area under a military seizure order, the unauthorized outpost had become a significant source of violence against the Palestinian residents of the area, with reported incidents including physical assault of Palestinian residents, threats, stone-throwing, reckless driving and running over livestock.[41]

41 Yesh Din to the Legal Advisor – Judea & Samaria, "Demand to Cancel Military Seizure Order No. T/10/76 on al-Mughayir Lands and Remove Trespassers within its Boundaries", March 3, 2016, May 8, 2016.

The Civil Administration issued 33 demolition orders for illegal structures in the outpost, 12 of them in 2023. In the early years after the outpost was established, the authorities attempted to remove it several times, but settlers returned and resettled it. The Civil Administration eventually stopped trying to enforce the orders, and the outpost expanded further onto Palestinian land and established itself as a sheep and cow ranch. The meat from the animals raised at Malachei Hashalom is marketed throughout Israel, described by the owner of the outpost as "quality, Zionist meat."[42]

Yesh Din contacted senior military officials in the West Bank again in 2022, noting settlers from the outpost were using grazing, takeover of water sources and violence to reduce the pastureland and farming fields available to Palestinian communities in the outpost's vicinity. In the letter, Yesh Din warned that, "the goal, of course, is to expel the Palestinian residents and take control of the lands."[43]

> **On January 9, 2022, my brother and I went out to pasture in the morning as usual. Around 10:00 A.M., an ATV driven by an armed settler, who had army pants and no shoes on, passed by us on the road. The settler came from the direction of the outpost, looked at us, turned around and went back to the outpost. A short while later, the ATV came back with four more settlers on it, three of whom were armed. They passed us, and the driver dropped off the four settlers who were with him 500 meters away from us.**
>
> **After they got off, he turned the ATV around and started driving in our direction again. As he came closer, he started honking and revving up the engine to scare the sheep. The sheep were startled by the noise and started crossing the road to the south side in a panic. When the sheep crossed the road, the settler accelerated and sped into the flock, running over four sheep. One sheep died immediately and three sheep were seriously injured and we took them to the hill to treat them. After running over the sheep, the settler kept driving towards Malachei Hashalom.**
>
> Suleiman Abu 'Alia, Khirbet Jib'it

42 Malachei Hashalom Facebook page, May 31, 2022.

43 Yesh Din to the Commander of Military Forces in the West Bank et al., "Demand for Removal of Malachei Hashalom Outpost and Revocation or Reduction of Military Seizure Order No. T/10/76", September 22, 2022. The Civil Administration responded 14 months later, saying briefly: "The execution of orders and enforcement procedures are determined in accordance with the law, procedures, operational and security considerations, and government-level policy on enforcement in the Area" (Civil Administration to Yesh Din, November 8, 2023).



The attacking settler (Photo: Abu 'Alia family)

Absurdly, rather than taking enforcement action against the settlers, the government rewarded their criminal activity. In February 2023, the Security Cabinet decided to retroactively approve the outpost of Malachei Hashalom and regulate its status "as a settlement in the Binyamin Regional Council, on land that is government property."[44] The retroactive approval and regulation, carried out despite the fact that the military seizure and closure orders were, to the best available knowledge, still in effect, paved the way for the expansion of Malachei Hashalom: The outpost grew from two families in 2022 to 20 families by 2024.[45]

As the outpost expanded, three satellite outposts were set up around it. In 2020, an outpost named Rashash Farm was built on Duma village lands, east of Malachei Hashalom. In 2023, two more offshoots, Te'ena Farm and Gal Yosef Farm, were built on Kafr Malik and al-Mughayir lands. Rashash Farm and Te'ena Farm were established near Firing Zone 906, with some of their structures located inside it. Most of the areas the settlers use for grazing are also classified as firing zones. The Civil Administration issued demolition orders for the buildings in these outposts but never executed them.

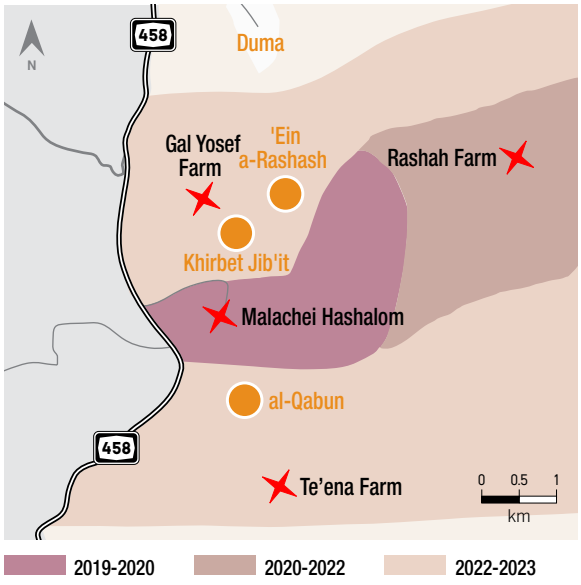
44 As part of a decision to retroactively approve ten unauthorized outposts and render them legal by Israel's standards. Resolution B/6, of Ministerial Committee for National Security Affairs (the Security Cabinet): Regulation of Settlements in the Judea and Samaria Area, February 12, 2023.

45 Shlomo Hecht, "The Dropouts, Extinguishing Fires, and Questions of Jewish Law: a tour of Samaria farms", **Makor Rishon**, August 8, 2024 (Hebrew).



Settlers in ‘Ein a-Rashash, August 2023 (Photo: Omri Eran Vardi, ActiveStills)

Through violence against Palestinian communities, land takeovers, movement restrictions, and preventing flock grazing, the four shepherding outposts in the Malachei Hashalom cluster have seized around 35,000 dunams of land. The violence originating from the outposts intensified, reaching its peak in the aftermath of October 7, and resulted in the forcible transfer of the communities of al-Qabun, ‘Ein a-Rashash and Khirbet Jib’it in 2023.



Estimated expansion of the pastureland takeover by the Malachei Hashalom outpost and its offshoots by years

The Kochav Hashachar Cluster: Ma'oz Esther, Micha's Farm, Habaladim, Ma'ale Shlomo South

Kochav Hashachar was established in the mid-1970s as a military settlement. A few years later, it was converted into a civilian settlement for members of the Gush Emunim movement. In the early 2000s, two unauthorized outposts were built near the settlement, Ma'ale Shlomo and Mitzpe Kramim. With time, they became more established outposts.[46] Over the past 20 years, other smaller unauthorized outposts were built in the area, dismantled, and then rebuilt at different sites multiple time. Since 2019, three of these outposts have been settled in permanent locations – Habaladim, southeast of Kochav Hashachar, another outpost south of Ma'ale Shlomo and Ma'oz Esther, north of Kochav Hashachar.

A news report on Israel's Public Broadcasting Corporation Kan featured an interview with a settler couple, both age 17, who were about to get married and build their home in the unauthorized outpost of Ma'oz Esther, less than a kilometer from the community of 'Ein Samia. The young woman admires the view but laments the fact that "there's Bedouin in it too." Her future husband responds: "In two years, the Bedouin won't be here, and then the view will be beautiful."[47] In May 2023, the community of 'Ein Samia, which the young settler couple in the news story had pointed to, was forcibly displaced.



Screenshot: Kan News, November 22, 2021

The statements the settler made in the report were not prophetic but rather expressed an actual plan to forcibly displace Palestinian communities. Another resident of the outpost spoke about the settlers' methods: "Across from Ma'oz Esther, there was a huge Bedouin tent encampment with several thousand goats that was iconic in the area, that never dreamed they'd leave. **Little by little, they were suffocated, until**

46 Yesh Din, **Bad Faith - The illegal outpost of Mitzpe Kramim and efforts to retroactively approve it**, (February 2022).

47 Kan (Israeli Public Broadcasting Corporation), "Hill of Girls", November 22, 2021 (Hebrew).

one day they left because the flock had no more space. Some left for Jordan and some went back inside Arab villages."[48] After the forced displacement of 'Ein Samia was complete, the admins of the Ma'oz Esther Facebook page openly celebrated the expulsion, even taking credit for the "fight" that led to it.



From the Ma'oz Esther Facebook page, May 31, 2023

Ma'oz Esther
It's working. Praise the Lord, after years of fighting for the territory, we are extremely happy today to witness the departure of two Bedouin encampments near Ma'oz Esther. This development will allow us to further expand on our land, just ahead of the family intake project launching soon. The enemy's retreat has proven – this is the only way to achieve Jewish settlement. "Let us go up at once and occupy it, for we are well able to overcome it."



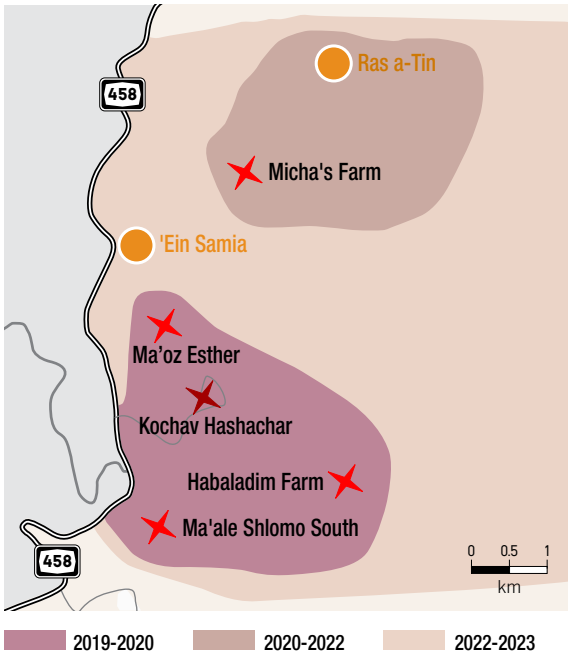
The remains of 'Ein Samia's homes, with the unauthorized outpost of Ma'oz Esther and the settlement of Kochav Hashachar in the background, May 2023 (Photo: Oren Ziv, ActiveStills)

48 Oz Israel Schwartz, "The Hills that Thwart the Fayyad Plan: Ma'oz Esther is Model for Success", **Srugim**, September 6, 2024 (Hebrew), emphasis added.

In 2020, Micha Sudai established the unauthorized outpost known as Micha's Farm, three kilometers north of the settlement of Kochav Hashachar. According to a publication on right-wing website Hakol Hayehudi (Jewish Voice), in 2014, a person by this name was issued an administrative removal order from the West Bank by the military due to, "personal involvement [...] in prohibited, violent and dangerous activity against Palestinian residents and against security forces."[49]

Micha's Farm has expanded, taking over vast pastureland and farmland through violence against Palestinians. The Civil Administration issued seven demolition orders for the outpost in 2021 and 2022, but none were ever executed.

As of 2024, the cluster of outposts around the settlement of Kochav Hashachar controls approximately 35,000 dunams of land belonging to the villages of Deir Jarir and Kafr Malik.



Estimated expansion of the pastureland takeover by the shepherding outposts around the settlement of Kochav Hashachar by years

49 Aharon Yaron Khalaf YouTube channel, "Video about Micha Sudai – Avishay and Ravid's Son", September 17, 2022 (Hebrew); Avraham Shapira, "Shin Bet Revenge? Removal Orders for Jews", **Hakol Hayehudi**, November 6, 2014 (Hebrew).

We arrived at 'Ein Samia, on Kafr Malik lands, in 1980. We made a living from farming and our flocks of sheep and goats and lived quietly until a few years ago, when settlers started setting up outposts on the hills around us. Gradually, they started taking over our water wells and closing off our grazing fields with various obstacles, which is how they took over thousands of dunams we had used for grazing. They also used a lot of violence against our shepherds and hurt animals, too. Our lives became unbearable. Everyone is working with the settlers to expel us from the area. We felt abandoned, helpless.

Muhammad Ka'abneh, 'Ein Samia


Jum'ah B'uirat

I'm a resident of Kafr Malik. I own agricultural land east of Allon Road. Up until two years ago, we had no trouble accessing and working the land. Ever since a settler showed up and started a farm on the land overlooking my land, violence started, including settlers attacking us. In practice, I can't reach the land, because if I do, I'm putting my life at risk.

Micha's Farm has a large flock. One day, I saw from a distance that my land was plowed. Today I mustered the courage to go to the land for the first time, and I saw the settlers had plowed it and sown wheat. I filed a complaint against the settler with the police.

[The case was closed without charge]

Jum'ah B'uirat, Kafr Malik

The Rimmonim Cluster: Rimmonim Farm, Zohar's Farm, Makuch Farm

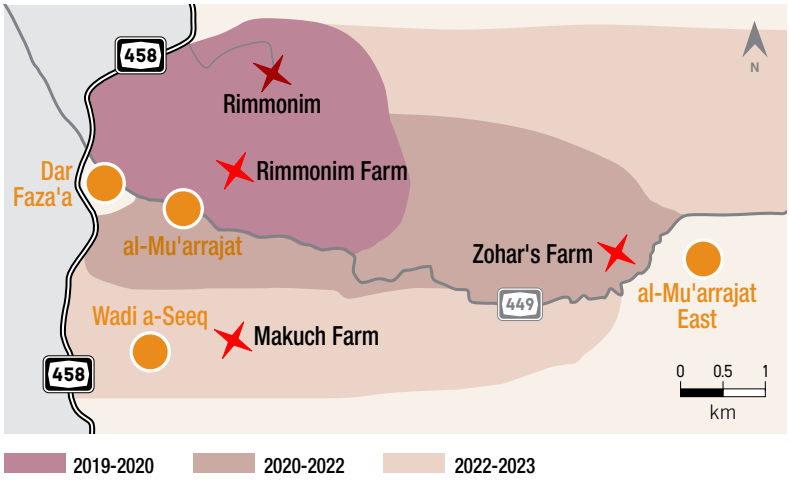
In 2019, Neria Ben Pazi established a shepherding outpost near the settlement of Rimmonim. Rimmonim Farm is located inside a small enclave of state land surrounded by land owned by residents of the village of a-Taybah which had been the seat of the shepherding community of al-Mu'arrajat for more than 30 years.

In a press interview he gave in 2024, Ben Pazi gave his perspective on the purpose of the outpost and the situation in the area before and after its establishment: "A decade ago,

there were no farms near Allon Road, and the entire area around the communities was full of illegal construction, tent encampments that could turn into villages. Today, there are far fewer of these encampments because the area is being retained. And so, instead of Palestinian territorial contiguity that would become the infrastructure for a Palestinian state, there is contiguity of Jewish presence."[50]

In practice, the area's 'retention,' as Ben Pazi put it, is pursued by grazing flocks on Palestinian land, violently taking over water sources, assaulting Palestinian shepherds, threatening them and invading their homes.

The method that proved itself in the area Rimmonim Farm was adopted as a blueprint for action and repeated in other locations. Two satellite outposts were established nearby – Zohar's Farm, established in 2021 near the al-Mu'arrajat East community, and Makuch Farm, established in early 2023, a few meters from the homes of the Wadi a-Seeq community. In less than five years, using violence and terrorism, settlers from three shepherding outposts took over more than 30,000 dunams of land belonging to the villages of Deir Jarir, a-Taybah, Rammun and Deir Dobwan.



Estimated expansion of the pastureland takeover by the shepherding outposts near the settlement of Rimmonim by years

Rimmonim Farm receives assistance and legitimacy from the government, the army, and the police. Ben Pazi was quoted as saying that, "Officers in the area had productive discussions with him and even used his help on more than one occasion." Ben Pazi's

50 Shilo Fried, "The 'Father of the Binyamin Region Farms' Pays the Price for the 'Settler Violence' Libel", **Makor Rishon**, February 6, 2024 (Hebrew).

wife added that the army considered them "a true part of the regional defense."[51] It is no wonder that the nine buildings for which the Civil Administration issued demolition orders were never removed. Moreover, on May 10, 2023, Civil Administration and Border Police forces came to demolish the illegal construction at the Makuch Farm outpost, but, according to Kan News, the removal was halted "on orders from Smotrich's people."[52]

Following the dramatic escalation in violence against Palestinians around Rimmonim Farm after the start of the war in Gaza, in December 2023, the GOC Central Command announced plans to issue an administrative restraining order against Ben Pazi that would keep him out of the entire West Bank, with the exception of Ariel, and prohibit him from contacting several right-wing activists. Security officials explained the reason for the restraining order:

> There are several radical, violent figures in Judea and Samaria, including owners of single-family farms who send youths to instigate violent clashes with Palestinians, endangering human lives. **Neria Ben Pazi, a farm owner in the Binyamin sector, has been involved in a series of violent incidents in recent months, in which he sent youths to confront Palestinians, putting the lives of those involved in danger.** In light of his violent actions, a decision was made to administratively remove him from the area. In the wake of the war, there is a sense among radical elements that this is an opportunity to hurt Arabs.[53]



A settler herding cattle on land belonging to the village of a-Taybah, in the area from which the al-Mu'arrajat community was forcibly displaced, August 2023 (Photo: Yesh Din)

51 Ibid.

52 Kan News X page, May 10, 2023 (Hebrew).

53 Shilo Fried, "The 'Father of the Binyamin Region Farms' Pays the Price for the 'Settler Violence' Libel", **Makor Rishon**, February 6, 2024 (Hebrew) emphasis added.

Institutional support for Rimmonim Farm continued despite the security establishment's assessment that activity in the outpost endangers human lives. Just days after the announcement made by the GOC Central Command, Heritage Minister Amichay Eliyahu and senior rabbis went to the outpost in a show of support for Ben Pazi. In January 2024, the Ministry of Agriculture gave the unauthorized outpost a 12,000 ILS (some USD 3,200) grant to promote pasture in open spaces.[54]

> **We came to this area in 1985. In 2019, the settlers set up an outpost, and since then, our lives have changed beyond recognition. The danger from the settlers is immediate, at any time and at any hour. Their harassment of us started with blocking access. After that, they built a large herd of sheep and cows that graze in our plowed and sown fields and blocked our access to pastureland.**
>
> **The settler, with the help of the hilltop youths living in the outpost, have hurt us countless times. At first, only in the areas close to the outpost, but slowly and confidently, they took over more and more territory.**
>
> Suleiman Ka'abneh, Wadi a-Seeq

> **I am a resident of the al-Mu'arrajat East area. Ever since Ben Pazi's farm was established, and especially since Zohar's outpost was established, our lives have become a living hell. Every time we try to cross the road with the flock, the settlers show up, armed with guns, and threaten us. They also bring dogs with them and scare us. Not long ago, they shot our donkey. At night, they invade the tent compound and walk around the houses, armed. We've lost all sense of security. Four families have already left the area.**
>
> Muhammad Mleihat, Al-Mu'arrajat East

Unlike the official support from the State of Israel, the international community responded with a rebuke of the violence against Palestinians originating in Rimmonim Farm. In March, April and November 2024, the USA and the EU imposed personal sanctions on Neria Ben Pazi and other shepherding outpost owners. The White House Spokesperson said the settlers put under sanctions had "engaged in repeated violence against Palestinians and in some cases against Israelis too, in the West Bank."[55] Later, Japan and

54 Avraham Bloch, "Minister of Heritage Supports Neria Ben Pazi, who Faces Removal by Administrative Order", **Maariv**, December 10, 2023 (Hebrew); Yael Freidson, "Israel Financed West Bank Outpost Owned by U.S.-sanctioned Settler", **Haaretz English website**, June 13, 2024.

55 Ben Samuels, "U.S. Sanctions Two West Bank Outposts, Three Settlers", **Haaretz English website**, March 14,

Australia also announced personal sanctions against Ben Pazi, due to his involvement in "violent attacks against Palestinians." In July 2024, the American administration imposed sanctions on Rimmonim Farm and Makuch Farm as financial entities as well, and in November 2024, it imposed personal sanctions on Zohar Sabah (of Zohar's Farm).[56]

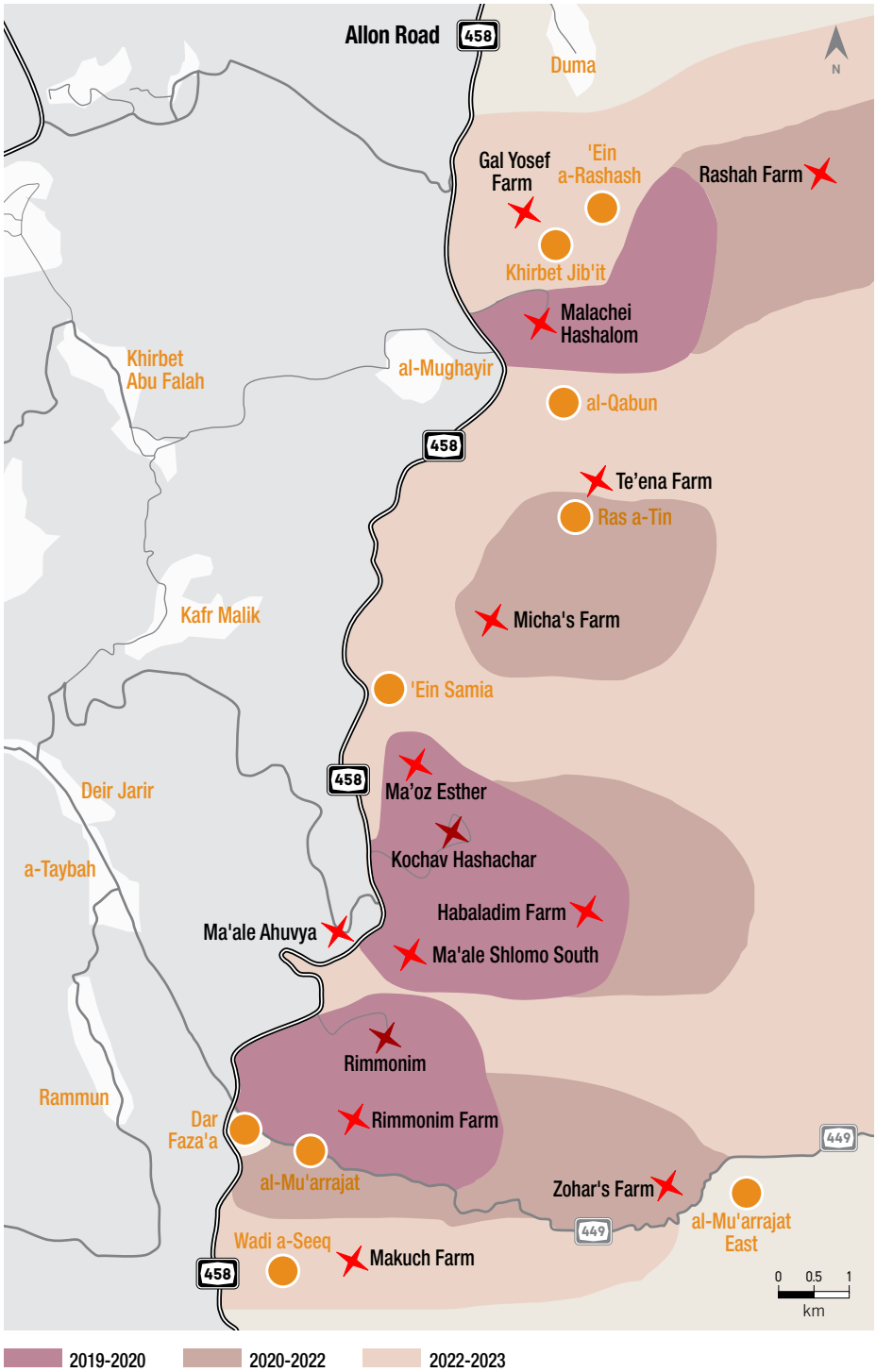
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The modus operandi of establishing shepherding outposts and employing systematic violence to force out Palestinian shepherding communities is a carefully planned system designed to achieve an openly stated goal: taking over Palestinian lands. Through acts of violence and terrorism, settlers have physically, psychologically, and economically, hurt Palestinian shepherding communities and forced them out of their homes.

The State of Israel supports these violent settlers and joins forces with them to dispossess the Palestinians of their land. The settlers operate as state-backed armed militias, and in the absence of law enforcement, they replicate their tactics far and wide. As such, settlers in shepherding outposts act as another destructive tool in Israel's hands, designed to realize the vision of annexation and settlement in the West Bank.

2024; Ben Samuels and Amir Tibon, "U.S., EU Sanction Prominent Far-right Israeli Activists, NGOs That Fundraised for Previously Sanctioned West Bank Settlers", **Haaretz English website**, April 19, 2024. U.S. Department of State, "Imposing Further Sanctions to Promote Peace, Security, and Stability in the West Bank", March 14, 2024.

56 Reuters, "Japan imposes sanctions on four Israeli settlers in West Bank", **ynet English website**, July 22, 2024. Amir Tibon, "Australia Sanctions Seven Israeli Settlers Involved in West Bank Violence Against Palestinians", **Haaretz English website**, July 25, 2024; Ben Samuels and Amir Tibon, "U.S. Announces Sanctions Against West Bank Settlement Organization Amana", **Haaretz English website**, November 18, 2024; U.S. Department of State, "Designation of Individuals and Entities Contributing to Violence and Instability in the West Bank", 11.7.2024. The American sanctions were canceled in January 2025, after President Trump returned to the White House (see, Michael Stratford, "Treasury terminates sanctions on Israeli settlers in West Bank", **Politico**, January 24, 2025).



Estimated expansion of the pastureland takeover by the shepherding outposts east of Allon Road by years

Israeli Policy

In 2013, Israel promoted a plan to concentrate Palestinian shepherding communities living east of Ramallah in a single town to be established in the Jordan Valley. The plan, drafted without consultation with Palestinian residents or consideration of their needs, was set to uproot about 12,500 people from three different tribes, Jahalin, Ka'abneh and Rashaidah, and resettle them in the future town of Ramat Nu'eimeh.[57] The official plan was ultimately put on hold, but it did signal Israel's intention to forcibly transfer the Palestinian communities living east of Allon Road. In 2023, these intentions were realized by other means.

International law grants the military commander governing powers but does not make him the sovereign of the West Bank. Two key considerations should guide the military when exercising its powers for the administration of an occupied territory: the benefit of the local population and the preservation of the status quo, alongside the occupying power's security needs.[58]

The jurisprudence of Israel's Supreme Court has also recognized that the military commander of the West Bank may exercise his powers in the OPT only according to relevant considerations: the benefit of the local residents and security.

The military commander may not weigh the national, economic and social interests of his own country, insofar as they do not affect his security interest in the Area or the interest of the local population.[59]

Despite the foregoing, Israel fails to meet the conditions stipulated by international humanitarian law. Israel's settlement enterprise in the West Bank is a breach of international law. It is also, essentially, the cause and the driver of all the events described in this report. Furthermore, Israel's perception of Area C as belonging to it and the government's open policy aiming to annex at least parts of the West Bank and apply Israeli sovereignty to them, which is backed by actions, also constitute brazen violations of international law.[60]

57 Amira Hass, "Israeli Government Plans to Forcibly Relocate 12,500 Bedouin", **Haaretz English website**, September 16, 2014; B'Tselem, "Civil Administration plans to expel thousands of Bedouins from homes, concentrate them in inadequate settlement", September 17, 2014.

58 **Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land** (The Hague 1907), Article 43.

59 HCJ 393/82 **Jam'iat Iscan al-Ma'almoun al-Tha'auniya al-Mahduda al-Masuliya, v. IDF Commander in Judea and Samaria**, judgment dated December 28, 1983.

60 Yesh Din, **Over the Border: The institutionalized Israelization of Area C and the violation of Palestinians' human rights** (October 2022); Yesh Din, **The Silent Overhaul** (2024).

While Israel officially maintains that most shepherding outposts in the West Bank are illegal, in practice, they are built and expanded thanks to active support from the state and willful oversight of illegal activities in them. State authorities – government ministries and elected officials, the army, the Civil Administration, and the police – support and assist shepherding outposts, using a wide variety of means, in the name of common political goals.

It is important to stress that settlers in shepherding outposts do not operate in a governmental vacuum, with no laws in place and no functioning authorities. On the contrary, the daily violence against Palestinians and the takeover of their lands, which ultimately led to the forcible transfer of Palestinian shepherding communities, is conducted under the patronage of the State of Israel and with its support.

The Government and the Knesset

Shepherding outposts receive tens of millions of shekels of Israeli taxpayer money each year. Six government ministries – Agriculture, Settlement and National Missions, Education, Welfare, Defense, and the Ministry of the Negev, Galilee and National Resilience - all fund the outposts, directly or indirectly. Israel gives shepherding outposts financial assistance and loans, connects them to infrastructure and roads, allocates them pastureland, provides them with security, and purchases different types of equipment for them. Bezalel Smotrich's appointment as Minister of Finance pushed this policy further, with huge sums flowing from the public purse to the settlement enterprise, including shepherding outposts. In addition to all this, the Jewish National Fund, regional settlement councils, the World Zionist Organization Settlement Division, Amana, the settlement movement of Gush Emunim, and organizations such as Regavim, Artzenu, and Hashomer Yosh – all of which are fully or partially publicly funded – also provide grants and assistance to shepherding outposts.[61]

In 2024, the USA, the UK and Canada imposed economic sanctions on Amana – the settlement movement of Gush Emunim and the driving force behind the establishment of many of the shepherding outposts. The American announcement of the sanctions stated: "The settlers and farms that Amana supports play a key role in developing settlements in the West Bank, from which in turn settlers commit violence. More broadly, Amana strategically uses farming outposts, which it supports through financing, loans, and building infrastructure, to expand settlements and seize land."[62]

61 Yesh Din, **Plundered Pastures** (2021); Hagar Shezaf and Hilo Glazer, "Investigation: Netanyahu's Government Not Only Permits Jewish Terror in the West Bank, but Also Finances It", **Haaretz English website**, October 11, 2024

62 U.S. Department of the Treasury, "Treasury Targets Organization with Ties to Violent Actors in the West Bank", November 18, 2024.

A significant lobby of elected officials, some of whom are settlers themselves, is working to lend legitimacy to the illegal shepherding outposts, going so far as denying settler violence exists. For example, the Knesset Eretz Yisrael Lobby wishes to "support activists doing the work on the ground in the hills and on the farms." At the Ma'ale Ahuvya launch event, MK Bezalel Smotrich said the "settler violence campaign" was an "antisemitic lie that the enemies of Israel disseminate." According to MK Limor Sonn Har Melech, "Farm residents [...] are the new pioneers guarding tens of thousands of dunams of homeland lands." MK Simcha Rothman described accusations of settler violence as a modern blood libel, and Prime Minister Netanyahu claimed: "there is no such thing [as settler violence]. It's a campaign."[63]

In addition, the government is pursuing the retroactive authorization of outposts built illegally and their regulation as what it considers legal settlements, as in the case of the shepherding outpost Malachei Hashalom. In February 2024, Minister Smotrich directed the head of the Civil Administration to implement the previous year's cabinet decision to officially recognize approximately 70 outposts, eight of which were shepherding outposts, as "sites undergoing regulation," connect them to infrastructure and refrain from enforcement actions against illegal construction in them. It is important to stress that previous Israeli governments supported unauthorized outposts as well, but the current government is significantly restructuring Israel's control over the West Bank. The commitment to work towards regulation of unauthorized outposts was written into the coalition agreements signed between the Likud and several coalition parties, and it enables far-reaching changes on the ground.[64]



The establishment of Te'ena Farm, June 2023 (Photo: Avishay Mohar)

63 Hezki Baruch, "Eretz Yisreal Lobby Launched at Knesset: 'We Meant No Harm to Anyone", **Arutz 7**, March 27, 2023 (Hebrew); "Slain Ahuvia Sandak's Friends Set Up Farm at Disaster Site", **Arutz 7**, December 23, 2020 (Hebrew); Hannah Sarishohn, Reuters, "'Campaign of lies': Smotrich blasts Biden order against Jewish settler violence", **Jerusalem Post**, February 1, 2024; Limor Sonn Har Melech X page, April 15, 2024 (Hebrew); Sam Sokol, "MK Rothman calls US sanctions against violent far-right activists 'a modern blood libel'", **The Times of Israel**, August 7, 2024; Ariel Kahana, "Netanyahu on 'Settler Violence': Certain Elements Simply Slander Settlers'", **Yisrael Hayom**, December 17, 2023 (Hebrew).

64 Yesh Din, **The Silent Overhaul** (2024).

The Civil Administration

The Civil Administration is the military agency in charge of implementing Israel's civilian policy in Area C. Its broad powers cover most areas of life in the OPT, and, in defiance of international law, it openly initiates and advances developments that shape the West Bank according to Israel's interests.[65] Its powers include the implementation of land, planning and construction policies in Area C, giving it crucial influence over both Israeli shepherding outposts and Palestinian shepherding communities.

At the forefront of the dramatic changes implemented in the last two years in Israel's control of the West Bank stands the transformation that Minister Smotrich brought about in the Civil Administration. Smotrich holds two portfolios: Minister of Finance, responsible for the state budget, and Minister in the Defense Ministry - a new position tailored to his demands - in charge of all aspects of civilian life in the West Bank. Two key steps carried out by Smotrich have led to the 'civilianization' and politicization of the West Bank's governance. First, a body entitled the Settlement Administration, directly subordinate to Minister Smotrich, was established within the Ministry of Defense. Second, a civilian was appointed as deputy head of the Civil Administration. This position is directly subordinate to the head of the Settlement Administration rather than the head of the Civil Administration. These steps have expropriated a wide array of powers from the military, put them in the hands of civilians closely associated with the settlement enterprise, and harnessed the Civil Administration to serve the government's agenda of taking control of Palestinian land more than ever before.[66]

In March 2024, the GOC Central Command, Major General Yehuda Fox, revealed that the number of illegal structures built by Israelis in the West Bank had climbed since the introduction of the Settlement Administration under Smotrich. According to the general, most illegally built roads and structures were situated on privately owned Palestinian lands. Fox added that, "the effort to clamp down on illegal settlement construction has dwindled 'to the point where it has disappeared,'" and that "the Administration regularly approves the enforcement plan for illegal Palestinian construction in full." Fox ended with the assertion that this encourages continued offenses by settlers.[67]

Israel has practiced a blatantly discriminatory policy of state (public) land allocation in Area C for years, clearly favoring Israeli settlers. The most recent figures released by the Civil Administration reveal that, as of 2018, it had allocated 674,459 dunams of state land to Israelis and only 1,625 for Palestinian use. In other words, 99.76% of state land zoned

65 Yesh Din, **Through the Lens of Israel's Interests": The Civil Administration in the West Bank** (December 2017).

66 Yesh Din, **The Silent Overhaul** (2024).

67 Ronen Bergman and Mark Mazzetti, "The Unpunished: How Extremists Took Over Israeli", **New York Times**, May 16 2024.

for any use in the West Bank served Israeli settlements. Notably, in the past year, the practice of declaring state land has skyrocketed. In the first half of 2024, 23,700 dunams were declared state land - a record not seen in at least 25 years. In comparison, in the entire decade between 2014 and 2023, only 13,000 dunams were declared.[68]

Israel practices this grave injustice with respect to building permits as well. Between 2016 and 2020, the Civil Administration approved only 24 of 2,550 (0.9%) building permit applications submitted by Palestinians in Area C. In those same years, permits were issued for 8,356 housing units in settlements, that is, 348 times as many.[69]

To complete the picture, according to UN figures, since 2009, Israel has demolished 8,691 Palestinian homes and structures in Area C built without a permit for lack of choice.[70] While the Civil Administration does issue demolition orders for structures in shepherding outposts, it rarely executes them. As noted in the context of Makuch Farm, in May 2023, Civil Administration enforcement activity was halted "on orders from Smotrich's people."[71]



Structure demolished by the Civil Administration in the Wadi a-Seeq community, March 2023 (Photo: Yesh Din)

Lands are also allocated to Israeli military bases, firing zones, nature reserves, archeological sites and waste disposal sites. These allocations are consistently made at the expense of local Palestinians, restricting their movement, limiting available pastureland, and reducing residential options. Israel also imposes travel restrictions on

68 Peace Now, "State Land Allocation in the West Bank — For Israelis Only", July 18, 2018; Peace Now, "The Government Declares 12,000 Dunams in the Jordan Valley as State Lands", July 3, 2024; Yesh Din, **The Silent Overhaul** (2024).

69 Bimkom, **Destructive Planning Policies: West Bank 2018-2022** (January 2023).

70 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Data on demolition and displacement in the West Bank", last update: October 19, 2024.

71 See p. 47.

Palestinians only in the West Bank, using hundreds of checkpoints and roadblocks that are designed to make their daily lives harder and reduce their living spaces.[72]

The Civil Administration's state land declaration policy and land allocation, building permit and house demolition practices complement each other to promote Israel's agenda in Area C: annexation, development and prosperity in settlements along with dispossession and expulsion of Palestinians. Israel's discriminatory policy virtually prevents any Palestinian construction in Area C, essentially pushing Palestinians into Areas A and B, which make up only 40% of the West Bank.

The Military

Soldiers often escort and protect settlers who attack Palestinians, do nothing to prevent or stop the violence, and with increasing frequency, join the attacks. These are not isolated incidents of lone soldiers: support for the actions of settlers from shepherding outposts is a military policy that seeps down from the top command.

The Israeli military has effective control over the territory, both by virtue of the powers granted to it under international law, and by the simple fact that it is the largest and most powerful entity in the West Bank in general and in Area C in particular. As the occupying army, it has a dual obligation - to refrain from harming the Palestinian population and their property and to ensure their safety, including by protecting them from harm by third parties.

However, there is a strong affinity between the Israeli military and Israeli settlers in the OPT, reflected in official policies, local initiatives by soldiers (some of whom are settlers themselves), and close cooperation. Col. Roi Zweig, who served as the commander of the Samaria Brigade, succinctly described this relationship in a meeting with the settler movement leadership: "[T]he army and the settlements are one and the same."[73]

Yisrael Gantz, head of the Binyamin Regional Council, explained how the army is integrated into the policy of establishing shepherding outposts: "[The military] Central Command defined exactly what to put where, the Settlement Division transferred the funds and we need to execute [the plan]. This is the first time that the young settlement [a euphemism used by settlers for unauthorized outposts] is openly receiving government funding." Soldiers in the field develop familiar, friendly relationships with shepherding

72 Yesh Din, **Family under Siege - Restrictions on freedom of movement by Israel upon Palestinians in the West Bank since 2023: The case of the Abu Awwad family** (December 2024); Yuval Avraham, "Settlers and army blocking West Bank roads to Palestinians", **+972 Magazine**, February 13, 2024; Ben Hubbard, Sergey Ponomarev, Leanne Abraham and Marco Hernandez, "Roadblocked", **New York Times**, October 13, 2024.

73 Hagar Shezaf, "Israeli Commander Says Army, Settlements Are 'One and the Same'", **Haaretz English website**, May 30, 2022.

outpost settlers and spend time in the outposts daily. This is how a volunteer at one of these outposts described the fruitful cooperation with the army: "Since the war [started] we're pretty much allowed to do everything [...] The army is with us and it'll be easier for us to take over land."[74]

After the events of October 7, 2023, thousands of soldiers were recruited to guard settlements, many of them settlers. While settlers have been known to attack Palestinians dressed as soldiers and carrying military-issued firearms before, the mass mobilization took this practice to new extremes. Armed settlers, in full or partial military uniforms, appeared in Palestinian villages and shepherding communities and hurt innocent people for no reason and without authority. These incidents included, among other things, violent attacks, threats, trespassing, theft, and property damage. When Yesh Din complained to the Legal Service for Operational Matters on behalf of the victims, the response was that even though the assailants wore military uniforms, the complaint should be made to the police, as "no military activity took place at the time and place noted."[75] In this way, the military evades its responsibility and obligation to protect Palestinians, effectively abandoning them to violence by Israelis.



Neria Ben Pazi, armed with a handgun and wearing military pants, on the day of the expulsion from Wadi a-Seeq, October 12, 2023 (Photo: Omri Eran Vardi, ActiveStills)

74 Hagar Shezaf and Hilo Glazer, "Investigation: Netanyahu's Government Not Only Permits Jewish Terror in the West Bank, but Also Finances It", **Haaretz English website**, October 11, 2024 (quoted section was translated in part from the Hebrew version of the article).

75 Hagar Shezaf, "Israel's Army Drafted and Armed Thousands of Settlers. Accounts of Their Violence Are Piling Up", **Haaretz English website**, January 17, 2024; Yesh Din to Attorney General, Urgent request for official guidance on the agency with jurisdiction, and a duty, to investigate offenses committed soldiers who are residents of the West Bank against Palestinians, September 10, 2024.

In 2024, the lack of distinction between the settlers and the military intensified when settlers began recruiting military reservists to help them set up shepherding outposts and secure them. The settlement activity is led by the outpost's owner and funded by the state.[76]

Thus, the army has not only failed to fulfill its duty to ensure the safety of Palestinian shepherding communities, but it has also played an active role in the events that led to their forcible transfer. The deliberate obfuscation of the differences between Israeli settlers and soldiers has further undermined the safety of these communities and their faith in the Israeli authorities. When the people tasked with protecting them are their assailants, Palestinian shepherds are left entirely helpless.

> **I documented a lot of the harassment against us, but I deleted everything out of fear of the army and the police. When we call the police, they come with the settlers and soldiers and sit down to have coffee with them. They don't protect us. Complaints are useless. The police and the army only protect the settlers. They just want us to leave the area.**
>
> Na'im Abu 'Eid, Wadi a-Seeq

> **The Israeli government and the Israeli police take the settlers' side and support them, and they have the army with them, and some soldiers are settlers themselves. When there's a problem and the army comes, I see them. They're settlers themselves, but in military uniform.**
>
> Mahmoud Ka'abneh, 'Ein Samia

The Israel Police

The Israel Police is tasked with enforcing criminal law on Israeli civilians in the West Bank. According to protocol, in cases of a suspected offense, the Samaria & Judea (SJ) District Police launches an investigation, and, upon completion and in consultation with the State Attorney's Office, decides whether to prosecute the suspects or close the case.

Between 2005 and 2024, Yesh Din monitored the outcomes of 1,666 investigation files into offenses committed by Israelis against Palestinians in the West Bank for ideological reasons: Of these cases, 94% were closed without indictments, and only about 3% ended with a full or partial conviction. These figures, which have remained consistent over at least two decades, are indicative of a longstanding systemic and deliberate failure

76 Hagar Shezaf, "Israeli Settlers Recruit Reservists to Guard West Bank Outposts and Help Form New Ones", **Haaretz English website**, October 20, 2024.

in law enforcement responses to ideologically motivated crime against Palestinians in the West Bank.[77]

Due to this police policy, Palestinians' trust in Israeli law enforcement authorities has declined and complaints dropped sharply. Between 2016 and 2022, 35% of the Palestinian crime victims who sought Yesh Din's help chose not to file a complaint. In 2023-2024, the number spiked with 61% of crime victims waiving their right to file a complaint with the police. The majority cited mistrust in Israeli law enforcement authorities as the reason, or fear that a complaint would harm them or result in their Israeli work or entry permit being revoked. Others reported extremely long wait times at police stations, humiliating treatment from police officers, no Arabic interpreters, and being treated as suspects rather than crime victims.[78]



Mahmoud Ka'abne

I don't feel safe at home anymore. They would harass us, and we also experienced physical violence. Armed settlers would stop me on the road and demand that I identify myself. They closed off pasturelands to us but entered our pasturelands. They would steal equipment and animal feed. They took over the water. They'd block our access roads, and we couldn't bring in food for the animals. They'd set fire to the food at night. All of this had only one purpose – to get rid of us.

I filed three complaints and nothing came of them. We documented the settlers' violence in photos where you can see their faces and their license plates, and the case would close. We left, not willingly. It was a very difficult decision. We were helpless.

Mahmoud Ka'abneh, Ras a-Tin

In the summer of 2024, dozens of teens from shepherding outposts in the West Bank participated in a special program led by the Israel Police and designed to strengthen the bond between the police and the settlers. The commander of the Samaria police region

77 Yesh Din, **Data sheet: Law Enforcement on Israeli Civilians in the West Bank** (December 2024). Not only does the police fail to enforce the law, but it works with the settlers to hurt human rights activists as well. See, e.g.: Yotam Berger, "Israeli Policeman to Be Disciplined for Dismissing Complaint by Left-wing Activist 'Don't You Know Who He Is?' | Israel Police Dismiss Left-wing Activist's Complaint Because of His Political Views", **Haaretz English website**, March 31, 2019. Hagar Shezaf, "Israeli Activist Detained for 'Abuse' of Settler's Sheep After Shooing Them From West Bank Village", **Haaretz English website**, September 22, 2024.

78 Yesh Din, **Data Sheet** (2024).

said this was a "flagship project," adding that "unmediated contact between police officers in the region and these youths, with the help of other actors and farm owners, is of great importance." In the same context, Minister of National Security Itamar Ben Gvir, himself previously convicted of supporting a terrorist organization and now the minister in charge of the Israel Police, said: "The police cooperates with them out of a Zionist mindset and understanding that the many farms in Judea and Samaria keep the area under Israeli control."[79]

Furthermore, according to Channel 12 news, Minister Ben Gvir has, in fact, instructed the police to abstain from enforcement on Israelis involved in Jewish terrorism in the West Bank.[80] In November 2024, the commander of the SJ District Police Central Investigation Unit, in charge of investigating and solving ideologically motivated crime against Palestinians, was arrested on suspicion of deliberately preventing or sabotaging investigations into settler violence in order to curry favor with Minister Ben Gvir and receive a promotion from him.[81]

> **The authorities don't just back up the pogromists, they even encourage them. I didn't file a complaint, and I don't intend to. Not only is getting to the police station mission impossible because all the roads are blocked, I also have no trust in the police or the army. They're part of the occupation that wants us to disappear from the area and let them take over more and more Palestinian-free territory.**
>
> Ashraf 'Awawdeh, Deir Dobwan

Aware the police are not carrying out effective enforcement activities against them, settlers draw encouragement for their criminal actions and replicate them. As of the end of 2024, there are no known cases of Israelis prosecuted for any of the incidents described in this report, which led to the forcible transfer of the Palestinian communities.

79 Moshe Weisstuch, "Dozens of Hilltop Youths Complete Special Program with SJ District Police", **Shvi'i - Religious Public Newspaper**, Issue 597, July 26, 2024 (Hebrew).

80 Ilana Dayan, "The Document Submitted to the Chief of Staff and the Shin Bet Heads' Opinion of Ben Gvir's Instructions", **N12**, November 23, 2023 (Hebrew).

81 Liran Tamari and Elisha Ben Kimon, "Non-Arrest of Jewish Terror Suspects, Update on Undercover Investigation: Allegations against Central Unit Commander and IPS Commissioner", **ynet**, December 5, 2024 (Hebrew); Or Ravid and Inbal Tvizer, "Allegations against SJ Central Unit Commander Avishai Muallem: Did not Arrest Jewish Terrorism Suspect to Climb Police Ladder", **N12**, December 5, 2024 (Hebrew); Jeremy Sharon, "Senior cop accused of papering over settler attacks arrested again for alleged tampering", **The Times of Israel**, January 2, 2025.

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In July 2024, the Supreme Court delivered a ruling in two petitions filed by residents of Palestinian communities in South Hebron Hills. The petitioners accused the Israeli authorities of failing to protect them from the settler violence that led to their displacement. The justices held - noting it was self-evident - that even during war, "military and police officials operating in the Judea and Samaria Area must take action to protect the Area's protected residents from violence or breaches of the law - both by virtue of the principles of international law applicable to the Area and pursuant to the fundamental tenets of the rule of law."[82]

Israeli practices targeting Palestinian shepherding communities have not gone unnoticed by the international community. In August 2023, OCHA stated that the most common reason for the displacement of Palestinian shepherding communities is "settler activities, including violence and settlement expansion, which results in the loss of their access to grazing land. Other reasons include the threat of demolition of their homes and other property by the Israeli authorities." In its July 2024 advisory opinion on Israeli policies in the OPT, the ICJ ruled that Israeli policy and practices often force Palestinians living in Area C to leave their areas of residence.[83]

The State of Israel, through its various authorities, maintains close cooperation with settlers in shepherding outposts who harm Palestinian shepherding communities. In fact, these settlers have become the state's implementing arm, funded and supported by it. The violent, repressive and unlawful policy Israel has led for years both through official bodies operating in the West Bank and through the settlers is ultimately what led to the forcible transfer of Palestinian shepherding communities.

82 HCJ 8117/23 **Nawaj'ah v. Military Commander in the West Bank**, judgment dated July 29, 2024.

83 OCHA, "Increase in settler violence: remarks provided to the press", August 5, 2023; ICJ Advisory Opinion (2024), par. 147.

Individual Health and Community Resilience

This section explores how Israel's policy in the West Bank and the violence originating in settler shepherding outposts, which have led to the forcible transfer of Palestinian shepherding communities from lands they inhabited for decades, affect the health of the population and community resilience.

The research underpinning this study used a combination of qualitative and quantitative methods under guidance from an advisory committee composed of experts in public health, medical anthropology, epidemiology, and health systems management. Between June 2023 and June 2024, 15 semi-structured interviews were conducted with men from Palestinian shepherding communities east of Allon Road, aiming to capture the lived experiences of community members directly affected by shepherding outposts and Israeli policies. Some interviews took place in communities prior to forced displacement, while others were conducted with individuals after they were driven out of their homes. These conversations provided rich narrative data and valuable insights into the daily struggles of members of Palestinian shepherding communities. The research was augmented by quantitative data obtained through questionnaires filled out by 22 women and 38 men from these communities after they were driven out of their homes. These questionnaires were designed to assess the impact of their new forced circumstances on personal security, community resilience, and access to resources and health and education services.

Human health is not defined simply as the absence of disease, but as "a state of complete physical, mental and social well-being."[84] Social determinants of health include access to water, food, shelter and health services, as well as safety and protection from physical and psychological violence, social and political stability, emergency preparedness, access to education, and community resilience.

The World Health Organization classifies the health situation in the OPT as a complex chronic emergency. This designation primarily stems from the structural violence to which the entire Palestinian population is exposed generation after generation, as a result of Israel's oppressive military occupation regime, which controls most aspects of Palestinian life. The State of Israel, acting to seize land and natural resources in the West Bank, restricts Palestinian economic growth, thereby increasing dependency on the occupying power. Medical clinics and health facilities in the OPT suffer from a shortage of resources, medical equipment, and personnel, while access to these facilities is

84 **Constitution of the World Health Organization** (1946).

hindered by movement restrictions imposed by the military. Meanwhile, rising poverty and food insecurity rates directly impact public health in the West Bank.[85]

In Area C, which is under full Israeli control, the state of Palestinian health is particularly dire. The denial of building permits for hospitals and medical facilities leaves Palestinians in this area without access to basic healthcare services, forcing them to seek treatment in Areas A and B. Additionally, the heavy presence of Israeli military forces and settlers in Area C results in constant physical and psychological harm to Palestinians, diminishing their health and sense of security.

Palestinian shepherding communities are among the most disempowered and vulnerable groups living in Area C. Since Israel does not officially recognize their hamlets and compounds, it blocks their development, leaving the communities isolated and without connections to basic services such as water, sewage and electricity.

As detailed in previous sections, in recent years, Palestinian shepherding communities have been denied access to vital resources and subjected to relentless settler violence. These actions are backed by the Israeli authorities and serve as a deliberate mechanism for forcible transfer. Beyond the physical harm, different methods of terrorism and intimidation employed by outpost settlers have robbed shepherding communities of their ability to anticipate and plan their future, restricted their access to basic services and exacerbating financial and health difficulties. The actions of the Israeli authorities and settlers pose severe challenges to the shepherding communities', eroding their resilience and community cohesion and jeopardizing the communities' very survival.



The ‘Ein Samia community after the expulsion, May 2023 (Photo: Oren Ziv, ActiveStills)

85 Physicians for Human Rights Israel, **Responsibility Shirked: Israel and the Right to Health in the Occupied West Bank during Covid-19** (August 2021); World Health Organization, **Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan** (May 2024).

Social Determinants of Health

The term "social determinants of health" refers to political, economic, social, and environmental factors, at the institutional and personal levels, that have a positive or negative impact on health.[86] An analysis of health determinants, access to them, and the interrelationship between them helps chart the health of a population. This study examined several essential health determinants in Palestinian shepherding communities living in the area covered by the project, before and after forced displacement.

Physical and Psychological Security

Bodily integrity is the most basic health determinant. The physical violence used by shepherding outpost settlers against members of the communities and the threat they posed to their bodily integrity had a profound impact on the communities. The frequent violent attacks inflicted physical harm on community residents, disrupted community routines and instilled a constant sense of fear and insecurity. Persistent anxiety caused significant mental stress, disrupted sleep patterns and put residents in a state of constant alertness, including at night.

Increased settler violence exacerbated Palestinian residents' sense of uncertainty and helplessness, especially given the inability to protect their families and children. The realization that their lives and the lives of their loved ones were in constant danger was one of the main reasons that drove them to leave their homes. Settler violence and terrorism caused not only immediate physical and psychological harm, but also left lasting emotional scars.

> **The violence has gotten monstrously worse. The settlers are not content with controlling the land; they're attacking our homes and burning our crops. Families now live in constant fear and children are afraid to go out to play or even go to school. Our community life has disintegrated, and each of us fears for his family and property.**
>
> 'Eid Ka'abneh, Al-Mu'arrajat

> **Here in the community, we sleep with our shoes on. I lived in fear 24 hours a day. If I heard a cell phone ringing outside, I would be scared it was settlers invading the community. All the people who stayed in 'Ein Samia suffered the same thing. There's not a family that could sleep through the night. There are always two people who stay up, take shifts, switch. You can't go to sleep without worrying about the**

86 Israeli Medical Association, Social Determinants of Health (2015) (Hebrew).

safety of the children. It's impossible. They burned a family in Duma, didn't they?[87]

Mahmoud Ka'abneh, 'Ein Samia

We didn't leave because of one big incident, but as a result of a series of compounding incidents that turned life in the area into a living hell. There's no personal security, no income, no hope.

Talej Ka'abneh, Al-Mu'arrajat

Nutritional and Financial Security

As mentioned, most of the Palestinian communities living east of Allon Road earned a living from shepherding, micro-farming and animal products. For years, the military restricted the movement of the communities' livestock flocks by allocating land for military bases, firing zones and nature reserves. Later, settlers blocked access to pastureland and took over private farmland, destroying crops and fruit trees. All of these have undermined the livelihoods of the Palestinian shepherding communities, forced them to buy animal feed for their livestock and significantly limited their nutritional and economic security. More than half of the research participants reported having to look for alternative sources of income, initially as a result of settler violence and subsequently due to forced displacement. Additionally, about 90% of shepherds were forced to sell at least some of their animals.

The number of sheep started dropping since the settlers started closing in on us and putting pressure on us. People who had 100 sheep went down to 50, and people who had 50 sheep went down to 20. I'm going to have to sell the sheep. We can barely feed our children in the state we're in now.

Suleiman Ibrahim, Ras a-Tin

The financial situation has gotten much worse. Production dropped significantly, which caused us enormous financial losses. The financial situation has become very difficult, and we're under a lot of financial pressure.

The lack of pastureland has a significant impact on animal health. We used to rely on natural pastures to feed our animals, but now, because of the restrictions and attacks, we're forced to buy ready-made animal feed, which is often

87 Referring to the Dawabsheh family, see supra note 10.

of lower quality. It affects the health of the animals, making them vulnerable to disease and nutritional deficiencies. The animals are suffering just like we are.

Nayef Ka'abneh, 'Ein Samia

Diminished economic capacity to the point of poverty directly affects health, partly due to reduced food and water intake and decreased access to health services and safe housing. Sufficient, quality food is paramount in preventing and curing disease. Forced dietary changes due to lack of access to farmlands or financial duress create inadequate or unbalanced nutritional patterns. Nutritional deficiencies have serious and immediate health impacts, especially among children and individuals with chronic conditions, and may increase the incidence and severity of certain diseases such as diabetes.

The study results indicate that the displacement and occupational changes forced on the communities have increased financial hardship and food insecurity. Financial uncertainty impacted not only physical health but also mental health, leading to higher rates of anxiety among community members.

From a herd of 300 sheep, only 150 remain. The entire Palestinian agricultural sector will disappear because settler terrorism and the support they receive makes agriculture not only very dangerous for farmers but also unprofitable.

Salman Ka'abneh, Al-Mu'arrajat

Our future is uncertain. We need to regroup. We've taken a financial hit. Our pasturelands are limited. As a result, people have started selling some of our animals, and I fear they will sell more. There are no agricultural fields for us in the new site, either. The young people look for casual work, and I worry that our traditional lifestyle, as Bedouin, will suffer.

Muhammad Ka'abneh, 'Ein Samia



'Ata Mleihat

The settler's sheep and cattle herds have taken over huge pasturelands and reduced ours. The damage to our livelihood options is fatal and has meant that the community north of the road has had to liquidate its flock, and the men work mainly in landscaping in nearby settlements.

'Ata Mleihat, Al-Mu'arrajat East

Housing

Safe, quality housing impacts human health and well-being. As noted, Israeli policy aims to reduce the number of Palestinians living in Area C as much as possible. As part of this policy, the Civil Administration maintains a discriminatory planning and building regime that radically disfavors Palestinians compared to Israeli settlers.[88]

Since the threat of demolition looms over homes in Palestinian shepherding communities, which are built without permits as Israel refuses to approve them, most structures are makeshift and temporary and lack basic infrastructure and services. Investment in construction is minimal, and standards are low as there is minimal incentive to invest in structures that are constantly at risk of demolition.

> **We're not allowed to build or make additions, or develop anything new, because we're in Area C, and any change requires permits. The Civil Administration refuses to give them to us. Because of these restrictions, we, 17 families numbering about 170 people, live in very crowded conditions, up to 12 people in one room.**
>
> 'Eid Ka'abneh, Al-Mu'arrajat

> **I put metal sheets together to live in, even though I could build a house made of stone. That way, if I'm expelled again, I can move the houses easily.**
>
> Salman Ka'abneh, Al-Mu'arrajat

The interviews revealed that the constant threat of demolition results in chronic stress. Furthermore, temporary construction, which produces substandard living conditions, has had a negative impact on health and hygiene. These factors collectively added to social instability and undermined the well-being and cohesion of the communities.

Settler violence has seeped into Palestinian families' most intimate spaces. Time and again, sometimes escorted by soldiers, settlers have forced their way into tents, including those housing women and children, filming, shouting and making threats. These incidents have stripped away privacy and security within people's own homes, shattering personal and emotional safe havens, and producing a profound sense of vulnerability and helplessness that has eroded the stability of both the family unit and the wider community.

> **Settlers, sometimes on horseback and sometimes in vehicles, come right up to the tent compound and sometimes**

88 For more, see pp. 53-55.

go between the houses too. At first, only during the day, but later at night too. The police and the army aren't lifting a finger, of course.

Suleiman Ka'abneh, Wadi a-Seeq

As soon as the outpost was established, the settlers started attacking us. Some were armed with M16 rifles and others with axes and clubs. They went to the tent compound, walked around among the tents, often after dark too. They even attacked women, elderly people and children.

At night, the settlers used flashlights to light up the area and went into the tents where we slept. They shined their flashlights on our women, who didn't have head coverings on, which is an affront to our religious customs. Sometimes they would come after midnight, light a bonfire, make coffee, sing and dance and make a terrible ruckus. It was so bad that I felt I couldn't leave my wife and kids on their own, so I didn't go to work. After almost two years of repeated attacks, we felt we had no choice and moved our camp east.

Talej Ka'abneh, Al-Mu'arrajat

Access to Infrastructure and Natural Resources

As noted, restricted access to natural pasturelands has severely undermined Palestinian shepherding communities' nutritional and financial security. While the communities never had proper, consistent access to drinking water and could not dig wells or develop independent water infrastructure because of restrictions imposed by the Civil Administration, for decades, they supplied both themselves and their livestock with drinking water, primarily by conserving rainwater and using natural wells. The establishment of the outposts and the settlers' takeover of water sources have forced these communities to purchase water at extremely high prices, adding a significant financial burden on an already impoverished population. As part of their campaign of abuse against these communities, settlers have stolen water tanks, destroyed them by puncturing them, or emptied them. In other cases, settlers or soldiers delayed the transport of water.

Limited access to drinking water has widespread repercussions for public health and well-being. Inadequate water and sanitation increase the risk of disease and contribute to negative health impacts. Access to water is also imperative for animal husbandry, which is the economic backbone of the shepherding communities. The results of the study indicate that the presence of settler outposts and the violence originating from them had drastically impaired Palestinian communities' access to water sources, even

before the expulsion. After they were forced out of their homes, the communities had to buy and haul water for all their needs, severely exacerbating their financial hardship.

> **The lack of water makes life very difficult. We depend on wells and springs, but they are rare and deep. Water is life in the desert; without it, we cannot water animals or grow crops. Even the water we receive isn't always pure, and it makes family members sick, especially children.**
>
> 'Imad Ka'abneh, Al-Mu'arrajat

> **When we go out in the tractor to get water, they beat us. Things are very tough. You can't leave, by day or by night, and there's no way you can leave the children even if you want to buy vegetables or anything else. There's constant fear. You can't tell who might come up behind you. I swear to God there is no security.**
>
> Suleiman Ka'abneh, 'Ein Samia

Palestinian shepherding communities have no connection to the electrical grid either. In some places, the Comet-ME organization has installed solar systems that provide some power. Solar panels were a favorite target for attacking settlers who damaged and sometimes stole them. An inconsistent power supply makes it difficult to refrigerate food and medications, supply light and heat homes in the winter. Forced displacement has further reduced access to electricity. As residents often leave hastily under settlers' threats, many have been unable to take their solar panels with them.



Solar power system destroyed by settlers in Wadi a-Seeq, October 2023 (Photo: Sarit Michaeli, B'Tselem)

Restricted access to water and electricity had far-reaching consequences for these communities, impacting basic necessities and undermining their resilience and ability to endure the violence inflicted by the state and the settlers. Losing access to natural resources compounded internal tensions and, over the years, contributed to the creation of a cycle of poverty and dependence on outsiders, and ultimately to displacement.

> **The animals were subjected to many attacks. Once, they attacked the flock and killed several sheep. Another time, they poisoned the water our animals drink. These attacks cause us great losses and affect our livelihood.**
>
> Suleiman Mleihat, Al-Mu'arrajat East

> **Agricultural productivity has declined dramatically. We used to plant and harvest on a regular basis, but now, due to the shortage of land and water, production is low, and quality has gone down. This has directly affected our income and our ability to provide food for our families and animals.**
>
> Nayef Ka'abneh, 'Ein Samia

Access to Health Services

Palestinians in the West Bank have limited availability of health professionals, medicine, and medical equipment. Access to health services is even lower in Area C, which has no permanent Palestinian hospital or healthcare center, forcing residents to access health services in Areas A and B. Not only must Area C residents travel to receive health care, but military checkpoints may significantly increase travel times to medical centers, and some of the access roads are unsafe due to settler violence. These factors make accessing medical care difficult, including in emergencies.

It is worth pointing out that settlers in the very same area enjoy direct, unrestricted access to state-of-the-art healthcare services. This state of affairs underscores the systematic segregation and institutionalized discrimination between Israelis and Palestinians and strengthens medical apartheid, violating the universal right to health.



'Imad Ka'abneh

> **There are many challenges. The first one is the lack of water and the distance from hospitals and schools. Children's education suffers, and sometimes, the sick don't receive proper care. The issue of settlers constantly attacking us and our property has gotten worse. The desert itself requires a lot of patience and effort, and with a lack**

of resources, we become more vulnerable to health and life challenges.

'Imad Ka'abneh, Al-Mu'arrajat

The study found that community residents had better access to medication and first aid before the forcible transfer, and community preparedness and organization for emergencies were better as well. Inconsistent access to healthcare services and delayed medical care or access to medicine are liable to exacerbate health conditions. Individuals in need of urgent care, chronic patients, children and pregnant women are the most vulnerable. In the communities' new locations, hastily chosen due to forced displacement, poor access roads make accessing healthcare services even more difficult.

Our access road is rough, and winter is coming soon, bringing rain, and access will be next to impossible. There's no access to healthcare and no help in times of emergency. No one supports us. We have no protection. We're the weakest link in Palestinian society.

Muhammad Ka'abneh, 'Ein Samia

Winter is coming and access to us will be impossible. If there's a medical or other emergency, we'll be in a terrible situation.

Salman Ka'abneh, Al-Mu'arrajat

In 2024, PHRI's mobile clinic held six medical days in displaced communities, including two women's clinic days. Mobile clinic staff included family physicians, pediatricians, gynecologists, a psychologist and a pharmacist. The team used mobile equipment adapted to field conditions and lack of electricity, such as a portable ultrasound machine and a portable treatment bed. These visits aimed to identify the immediate and chronic medical needs of community members, provide medical assistance where possible, and deliver essential medical knowledge and first aid training. More than 200 men, women and children were examined, including people with special needs. It should be noted that the mobile clinic does not provide long-term medical solutions, nor does it purport to do so, but rather, it is designed to deliver primary care, with limited resources, and provide guidance on follow-up care within the healthcare system.



Mobile clinic activity, November 2024 (Photo: PHRI)

The visits revealed a range of health issues affecting a broad spectrum of the population, including oral and dental diseases, eye infections, allergies and asthma. Children tended to suffer from infectious diseases and adults from chronic conditions such as diabetes, heart disease, and hypertension, which went untreated due to limited access to medical services and medications. Many patients said they had not seen a physician in months, and some pregnant women reported they received no prenatal care whatsoever. These issues highlight the grave health implications of forced displacement and restricted access to essential services.

Impact on Mental Health

The ongoing violence experienced by Palestinians in the West Bank takes a significant toll on their psychosocial well-being and mental health. The moment an Israeli outpost is established near a community, the moment a home is broken into or a family member is injured or loses their livelihood – both the individual and the community lose their sense of safety. Members of the shepherding communities living east of Allon Road were subjected to violence that became a daily routine and led to chronic stress and mental

strain. Living in a state of constant fear and insecurity has a variety of mental health repercussions and challenges, including anxiety, depression and post-traumatic stress disorder (PTSD).

Residents noted that before the displacement, they were unable to engage in any normal, routine activities, such as going to work, walking to school, or traveling to the hospital, without fear. Children could not go outside and play without supervision, let alone graze the sheep independently. Any such activity was nearly impossible, given the violence surrounding the communities. Prolonged insecurity, fear, and systemic discrimination often manifested as physical pain, emotional distress, appetite loss, and sleep disturbances.

We've lost our security, and if you lose your security, you lose your happiness, your peace of mind. I swear to God, sometimes when things get bad, I stop eating even if I'm hungry.

Suleiman Ka'abneh, 'Ein Samia

We live in constant fear of imminent attack. Our lives are now filled with anxiety and fear. We can't plan for the future or go about our business normally. The children are afraid to go to school, and my wife is afraid to leave the house alone. Even our daily activities, such as grazing the livestock and farming, have become fraught with danger.

Muhammad Ka'abneh, Wadi a-Seeq



Suleiman Mleiha

Settler violence has ruined our lives. This violence has made us live in constant fear and scared to leave our homes. Stress and anxiety have become part of our daily lives. The children live in fear, and my wife is constantly worried about the family's safety. We feel anxious all the time, and it causes psychological and physical stress. Children and women live in terror, and young people feel frustrated that they can't protect their families properly.

Suleiman Mleihat, Al-Mu'arrajat East

Uncertainty about the future exacerbated the sense of insecurity. Before the forcible transfer, members of the communities feared sudden attacks, loss of property, and displacement. The expulsion stripped them of control over their fate and cast a heavy shadow of uncertainty over the future, with no clear end in sight.

Furthermore, in some cases, settlers attacked the communities in their new places of residence, while in others, the Civil Administration demolished encampments in these locations. As a result, trauma and insecurity were perpetuated, further undermining the ability to regain control over their lives.

> **Everyone has already left because you can't live in a place where you're constantly threatened, where the women and children are being terrorized, where they steal from you and attack you. In the end, you break down and leave. I don't know how much longer I'll be here.**
>
> Yunes Abu 'Eid, 'Ein Samia

> **We don't know where we'll go in the winter. Wherever you go, you'll find settlers. They chase people.**
>
> Ibrahim Teimin, Al-Mu'arrajat

> **After we were displaced from Khirbet Jib'it, we looked for a safe place and decided to lease some land on the western edge of the village of al-Mughayir. We built ourselves a temporary home, until Jewish terrorists accompanied by the occupation forces came and burned everything we had. The damage is more than financial. The emotional damage is incalculable, and I don't know how we'll get over it. I don't know how you can live in a completely hopeless situation, where you can't expect a normal life. I walk around the residential compound that was once lively, and now, it's completely ruined. It's an unacceptable situation.**
>
> 'Amar Abu 'Alia, Khirbet Jib'it



Damage caused during the settler attack on the Abu 'Alia family home in al-Mughayir, April 2024 (Photo: Yesh Din).

Over the years, the sense of injustice has intensified, given the institutionalized, systemic discrimination these communities endure compared to the Israeli settlers. The failure of Israeli law enforcement agencies, which are mandated to protect Palestinian shepherding communities but did nothing to prevent the attacks and apprehend the perpetrators, has only exacerbated the sense of injustice and helplessness.

Additionally, the growing cooperation and ties between the army and the settlers, and the appearance of violent settlers in military uniforms have blurred the line between criminals and law enforcement, reinforcing Palestinian communities' understanding that they have no one to protect them, and exacerbating feelings of insecurity, helplessness, and anxiety.

> **The settler is connected to the army, and he's using it to drive us out. Twenty days ago, he showed up at my house at 6:00 P.M., escorted by soldiers, and they conducted a very aggressive search. In the current state of affairs, we're afraid to go much beyond the tent encampment.**
>
> Muhammad Mleihat, Al-Mu'arrajat East

There's no point in filing complaints because the authorities back the settlers' behavior in the hope that we'll leave the area.

Talej Ka'abneh, Al-Mu'arrajat



Muhammad Ka'abneh

Calls we've put into the police and the Israeli DCO weren't answered. Everyone is working with the settlers to expel us from the area. The army comes and protects the settlers. We feel abandoned, helpless.

Muhammad Ka'abneh, 'Ein Samia

The emotional difficulties associated with displacement are experienced more acutely by children. In addition to experiencing the violent events themselves, they sense their parents' helplessness and lack of control over the situation, which further undermines their mental stability. Having restricted access to educational facilities and being forced to switch learning environments or stop going to school altogether have increased the psychological pressure on children. Parents reported various symptoms among children, such as social isolation, bedwetting, difficulty sleeping and nightmares, irritability, rage or crying fits, anxiety attacks, and excessive dependence on parents.

The children are really suffering. They're afraid to go out to play or go to school. They're haunted by nightmares at night, and they live in constant fear. One time, we were home, and suddenly a group of settlers came and started throwing stones at us. The children were terrified and didn't know how to react. They started crying and screaming. This event left a huge mark on their psyches, and even the sound of the wind at night scared them.

Suleiman Mleihat, Al-Mu'arrajat East

We have no security. The children have nightmares; they can't sleep; they wet their beds, and every little noise startles them. My house is the last one in the encampment, and if I sense danger, I will leave.

Suleiman Ka'abneh, Wadi a-Seeq

There's been a huge impact on education. Schools are far away, and accessing them has become dangerous because of the ongoing violence. Children suffer from fear and anxiety, which affects their ability to focus and learn.

'Eid Ka'abneh, Al-Mu'arrajat

I live in uncertainty now. If I want to send my children to school, I don't know how to do it. Should I send them there for a month, and then two months later somewhere else? Where will I go? What school will I transfer them to each time?

Ibrahim Teimin, Al-Mu'arrajat



A classroom destroyed by settlers in Wadi a-Seeq, October 2023 (Photo: Sarit Michaeli, B'Tselem)

Community Resilience

Community resilience is a group's ability to endure, adapt to and recover from adversity, while continuing to function and preserving essential structures and identities. In the context of long-standing conflict, such as in the OPT, resilience has a broader meaning, extending to the ability to maintain social networks as well as preserve cultural identity and collective resistance to ongoing oppression.

Chronic stress and anxiety due to the constant threat of violence, military incursions, and settler attacks afflict the entire Palestinian population living under occupation. In shepherding communities, they are compounded by fears of home demolitions, forced displacement and loss of livelihoods, intensifying mental health challenges and extending them to the community level. These factors together disrupt community cohesion and weaken traditional social support systems, which are essential for community resilience.[89]

Despite the difficulties, Palestinian shepherding communities have persevered for decades in the face of injustice and institutional oppression, thanks to community initiatives, cultural preservation, and social networks, which strengthened the sense of solidarity and enabled them to reach collective goals.

The concept of sumud (صمود), or steadfastness, plays a crucial role in the resilience of these communities. Sumud represents an aspect of cultural and psychological resistance to the occupation, whereby individuals and communities strive to maintain their presence, identity, and culture on their land despite ongoing adversity. This form of resilience is deeply rooted in the social and cultural tapestry of Palestinian society, and it serves both as a coping mechanism and as a form of resistance to the oppressive regime.[90]

However, no matter how strong or resilient a community is, if it lacks minimal conditions for survival, its way of life is threatened, and it is in grave danger.

> **We thought about leaving, but this is our homeland and our ancestral land. It's hard to leave everything behind and start over somewhere else. We are trying to hold fast and stay here, hoping the situation will improve in the future.**
>
> Muhammad Ka'abneh, Wadi a-Seeq

89 Salwa Massad, Umaiyeh Khammash and Rosalyn Shute, "Political violence and mental health of Bedouin children in the West Bank, Palestine: a cross-sectional study", **Medicine, Conflict and Survival**, volume 33 (3), 2017: 188-206.

90 Rita Giacaman, "Reflections on the meaning of 'resilience' in the Palestinian context", **Journal of Public Health**, volume 42 (3), 2020: 369-400.

> **The future looks bleak, but we cling to hope. We hope that circumstances will change for the better, and we'll get the support we need to preserve our lives and our traditions. We try to teach future generations the importance of keeping our Bedouin identity and call on them to be strong and rise to the challenges. We hope that a day will come when we can live in peace and return to our normal lives.**
>
> 'Eid Ka'abneh, Al-Mu'arrajat

The sense of insecurity among members of Palestinian shepherding communities has also undermined social cohesion, which is critical for personal and community resilience. Being forced off their land and torn from their familiar way of life has physically separated community members from each other, weakening traditional support networks and leading to growing social fragmentation. This separation has a compounding effect that limits capacity for community organizing and impedes members' ability to prepare for emergencies and take collective action through mutual support. If the situation continues, the physical distance between members of the community will have long-term consequences for their quality of life and their dependence on external actors, and may ultimately lead to the disintegration of the community.

An analysis of the interviews clearly points to an experience of significant disruption, even collapse, of communal life following the forcible transfer. At the material level, having to abandon their homes, the destruction of schools, the separation of families and the lack of communication were mentioned. However, the physical losses had cultural and emotional manifestations as well.

Community members' ability to protect and support one another was damaged, the fabric of shared social life disintegrated, and the sense of unity and community belonging that had been a system of support and security evaporated. All these factors represent the loss of collective identity, heritage, and social support structures that are essential to community resilience.

> **The ongoing violence has made our social life crumble. We'd gather for occasions and on the holidays, and now everyone is afraid to leave the house. We live in isolation and constant fear.**
>
> Mahmoud Ka'abneh, 'Ein Samia

> **It's really affected the younger people. They dreamed of a future and planned their lives, but then they started feeling frustrated and anxious. Some of them are thinking about leaving the area and looking for a better life, and it's sad**

because they're losing their connection to their roots and their heritage.

Suleiman Mleihat, Al-Mu'arrajat East

Solidarity between us has been really hard hit. We lived together as a united community, helping each other during the hard times and celebrating together in happy times. Now everyone lives in fear and anxiety, and the isolation in our midst has grown harder.

Muhammad Ka'abneh, Wadi a-Seeq

These stresses are compounded by difficulties adjusting to the new areas where shepherding communities settled after their forced displacement. Many were uprooted from their homes hastily, under settler threats, sometimes having to leave behind belongings. They moved to temporary, makeshift housing, as their safety remains precarious and their future uncertain.

The forcible transfer of Palestinian shepherding communities whose members have already experienced expulsion and displacement further deepens the ongoing collective trauma of dispossession, expulsion, and the loss of home, land and community.



Mobile clinic day, January 2025 (Photo: PHRI)

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The comprehensive research analysis presented in this section leads to the conclusion that Israeli policies and settler violence have had a severe negative effect on individual health and community resilience in Palestinian shepherding communities. The incidents described in the report have resulted in forcible transfer, loss of land, homes, property and livelihoods, and as a result, destructive psychological and social harm.

Above all, Palestinian shepherds' physical and emotional security have been compromised. Constant feelings of fear and helplessness have resulted in ongoing anxiety and significant mental stress that have hurt community members' daily functioning abilities, leaving deep emotional scars. The dire financial hardship, the constant threat of demolition and the inevitable expulsion have added to the uncertainty and emotional instability, undermining community cohesion and resilience.

Relocating due to forcible transfer has eroded social networks, changed ways of life, produced long-term psychological effects and dramatically undermined traditional social structures and collective identity.

Children have been particularly affected by the violence and displacement. Disrupted access to educational and health institutions, homes feeling unsafe, instability and the absence of a routine compound the experience of adults lacking control, further damaging children's delicate emotional wellbeing and amplifying the harm they suffer.

The stress of living under constant threat, the trauma of displacement, and the pain associated with the erasure of culture and customs have resulted in a profound sense of detachment, hopelessness, and despair. These experiences have eroded the social tapestry of these communities and their resilience, which were rooted in a balance between natural resources and human needs.

The health of individuals and communities is largely determined by social and physical factors. The forcible displacement of Palestinians from their lands by Israel, through a combination of institutional and settler violence, has destroyed communities, forced them to live in unbearable conditions and pushed them into a new way of life against their will, leaving indelible collective scars.

Legal Aspects

The departure of Palestinian shepherding communities from their homes and homesteads was a direct outcome of the systemic violence originating from settler shepherding outposts and the Israeli policies that complemented it. The displacement of these communities from the areas in which they resided and made a living for decades is prohibited under public international law, which governs the rights and obligations of states. This raises genuine concern that Israeli officials have committed war crimes and crimes against humanity. This chapter presents a legal analysis examining the extent and meaning of Israel's involvement in the commission of these crimes.

Forcible Transfer and Persecution

Forcible transfer of population is defined in international law as the coerced displacement of people from their area to another area within the same country (as opposed to deportation, which refers to forcible transfer across the border). The means by which a population is forcibly displaced may include physical violence, threat of force, oppression by detention, psychological pressure, damage to property and more.[91]

The Fourth Geneva Convention prohibits forcible transfers to prevent the demographic engineering of an area under occupation. This rule is considered a customary prohibition, meaning it is binding on all countries, even if they are not parties to the convention. One narrow exception to this rule allows for a strictly temporary transfer of population for its own safety or for military reasons, provided all the needs of the persons transferred are met. Forcible transfers are considered a grave breach of the Geneva Convention, and hence a war crime, and states party to the Convention have an obligation to investigate and prosecute the perpetrators.[92]

According to the rules of international law, Palestinians living under Israeli military occupation are protected persons. The forcible transfer of protected persons amid an international armed conflict is a war crime. When it is perpetrated as part of a "widespread or systematic attack directed against any civilian population," it may amount to a crime against humanity. In either case, the International Criminal Court (ICC) has jurisdiction to investigate and prosecute suspected perpetrators.[93]

91 International Criminal Court, **Elements of Crimes** (2013), footnote 12; ICJ Advisory Opinion (2024), par. 147.

92 **Fourth Geneva Convention** (1949), Art. 49, 147; **First Additional Protocol to the Geneva Conventions** (1949), Art. 85.

93 **Rome Statute** (1998), Arts. 7, 8.

The crime of persecution is defined in international law as "the intentional and severe deprivation of fundamental rights" due to group affiliation on a basis suspected as discriminatory, such as nationality, ethnicity, religion, gender and others. If said deprivation of rights is part of a widespread or systematic attack directed against a civilian population, persecution is also a crime against humanity and its perpetrators fall under the ICC's investigative and prosecutorial jurisdiction.[94]

Persecution is a powerful coercive measure and a significant reason people leave their homes, areas of residence, even their country.[95] Persecution is intrinsically linked to other crimes, including forced displacement, and it is employed as a tool for ethnic cleansing.

Crimes of Forcible Transfer and Persecution in the West Bank

In the area studied in this project, seven Palestinian shepherding communities were displaced in 2022-2023. As detailed in the report, the communities did not leave the area that had been their home for decades willingly. The departure came in the wake of settler and soldier violence, as well as the policies and practices of the Israeli government. Settlers from shepherding outposts and Israeli security forces have physically and psychologically harmed members of Palestinian shepherding communities, diminishing their health and undermining their access to healthcare services. They have deliberately damaged their homes and property, severely restricted their freedom of movement, deprived them of the right to a livelihood and the right to education, and limited their access to essential needs such as food, water, and electricity.

All of these constitute a deprivation of fundamental rights aimed at individuals because they are Palestinians, and carried out in the West Bank, particularly in areas Israeli settlers from shepherding outposts wished to take over. These acts amount to the crime of forcible transfer – both as a war crime and as a crime against humanity – as well as the crime of persecution. Furthermore, the gravity of the incidents described in the report extends beyond the individual act, as they were part of widespread, systematic attacks.

Much of the violence and coercive measures used directly and indirectly against Palestinian shepherding communities were carried out by Israeli civilians, mainly from shepherding outposts. However, given the state's significant support for the establishment and expansion of these outposts, the involvement of state officials in many of the incidents described in the report, as well as the passivity of Israeli authorities on law enforcement, from a legal standpoint, the violence and practices that led to the displacement of Palestinian communities must be seen as state-sanctioned, or at the very least systemic, coercion.

94 Ibid., Art. 7.

95 Françoise Bouchet-Saulnier, **The practical guide to humanitarian law** (Maryland: Rowman & Littlefield, 2007), p. 315.

A state is liable for the crimes committed against the civilian population in an area it occupies on a number of planes. First, its most fundamental duty is to refrain from violating the rights of the residents under its control and avoid creating conditions that would lead to such violations. Second, it must protect residents and prevent their rights from being violated by other individuals and entities. This obligation requires both preventive and post-facto law enforcement activities, such as investigation, prosecution, and punishment.[96]

The State of Israel adopted a variety of practices, some of which are breaches of the law in their own right, which also constitute coercive measures. As described, Israel's planning and building policies in the occupied territories are systemically and deliberately discriminatory, creating separate and distinct realities for the Israeli and Palestinian populations. These policies are supported by the legal system and have resulted in actual routine demolitions of Palestinian homes, the denial of basic infrastructure, the systematic rejection of building permit applications, travel restrictions and denied access to pasturelands.

Furthermore, state actions and actions by Israeli citizens were often intertwined, including cases of violence inflicted directly by security forces alongside settler violence. Not only that, but since October 2023, many settlers have been drafted for military reserve duty, issued with firearms and stationed in the OPT. These uniformed settlers often played an active role in attacks on Palestinian communities, sometimes accompanied by other soldiers. These acts, committed by soldiers, police officers, and settlers on military duty, are state acts, making Israel directly responsible for them. The combined effect of all the actions, carried out by the state and its proxies, created an environment in which Palestinian residents can no longer lead normal lives, leaving them with no option but displacement.

This much was held by the International Court of Justice in The Hague (ICJ) in its advisory opinion from July 2024:

> The Court considers that Israel's policies and practices [...] including its forcible evictions, extensive house demolitions and restrictions on residence and movement, often leave little choice to members of the Palestinian population living in Area C but to leave their area of residence. The nature of Israel's acts, including the fact that Israel frequently confiscates land following the demolition of Palestinian property for reallocation to Israeli settlements, indicates that its measures are not temporary in character and therefore cannot be considered as permissible evacuations. In the Court's view, Israel's policies and practices are contrary to the prohibition of forcible

96 For more see: Yesh Din, **Mock Enforcement: Law enforcement on Israeli civilians in the West Bank** (May 2015).

> transfer of the protected population under the first paragraph of Article 49 of the Fourth Geneva Convention.[97]

Israel has also violated its duty to protect Palestinian residents from harm and to safeguard their rights. Its failure in terms of its post facto law enforcement obligations is evident - very few criminal investigations were opened following incidents of harm to Palestinian residents, and the vast majority of the assailants were never brought to justice. The ICJ addressed this as well:

> The Court considers that the violence by settlers against Palestinians, Israel's failure to prevent or to punish it effectively and its excessive use of force against Palestinians contribute to the creation and maintenance of a coercive environment against Palestinians.[98]

The rules on state responsibility for internationally wrongful acts hold a country liable for breaches of international law perpetrated by private persons if the state had a hand in the realization of the violation or the power to prevent it. A state may also be held liable due to its conduct, by act or omission, before or after the crime was committed.[99] As detailed above, Israel violated its obligations under international law in each of these plains.

The analysis of the incidents detailed in this report leads to the legal conclusion that the violence and other measures described must also be attributed to the State of Israel. It follows that Israel bears responsibility for the crimes of forcible transfer and persecution committed by its agents and citizens against Palestinian shepherding communities in the West Bank, with its support and under its control.



Forcible transfer of the 'Ein Samia community, May 2023 (Photo: Oren Ziv, ActiveStills)

97 ICJ Advisory Opinion (2024), par. 147.

98 Ibid. par. 154.

99 United Nations, Draft articles on Responsibility of States for Internationally Wrongful Acts (2001).

Ethnic Cleansing

As noted, the violence and other coercive measures used against Palestinian communities in the vicinity of shepherding outposts in the West Bank meet the definition of the crimes of forcible transfer and persecution. The crimes did not occur in a vacuum, and being part of a widespread and systematic attack makes each assault more egregious than if it were considered in isolation. When these acts occur in a context suggestive of intent, suspicion grows that the main driving force behind these crimes is a desire to "clear" the area of Palestinian presence, in other words, a policy of ethnic cleansing.

Ethnic Cleansing in Popular Discourse

The term ethnic cleansing was popularized in the early 1990s, as part of the attempts to frame the crimes committed during the civil war in the former Yugoslavia. In non-legal discourse, ethnic cleansing has various definitions with some commonalities: criminal acts by one group against members of another group, where the groups are racially or ethnically distinct and the acts often involve the use of violence, intended to drive all members of the other group out of a specific area.[100]

No international convention or tribunal statute currently includes ethnic cleansing as a standalone crime. However, the term is making inroads in international criminal law. Since the war in the former Yugoslavia, the term "ethnic cleansing" has been undergoing a process of codification and legal recognition, with some international documents now explicitly referring to it as a distinct category of international crime.

Ethnic cleansing is essentially a particular case of the crime of forcible transfer, the crime of deportation, or various forms of killing crimes (killing as a war crime, extermination as a crime against humanity, and genocide), when committed with the aim of driving people belonging to a certain ethnic group out of a specific area or erasing their presence in it.

Ethnic Cleansing in International Law

Following reports of war crimes in Yugoslavia in 1992, the UN Security Council established a Commission of Experts to examine breaches of international law. The commission's interim report defined the term ethnic cleansing as, "rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area." The commission confirmed that indirect coercive measures may be used to ethnically "cleanse" an area, as also stipulated in the definition of coercion used in the context of the crimes of deportation and forcible transfer. Therefore, the use

100 George J. Andreopoulos, "Ethnic Cleansing", Encyclopedia Britannica; Cambridge Dictionary, "Ethnic Cleansing"; Merriam-Webster Dictionary, "Ethnic Cleansing".

of intimidation, arbitrary arrests, threat of military force, and destruction of property that lead to the departure of an ethnic group also constitute ethnic cleansing.[101]

Although, as mentioned, no statute of an international criminal tribunal names ethnic cleansing as a crime, it has been cited in judgments issued by these tribunals as a concept describing the criminal context in which war crimes or crimes against humanity are committed.[102]

An ICRC study on the customary rules of international humanitarian law recognizes the existence of a customary prohibition on acts of ethnic cleansing, under the rule prohibiting acts of displacement. The study found that "'ethnic cleansing' aims to change the demographic composition of a territory. In addition to displacement of the civilian population of a territory, this can be achieved through other acts which are prohibited in and of themselves such as attacks against civilians."[103]

The study lists several examples of state practice, demonstrating it is perceived as a binding customary rule. In the examples provided in the study, ethnic cleansing is pursued by murder, displacement and destruction of homes targeting a group based on race or religion with the object of creating an ethnically "pure" area:

> "Ethnic cleansing" when people of a certain racial origin or religious beliefs have been murdered or expelled from their homes, which have been destroyed [...] [These acts] are likely to be war crimes. Depending on the circumstances, these practices may also amount to crimes against humanity or even genocide.[104]

In another instance, despite an explicit statement that ethnic cleansing was not identified as a separate crime, conceptualizing and identifying it were hailed as important as a way of shedding light on the connection between seemingly unconnected incidents, and hence, assigning responsibility to persons guilty of violating the law.[105]

101 United Nations, "Letter dated 9 February 1993 from the secretary-general addressed to the president of the security council", February 10, 1993.

102 The International Criminal Court (ICC), **The Prosecutor v. Omar Hassan Ahmad al Bashir ("Omar al Bashir")**, Case No. ICC-02/05-01/09, Pre-Trial Chamber I, 4.3.2009, par. 143.

103 International Committee of the Red Cross Database, Customary IHL, Rule 129, The Act of Displacement.

104 United Kingdom, **The joint service manual of the law of armed conflict** (2004), par. 15.14.2.

105 From an the **First Report on the War Crimes in the Former Yugoslavia** submitted by the USA to the UN Security Council in 1992: "We have not identified 'ethnic cleansing' [...] as a separate category of violations. Nevertheless, the rubric of ethnic cleansing may unite events that appear unconnected and may therefore prove useful in identifying persons and institutions that may be responsible for violations of established international humanitarian law."

Following the harrowing events of the 1990s in Rwanda and Yugoslavia, the international community increasingly recognized a need to clarify what responsibilities states and the international community bear vis-à-vis mass atrocity crimes. In 2005, the UN General Assembly passed a resolution adopting the "2005 World Summit Outcome," which was the product of a summit meeting between the leaders of over 170 countries. Among other things, the resolution determined states had a duty to prevent atrocity crimes and protect civilians from them.[106]

This General Assembly resolution gave rise to the Responsibility to Protect doctrine (R2P). According to this doctrine, every state has a special obligation to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as from incitement to commit these crimes. In other words, the doctrine treats and defines ethnic cleansing as a separate category of international crime. The R2P doctrine also places the responsibility for preventing atrocity crimes on the entire international community and asserts that to this end, states must take action, using the means available to them under the UN Charter, including action through the Security Council, sanctions and even use of force.[107]

Thus, the current international legal understanding of "ethnic cleansing" - which is still evolving - views ethnic cleansing as a criminal phenomenon that can encompass a series of incidents targeting a distinct group, with each constituting an international crime in its own right, including forcible transfer. This legal framing underscores the extreme gravity of ethnic cleansing as a systematic criminal campaign driven by discriminatory motives and aimed at erasing the presence of a particular group from a specific area.

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The legal foundation laid out above leads to a disturbing conclusion regarding the situation in the West Bank, particularly in areas east of Allon Road, where settler shepherding outposts have been established and Palestinian communities have been forcibly displaced: Israel is implementing a policy, or, at the very least, engaging in practices, of ethnic cleansing.

Multiple international crimes are being committed in this area - first, the war crime of forcible transfer. It is compounded by the crime against humanity of persecution, which aside from being a crime in itself also acts as a severe coercive measure, and a crucial pressure point for the forcible displacement of the Palestinian residents. The majority of these criminal acts are carried out directly by Israeli citizens, while a smaller proportion are committed directly or indirectly by Israeli state authorities and armed forces. Either way, the state allows these acts to take place, and they all occur in an area where it is responsible for public order. The ethnic cleansing taking place in the West Bank, and specifically in the area covered

106 United Nations, Resolution adopted by the General Assembly, par. 138-139, September 16, 2005.

107 The Global Centre for the Responsibility to Protect website.

in this project, has three major elements: coercive measures reflected in violent acts by settlers and security forces, systemic coercive measures employed by the state and manifesting as deprivation of rights and conditions required to lead normal lives, and, finally, the absence of state protection. These coercive measures created an unsustainable living environment for Palestinian shepherding communities, inevitably leading to their displacement.

The ultimate conclusion is that the State of Israel is responsible for the crimes of forcible transfer and persecution, perpetrated directly, by proxies, or by its citizens with state support. Israel is also responsible for formulating, steering, and at least partially, implementing a policy of ethnic cleansing in the West Bank.



The Wadi a-Seeq community after the expulsion, October 2023 (Photo: Sarit Michaeli, B'Tselem)

Conclusion

Displaced Communities, Forgotten People addresses the events leading to the forced displacement of hundreds of Palestinian families. In less than two years, about 100,000 dunams of land east of Allon Road have been almost completely emptied of the Palestinians who lived on it for decades, due to Israeli policies and settler violence.

This was not a voluntary departure, but a forcible transfer effected by a combination of factors: years of institutional oppression, daily physical violence, invasive psychological terror, and catastrophic economic harm. All of these factors compelled seven Palestinian shepherding communities to abandon the land that was their home and deeply impacted reality in the West Bank.

The establishment of settler shepherding outposts and the actions taken by the settlers living in them are an organized system openly designed to achieve the goal of taking over Palestinian lands. Using direct violence and threats, in combination with blocking access to pasturelands and taking over natural resources, the settlers have stripped the Palestinians of the conditions required for reasonable subsistence. The proliferation of shepherding outposts over the past two years, and the escalation of violence originating from them have created an environment unconducive for life for Palestinian shepherding communities, effectively forcing them out of their homes.

Despite the state's official position, according to which most shepherding outposts are illegal, they would not have been established and would not have prospered without Israel's support. The government finances the shepherding outposts; elected officials give them legitimacy and approval; the army supports and cooperates with them; the Civil Administration allocates them land and builds infrastructure; and the police ignore the criminal activity originating from them. This allows Israel to have it both ways: formally, the state washes its hands of the settlers' acts, claiming the outposts are illegal, when in fact, it supports them and reaps the fruit of their aggression toward Palestinians, which helps achieve the state's goals.

The cooperation between Israeli law enforcement authorities and lawbreaking settlers has undermined the basic tenets of good governance, leaving Palestinian communities completely vulnerable and helpless in the face of the severe violence directed against them. In 2023, particularly after the start of the war in Gaza, forcible transfer, which began as the expulsion of some Palestinian families following the establishment of shepherding outposts, turned into a quasi-systemic Israeli policy that saw settlers and soldiers forcing entire Palestinian communities out of their homes.

The comprehensive research presented in this report has found that the actions of Israelis have severely and systematically hurt the resilience of Palestinian shepherding

communities and the health of their members. The long-term chronic exposure to systematic violence and various forms of oppression, both by the Israeli authorities and by settlers, has physically and psychologically harmed community members. The ongoing violence has decreased food security, created unsustainable housing conditions, eroded mental resilience, and produced prolonged, severe feelings of insecurity, uncertainty, and anxiety. The inability to find sanctuary in their own homes, coupled with the lack of stability and consistency, exacerbated health impacts, particularly among children.

Forced displacement has stripped Palestinian shepherds of control over their future and impaired their access to essential services and sources of income. The displacement has disrupted traditional ways of life and fractured community bonds. Its lasting socio-economic and psychological impacts have collectively eroded community resilience. Furthermore, many communities have faced attacks by Israelis in their new locations, perpetuating the trauma of insecurity and undermining the ability to regain control over their lives. This ongoing predicament continues to afflict Palestinian shepherds today.

Displaced Communities, Forgotten People also paints a grim picture of the legal implications for the State of Israel. Israel's colonization and annexation aspirations are a flagrant breach of international law. They are the basis and the drivers of the actions described in this report. Israel consistently and systematically violates the human rights of Palestinian shepherding communities in the West Bank, including the rights to life, personal security, health and freedom of movement, property rights, the right to a living and the right to dignity.

The study proves that in the areas east of Allon Road, Palestinian shepherding communities have been subjected to coercive measures - in the legal sense - manifested as violence by settlers and armed forces, deprivation of conditions and rights required for a normal life and the absence of state protection. It follows that the State of Israel committed the war crimes of forcible transfer and the crime of persecution against this population. Moreover, the state's deep involvement in the commission of these crimes, its practices, their systemic nature and their replication in various locations, lead to the grim conclusion that, in certain parts of the West Bank, the State of Israel is implementing a policy of ethnic cleansing.

This project is a case study that focuses on a limited area. The crime of forcible transfer, however, is not unique to the Allon Road area, and Israel is implementing the same policies in other parts of the West Bank. The measures Israel is taking indicate its ultimate goal is to empty Area C of Palestinians and annex 60% of the West Bank – without Palestinians - to Israel. Alarmingly, in recent months, settlers have established shepherding outposts in Area B with Israel's support - tacit or explicit.

In July 2024, the International Court of Justice ruled that Israel's continued presence in the OPT is unlawful, and that various practices it employs lead to the displacement of

Palestinians living in Area C. This landmark ruling should serve as a blueprint for action by the international community vis-à-vis the State of Israel. The economic sanctions imposed by several countries on shepherding outposts and prominent agitators were a significant and valuable first step, but they have failed to decelerate the Israeli government and the settlers.

Yesh Din and Physicians for Human Rights Israel call on the international community to take active, effective measures against the State of Israel and demand it fulfill its legal obligation to protect the occupied population, with an emphasis on shepherding communities. Israel must guarantee the basic rights of Palestinian residents, stop the forcible transfer, remove the violent outposts, and provide Palestinian shepherding communities with conditions for a safe return home.

When work on this project began, the magnitude of the crimes it would ultimately describe and the disaster that would befall Palestinian shepherding communities in such a short time were impossible to imagine. The report's stark conclusions are that the State of Israel is trampling Palestinian lives and human rights in the West Bank underfoot. Israel is committing the war crime of forcible transfer and implementing a policy of ethnic cleansing, as part of a calculated strategy designed to push Palestinians into limited areas, take over and annex their lands. These acts are unlawful and inhumane.



Displaced Communities, Forgotten People, 'Ein Samia, May 2023 (Photo: Sarit Michaeli, B'Tselem)