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B'TSELEM - The Israeli Information Center for
Human Rights in the Occupied Territories

Information Sheet

October 2001



Free Rein

**Vigilante Settlers and Israel's
Non-Enforcement of the Law**



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8 Hata'asiya St. (4th Floor) Talpiot, Jerusalem 93420

Tel. 02-6735599 Fax. 02-6749111

E-mail: mail@btselem.org

Website: <http://www.btselem.org>

***B'TSELEM** - The Israeli Information Center for Human Rights in the Occupied Territories was founded in 1989 by a group of lawyers, authors, academics, journalists, and Members of Knesset. B'Tselem documents human rights abuses in the Occupied Territories and brings them to the attention of policymakers and the general public. Its data are based on independent fieldwork and research, official sources, the media, and data from Palestinian and Israeli human rights organizations.*

Introduction

Settler violence against Palestinians is extensive and has been prevalent in the Occupied Territories for many years. From the beginning of the first intifada, in December 1987, to 3 October 2001, settlers have killed 124 Palestinians, eleven of them since September 2000.¹

In March 2001, B'Tselem published *Tacit Consent*,² which described numerous violent acts by settlers against Palestinians during the al-Aqsa intifada. Settlers shot Palestinians, hurled stones at them, damaged their property, blocked roads, and abused them in other ways. Some of these acts entailed entering Palestinian villages, damaging Palestinian vehicles travelling along the road, and mistreating Palestinian farmers working their fields. Similar acts, entailing greater force, have occurred since B'Tselem issued its report.

In addition to these acts, in recent months there have been several lethal shooting attacks that were attributed to a gang (or gangs) of Israelis.³ According to some assessments, the same groups are responsible for a series of attacks that began in April 2001. The police informed B'Tselem that it is intensively investigating the matter, but did not indicate that any progress was being made in the investigation.⁴

These acts of violence occur in the context of the failure of Israeli law enforcement, which treats settler violence with complacency and forgiveness. This attitude is among the factors that enable the violence to continue. Israel also ignores its responsibility, as the occupier of the Occupied Territories, to protect the safety and well-being of the population under its control. The testimonies and data collected by B'Tselem in recent years indicate that Israeli leniency extends to all aspects and stages of an incident: from the lack of intervention of soldiers and police present when the attacks take place, through superficial and incomplete investigations, to light sentences and pardons of the few settlers convicted of assaulting Palestinians.⁵

Since the beginning of the al-Aqsa intifada, Palestinian civilians have attacked Israelis throughout the Occupied Territories. Most of these attacks involved gunfire and/or stone throwing at vehicles and homes, and resulted in the killing of sixty-seven Israeli civilians, forty-nine of them settlers. Intentionally harming civilians is a flagrant violation of international law and is absolutely prohibited, whatever the circumstances. Although the settlements violate international law, their existence does not affect the status and rights of civilians living there and does

1. The number of Palestinians killed by settlers may be higher because Palestinians were killed in situations in which it was unclear whether Israeli security forces or settlers were responsible. In some cases, there were no eyewitnesses or the IDF Spokesperson's failed to report the killing of Palestinians by security forces. As a result, it was not always possible to determine who was responsible for the deaths. Furthermore, there were cases in which settler vehicles struck Palestinians and it was unclear whether the act was intentional or accidental.

2. B'Tselem: *Tacit Consent: Israeli Law Enforcement on Settlers in the Occupied Territories*, March 2001.

3. "GSS Director: Jewish Gang Operating in the Occupied Territories," YNET, 17 July 2001.

4. Letter of 6 September 2001 to B'Tselem from Chief Superintendent Uri Weiskopf, head of the Investigations Division, SHAI District.

5. On settler violence during the first intifada, see B'Tselem: *Law Enforcement vis-a-vis Israeli Civilians in the Occupied Territories*, March 1994.

not turn them into a legitimate target for attack.⁶ International law provides no support for the argument that settlers are not civilians and are, therefore, legitimate targets of assault in the Palestinian struggle. The distinction between civilians and combatants is a fundamental precept of international law, which does not recognize the existence of any other category and distinguishes between the legal and illegal means allowed in every situation.⁷ Therefore, every attack on Israeli civilians in the Occupied Territories, a population that includes children, is absolutely forbidden.⁸ This report discusses one kind of settler violence against Palestinians: mass rioting

by settlers in retaliation for Palestinian attacks on settlers. The rioting is only one aspect of a broader phenomenon that has led to the killing and wounding of Palestinians, extensive property and economic damage, and prolonged hardship among many residents of the Occupied Territories. Although other types of acts have led to more tragic results, the focus is placed on these kinds of activities because they involved large numbers of participants, and were anticipated and committed openly, making the failure of the Israeli authorities to prevent them even more grievous.

6. International law prohibits the transfer of a population from the area of the occupying state to the occupied territory. It also forbids the occupying power to make permanent changes that do not benefit the local population. See, for example, article 49 of the Fourth Geneva Convention. For a discussion on this matter, see B'Tselem, *Israeli Settlement in the Occupied Territories as a Violation of Human Rights: Legal and Theoretical Aspects*, March 1997.

7. On the issue of civilian and combatant categories, see B'Tselem: The Proposed Law: "Imprisonment of Combatants not Entitled to Prisoner-of-War Status," June 2000.

8. See B'Tselem, *Illusions of Restraint: Human Rights Violations in the Occupied Territories during the al-Aqsa Intifada*, December 2000, pp. 16-18; B'Tselem, *Israeli Settlement in the Occupied Territories*, pp. 30-31.

Settlers Acts of Revenge

One of the conspicuous phenomena of settler violence against Palestinians during the current intifada is the rioting by settlers after Palestinians attacked Israelis. A clear example of this pattern occurred following the killing of Ronni Zalah, a resident of Gush Qatif, on 14 January 2001. Immediately after the killing, hundreds of settlers went to the Mawasi area in the Gaza Strip and rioted for several hours. The settlers fired weapons and damaged property, destroyed fields, and burned hothouses.⁹ Similar incidents also occurred numerous times in the West Bank.

As noted, Palestinian attacks on settlers are absolutely forbidden by international law. However, such attacks can never justify settler acts of violence against Palestinians. Even where the attacks on settlers are extremely serious, the official authorities, and not private individuals, are responsible for enforcing the law. The only instance in which a person may intentionally harm another person is the case of self-defense - when the person's life is in danger and no other option exists to defend against the danger. Firing a weapon to deter or to punish is forbidden in all situations. It should be emphasized that the nature of all the acts described in this report - stone throwing, vandalism, and damage to property - cannot be considered to fall within the rubric of self-defense.

The police stated that settler attacks on Palestinian following attacks on settlers are

not new. Following settler riots in Hebron in the middle of July, a senior police official commented that, "Every attack or murder of settlers brings a wave of vengeful activity by residents of the Jewish settlements. This is not the first time that [such] things occurred."¹⁰ On another occasion, a senior police source stated that, "almost every Palestinian attack draws a retaliatory action by Jews."¹¹ Amos Harel, the military reporter for *Ha'aretz*, described the phenomenon:

The understanding of the settlers' distress, the strong connection between their leadership and senior officials in the Occupied Territories, and no less than this, IDF and police helplessness in handling Jewish rioters turned settler violence into an expected, almost customary, aftermath to every attack against them. Every injury or murder of a settler in the West Bank is responded to by burning Palestinian fields and houses, beating passersby, attacking journalists, and occasionally shooting.¹²

Following the shooting attack in Meshor Adumim on 29 August 2001, Hezi Qalu, former head of the General Security Services Non-Arab Division, stated that the primary motivation behind Israeli violence against Palestinians during this period is the desire for revenge.¹³ An article in *Ha'aretz* that analyzed several incidents in which Israelis harmed Palestinians over the past ten years concluded that among the significant motives for Jewish terror was the desire for revenge-

9. "Settlers' Journey of Revenge," *Ma'ariv*, 16 January 2001; "Settlers Riot and Burn Hothouses in Protest against Murder of Ronni Zalah," *Ha'aretz*, 16 January 2001.

10. "Senior Police Official: Settler Retaliation 'Under Control,'" YNET, 16 July 2001.

11. "Needed: Volunteers to Drive on Dangerous Routes," *Yediot Aharonot*, 17 August 2001.

12. "The Situation in Hebron: Recent Weeks Turn the City into a Dangerous Spin," *Ha'aretz*, 15 July 2001.

13. His comments were made in an interview on "Good Morning, Israel," *Galei Tsahal* (army radio station), 29 September 2001. In another instance, Qalu expressed concern that a "Jewish intifada" would take place in the Occupied Territories. See "The Coming Goldsteins," *Ha'aretz*, 2 April 2001.

by relatives of those injured, by religious fanatics, and as a spontaneous response to attacks against Jews.¹⁴

Some settlers openly expressed fears and warnings about acts of revenge.¹⁵ Groups also distributed flyers calling for revenge. A group called "The Staff for Guaranteed Borders," for example, distributed a circular under the heading "We Want Justice! We Want Revenge!" The circular stated that, "In the confrontation between Israel and its enemies, revenge is the most positive and just act."

Settler revenge has become a routine occurrence for many Palestinian residents of the Occupied Territories. For example, Suliman Mahmud Najar, a resident of Burin, Nablus District, informed B'Tselem that, "when a settler is killed or wounded anywhere, we pay the price, even if the incident took place in Hebron. The settlers come down from Yizhar, destroy property, and throw stones and petrol bombs."¹⁶ 'Abd al-Rahman 'Odeh, a resident of Hawara, told B'Tselem that:

After incidents occurred in the area, things would get worse. After a settler is killed in a nearby area, groups of settlers would come and break windows and throw stones at Arab cars.¹⁷

The acts of violence described in this report clearly illustrate the phenomenon of revenge taken by settlers, and all occurred shortly after Palestinians attacked settlers. Due to the difficulty in determining the precise motive of each settler act, the report does not profess to present a complete and precise list of incidents of this kind. It may be that some of the actions described were planned some time earlier. It may also be that certain

actions were taken in revenge for past incidents. For example, a number of residents of the Ma'aleh Adumim settlement were recently arrested on suspicion of throwing stones at Palestinian vehicles on numerous occasions. The police categorized these acts as "vengeance," but it was unclear if the acts were always taken immediately following an attack on settlers.¹⁸ Recent shooting attacks by a gang or gangs of Jews, which this report will not discuss at length, are suspected acts of revenge. After the attack in Meshor Adumim, on 29 August 2001, in which Khayder Kanan was killed, a notice was sent to the media that the shooting was in retaliation for the killing of Hillel Lieberman at the beginning of the intifada.¹⁹

Despite these reservations, the acts described in this report, like other acts that occurred in the Occupied Territories during the intifada, are part of a clear pattern. They are organized, dozens and even hundreds of people participate, usually take place during the daytime, and last for a relatively long period of time.

In recent years, B'Tselem and many others have frequently warned about the lack of effective enforcement of the law against violent settlers. In this report, B'Tselem chose to focus on acts of revenge because the law enforcement problems are particularly evident in the authorities' response to these acts. Although the acts described below did not result in deaths, their scope and the open manner in which they were conducted indicate, among other things, that the participants knew that the Israeli authorities would not take significant action against them. Unfortunately, the testimonies presented below indicate that this is indeed the case.

14. "Jewish Terror - The Primary Motives: Revenge, Deterrence, Religious Fanaticism," *Ha'aretz*, 22 July 2001.

15. "In the Settlements, Settlers Torn Between Revenge and the Need for Restraint," *Ha'aretz*, 1 June 2001; "YESHA Rabbis Oppose Private Initiatives, but Other Voices also Exist," *Ha'aretz*, 15 June 2001; "Quietly, Settlers Speak about the Next Goldstein," *Ha'aretz*, 21 June 2001.

16. The testimony was given to Hashem Abu Hassan on 27 June 2001.

17. The testimony was given to Hashem Abu Hassan on 16 January 2001.

18. "Jews Organized in Ma'aleh Adumim Who Attacked Arabs Exposed," *Ma'ariv*, 2 August 2001.

19. "The Fifth Victim of Jewish Terror," *Yediot Aharonot*, 30 August 2001.

Sample Cases

1. Hebron, March - April 2001: Several days of rioting in retaliation for the killing of a ten-month-old infant

For some time, Hebron has been one of the primary focal points of violence in the West Bank.²⁰ On 26 March 2001, Shalhevet Pass, a ten-month-old infant, was killed by Palestinian gunfire. The fear of a violent settler retaliation against Palestinians was immediate, and IDF officials expressed concern about this possibility. The same day, the IDF Spokesperson issued a statement that, "The IDF calls upon the Israeli residents to be restrained even at this difficult time and not to respond in a manner that will play into the hands of the Palestinians and cause the situation to deteriorate."²¹ Colonel Noam Tibon, head of the Hebron Brigade, stated in an interview with Channel 1 television that, "I hope that the area won't ignite."²²

Despite being prepared to cope with the anticipated events, the IDF did not make a serious effort to prevent settler riots in the city, which began the same day that the infant was killed. For several days, settlers attacked Palestinians, damaged their property, and endangered Palestinian lives. The rioting included burning shops, theft, stone throwing, burning buildings belonging to the Wakf (Muslim religious authority), and other

acts of abuse and vandalism.

On 1 April, the settlers exploded a gas canister in a Palestinian shop in the city. Only then, after six days of rioting, did the IDF Spokesperson condemn the acts. The statement related only to the danger faced by the soldiers following the explosion and completely ignored the attacks on Palestinians and their property: "The gas canister explosion in the shop in Hebron endangered IDF soldiers."²³

Many of the attacks were conducted openly in front of television cameras. Furthermore, army and police officials and settlement leaders contended that known extremist settlers from outside Hebron committed most of the violence. In comments to a group of Knesset members, Colonel Tibon stated:

There are some forty people here. They came from Yizhar, Tapuah, Kedumim, and Ra'anana. All are somehow connected to the yeshiva in Nablus... We identified them and warned the heads of the Jewish community in Hebron not to be tolerant of them... We had information that something was about to occur. Unfortunately, they did not heed my advice and related to them compassionately, and what happened here this past week is extremely bad. They break into shops, plunder them, burn them. Things that are hard to believe.²⁴

20. See *Tacit Consent*, pp. 8-11; B'Tselem, *Impossible Coexistence: Human Rights in Hebron since the Massacre at the Cave of the Patriarchs*, September 1995; Human Rights Watch, *Center of the Storm: A Case Study of Human Rights Abuses in Hebron District*, April 2001.

21. The statement was given on 26 March 2001. IDF Spokesperson releases are published on www.idf.il.

22. "Fear of Revenge Following Killing of Infant in Hebron," *Ha'aretz*, 27 March 2001; "Settler Heads in Hebron: Occupy Abu Sneineh," *Ma'ariv*, 27 March 2001.

23. See the IDF press release of 2 April 2001.

24. "Brigade Commander Angry at Police, Settlers, and the Hebron Agreement," *Ha'aretz*, 3 April 2001. See also "Israeli Critically Wounded by Stone in Samaria," *Ha'aretz*, 28 March 2001; "Extremist Right Activist in Samaria Involved in Riots in the City," *Ha'aretz*, 3 April 2001.

The brigade commander is sovereign in the area and therefore has the duty to protect the lives and property of the Palestinians there. By placing blame for the riots on the settler leadership in Hebron, who showed "compassion" toward the rioters, he seeks to evade his responsibility for the acts of the settlers and to justify the army's failure to protect the Palestinians.

In August 2001, some five months after these incidents and although they know the identity of the rioters, the police have yet to complete their investigation. The police department's SHAI [Judea and Samaria] District informed B'Tselem that it had opened investigation files and that the "events were still being investigated."²⁵

Testimony of Nadal Farid Hamidan al-'Awiwi, 32, married with five children, Hebron Municipality inspector, resident of the area near the Hebron vegetable market²⁶

Before the current intifada broke out, I worked as a municipal inspector with responsibility for business licensing and enforcement of municipal laws. My work changed when the intifada started. Now I provide assistance to people during the curfews, such as carrying food and going with people to the doctor, preventing abuse of residents by settlers and soldiers and reporting such incidents to the relevant authorities, and fire fighting. When there are emergencies, I work twenty-four hours a day.

On Monday night (26 March), I was on the roof of my house observing the area. Around eight o'clock, more than a hundred settlers entered Area H1 in Abu Sneineh [under Palestinian control] and threw burning objects at homes and vehicles. They also abused residents of Area H2 [under Israeli control] who were under curfew, among

them the homes of the Abu Miale, Abu 'Akar, Sharbati, and al-Khatib families, and the al-Qazazin mosque.

Then there was a period of quiet, but around ten-thirty, the settlers again attacked the neighborhood. At three-thirty in the morning, the disturbances started again. The settlers torched the offices of the Wakf, which were located near the Avraham Avinu settlement. I summoned the fire brigade, but the soldiers did not allow them to enter the area until ten in the morning. Because of the curfew, I am unable to estimate the amount of damage caused by the fire. At 5:40 A.M., the army removed the settlers from the outskirts of the neighborhood.

The next day (27 March), many residents called our office to report that the settlers had damaged the old city in Area H2. They reported three fires near the offices of the urban renewal committee. Following the reports, we called the fire brigade and they arrived three or four hours later. At two in the afternoon, around a hundred settlers attempted to break into the Abu Sneineh neighborhood, but hundreds of soldiers and police stopped them and turned them back.

At around 4:30 P.M., settlers broke into shops that had been closed since the massacre in the Cave of the Patriarchs. They hooked up the electricity in the shops and put beds inside. They destroyed the wall separating the vegetable market and the al-Qial vegetable garden, which contains a number of shops. They torched a bakery belonging to the Shweiki family, and several shops and warehouses. I saw smoke rising from several places in the area, and I again called the fire brigade.

Today (28 March), the settlers continued on their rampage and torched six shops on Sahaleh Street, which leads to the Cave of the Patriarchs, after breaking through its

25. Letter of 12 August 2001 from Chief Superintendent Uri Weiskopf, head of the Investigations Division, SHAI District.

26. The testimony was given to Musa Abu Hashhash on 28 March 2001.

doors. The fire brigade went there twice. I saw settlers throwing burning objects at the firefighters while they were performing their duties. The press reported that, as a result, one fireman was injured. In the course of my contact with the fire brigade's headquarters, I heard that settlers were harassing the firemen every time they reached the area.

While I was observing the area, two funeral processions passed by, one before afternoon prayers and the other in the afternoon. At the first funeral, I saw settlers throw stones at people participating in the funeral. The soldiers asked the funeral participants to leave the area and only let a small number of people bury the man.

I have recently seen many settlers prowling around Area H2, many more than usual. Settlers from other settlements apparently came to the area. There are lots of soldiers, Border Police, and regular police. I also saw four tanks moving about the area.

Testimony of 'Alyan 'Abd al-Rauf 'Ali, 60, married with five children, owner of a metalwork shop, resident of Hebron²⁷

My father established the metalwork shop more than forty years ago. I make plowing devices, hammers, and chisels in the workshop, which is built from sheets of tin that extend over an area of forty square meters. I work alone and make around NIS 2,000 - 2,500 a month. My income fell since the intifada started. Because of the prolonged curfew, I do almost no work. Even when I open the shop during curfew, I am unable to work for more than a few hours. My customers are afraid to come to the shop out of fear of settler attacks, because the

workshop is near the courtyard of the Avraham Avinu settlement.

On Tuesday night (27 March), I heard a media report that the area of the al-Qial vegetable garden, where my workshop is located, had been torched. I saw my shop go up in flames. I went to the Border Police post near Kiryat Arba and reported the incident and the damage to my shop. I accompanied them to the area and saw that the workshop had burned down completely.

Two policemen and I drove there in a police vehicle. 'Azmi Qassem Abu Miale, owner of a nearby carpentry shop, was also in the vehicle. His shop was completely burned, including the ceiling and walls. When we arrived, a group of ten to fifteen settlers of various ages were there. They torched my workshop. More than fifty soldiers as well as policemen were present but they did nothing. We asked them to stop the settlers, but they claimed that, to prevent the situation from getting worse, it was better not to interfere. The police requested that we go to the police post near the Cave of the Patriarchs.

On noon Thursday (29 March), we arrived at the police post, but the police refused to talk with us and asked us to go back to the Border Police post near Kiryat Arba. We drove there the same day, but the policemen told us to go home. They said that they would contact us if necessary.

The walls and ceiling of my workshop totally collapsed. There was also damage to the electrical system and machines. The initial estimate of the damage amounted to NIS 100,000. Many other businesses and shops in the area were also destroyed.

27. The testimony was given to Musa Abu Hashhash on 3 April 2001.

2. Sinjil Village, Ramallah District, May 2001: Burning of property in retaliation for a shooting that slightly wounded a settler

On 13 May 2001, a resident of the Ma'aleh Levona settlement was lightly wounded by Palestinian gunfire while driving on a road near Turmus Ayya. In response, hundreds of settlers came to the area, burned a factory that makes concrete blocks, and damaged other property.

Testimony of Muhammad Raid Khalil Dar Khalil, 43, married with six children, resident of Sinjil Village²⁸

On 14 May, at around 7:30 P.M., I was at home with my family after a day of work at the block-manufacturing factory that I own. I did not see anything unusual going on in the area, but I heard that something had happened, I thought it was a case of gunfire at the Sinjil junction, which is located two or three kilometers from my home. I did not know if the gunfire had been aimed at soldiers or settlers, or if someone was hurt. In any event, our area was quiet.

While we were watching television, I heard a loud noise outside. I looked out the window and saw forty settlers breaking everything they could find in my factory. I intended to go outside through the entrance to the house, but the dozens of soldiers in the yard did not let me. They also stood at the entrance of the house to prevent settlers from entering.

My wife, my six children, and I remained in the house. I looked out the window and saw what the settlers were doing. The soldiers did not try to prevent them from breaking and burning the cement-block factory. The settlers turned on the forklift and the tractor that were in the factory, got into them, and started to destroy the factory. They burned a truck and crane, burned two hundred

platforms of concrete blocks, damaged lots of equipment, broke about ten thousand blocks, burned grain that was intended for the sheep, and damaged my car.

The settlers threw stones at the rear part of the house, which faces the factory, and broke the windows and doors. My family and I stayed in the house and did nothing. I called the DCO [District Coordinating Office] in Ramallah, and they sent a fire-brigade vehicle and Red Crescent ambulance, even though nobody had been injured. The stone throwing continued for around fifteen minutes. The soldiers who were present watched the settlers and did not respond.

The army imposed a curfew on the neighborhood. They probably wanted to prevent the village residents from coming to the site. After the settlers finished, they left, accompanied by the soldiers, and the curfew was lifted. Residents came to the scene to see what happened. My house was full of stones thrown by the settlers, so my family and I had to sleep at our neighbor's house. It took the fire brigade two hours to bring the fire in the factory under control. A container of fuel also went up in flames, which created a potential danger.

3. Luban a-Sharqiya and a-Samiya, Nablus District, 6 June 2001: Rioting, shooting, and damaging property in retaliation for critical wounds suffered by an infant who died a few days later

On 5 June 2001, at 9:30 P.M., Yehuda Shoham, a six-month-old infant who lived in Shilo, was critically wounded by stones thrown by Palestinians at a car in which he was traveling near the Shilo junction. The infant died a few days later, on 12 June.

The morning after the incident occurred, settlers went to Luban a-Sharqiya and a-Sawiya, two villages adjacent to the Shilo settlement. At the time, residents of a-Sawiya

28. The testimony was given to Raslan Mahagna on 3 September 2001.

were under curfew. The settlers burned farmland, a hothouse, a carpentry shop, and a school, and shattered windows of houses. They also fired shots at residents of Luban a-Sharqiya.

Israeli security forces were present throughout the events but did not prevent the violence. In fact, they prevented Palestinians from defending themselves, and even joined the settlers in their violence. Testimonies given to B'Tselem indicate that the soldiers also prohibited fire engines and ambulances from reaching the scene.

The events were broadcast the same day on television in Israel and throughout the world. *Ha'aretz* reported that sources from the police's SHAI District stated that police documented the events on video and promised that those involved would be prosecuted to the full extent of the law.²⁹ Close to two months after the incidents occurred, however, only one indictment has been filed and the investigation continues.³⁰

Testimony of Miflah 'Abd al-Karim Ahmad Ahmad, 42, married with thirteen children, carpenter, resident of a-Sawiya³¹

On Tuesday (5 June 2001), around 11:00 P.M., Israeli army vehicles entered the village. Six soldiers took me from my home, saying that a settler's child had been injured in the area, and asked me if I had heard any gunfire. I answered that I didn't hear anything. The soldiers began to argue about where the child had been attacked. Then a settler arrived in a car with a broken window. He said that he would take them to the site of the incident. They left me and placed a curfew on the village.

At six o'clock the next morning, I went to pray. An army vehicle was standing next

to my house on the main Nablus-Ramallah road. There were four soldiers inside. At eight o'clock or so, some 500 settlers were gathered alongside the road. Their cars were on the road, one after the other, and there were five buses full of settlers. At eight-thirty, around 300 settlers attacked my house. I put the children in one of the rooms and closed it well. I looked out the window and saw the settlers dislodge the door of the carpentry shop and storm inside. They burned all the wood in the shop, broke the machines and took all the light tools. In addition, they cut open five sacks of wheat and spilled out eight containers of olive oil.

While that was going on, other settlers shattered the windows of my house and uprooted the trees outside. Some of the settlers went onto the roof, set up a tent, and sat inside it. All were armed with M-16 rifles. They threw stones and objects at us. My small children cried out in fear. We heard the settlers outside shouting "Death to Arabs" and "This is the Land of Israel."

Then they tried to break the steel door of the house. After striking the door with large rocks for ten minutes, they opened the door and entered the kitchen and other rooms of the house. The children and I were in a room whose door was made of strong steel. They couldn't open the door. I installed this door specifically because of the events and because our house is on the main road. I heard gunshots in the background. I was later informed that soldiers shot at residents of the village who began to gather around the house to help us.

About two hours later, some twenty Israeli soldiers who had been on the main road came and prevented the settlers from breaking down the door of the room. Until then, the soldiers had not done anything to stop the settlers.

29. "Settlers Riot in Two Palestinian Villages," *Ha'aretz*, 7 June 2001.

30. Letter of 30 July 2001 to B'Tselem from Chief Superintendent Uri Weiskopf, head of the Investigations Division, SHAI District.

31. The testimony was given to Hashem Abu Hassan on 22 July 2001.

One of the soldiers saw a gas canister lying next to the burned boards of wood in the carpentry shop. He went up to the settlers and asked them to leave before it exploded. They left and the whole carpentry shop went up in a blaze.

We did not know what to do. My wife and children cried out when they heard the rocks being thrown at the house and at the steel door. They were startled by the settlers' voices shouting at us to leave the house.

The settlers left and, at 5:00 P.M., I went outside after making sure that the settlers had gone away. They destroyed around sixty-five olive, lemon, and prune trees that surrounded the house, as well as the vineyards. The settlers on the roof left, and Israeli soldiers remained there. The settlers also did not spare the rabbits. They took the rabbits, which I raised on the roof, threw them aside and destroyed the cages in which I raised them. Later, the soldiers went to another house, located near the girls school that is 200 meters from my house. The house has three large rooms and the army still controls it.

Two hours later, the soldiers came to get us to leave. They said that a vehicle would come to take us into the village. I refused, and said that I have no other place to live. After two days passed, the Israeli police summoned me to give a statement at Beit El. I went there and gave a statement to an officer named Zion, who was in civilian dress. I retained a lawyer who is going to file a claim on my behalf.

My children suffer from very severe emotional distress. They wet their beds at night and have nightmares. They are scared whenever they see a settler pass the house.

Testimony of Muhammad 'Otman 'Awis, 51, married with six children, retired teacher, resident of Luban a-Sharqiya³²

On Wednesday (6 June), around 8:30 A.M., some 200 to 300 settlers came to Luban a-

Sharqiya. Some went toward the valley and scattered themselves among the stacks of wheat that the farmers had harvested, which the residents would grind and use to make bread. The settlers brought tires, burned them, and threw the burning tires at the wheat piles. The stacks of wheat were spread out over a large area of land.

Other village residents and I left our homes to see what was happening. There were around seventy Israeli soldiers and two police vehicles, but the soldiers and police stood on the side and did nothing to prevent the settlers from burning the fields.

The settlers burned more than fifty stacks of wheat, each of them containing about ten sacks of seventy kilograms each. The area encompassed around 150 dunam [four dunam= one acre] that belong to five families containing an average of ten persons per family.

One of the residents tried to protect his field, but the soldiers made a partition between the residents and the settlers and did not let him approach. The soldiers were only there to protect the settlers. Some of the settlers stood on the road and shattered windows of the houses located alongside the road. About forty to fifty settlers started toward the Palestinian gas station around half a kilometer from the village. Residents, including my son Salah, 22, and myself, followed them to the gas station. Around twenty meters away from us were settlers and soldiers were behind them. My son was about ten meters from me when one of the settlers shot him in the lower abdomen. I did not see the soldiers doing anything to prevent the settlers from firing or continuing to riot.

I do not know which settler fired. My son said that he can identify him. I took my son by car to the hospital in Nablus, where he underwent surgery. He still suffers from the wound, his leg still is not functioning properly, and he is unable to work.

32. The testimony was given to Hashem Abu Hassan on 25 July 2001.

I was informed that the Palestinian confrontations with the soldiers and settlers continued. Only at two o'clock in the afternoon were the village residents allowed to enter their fields to extinguish the fires.

4. Northern West Bank, 18 June 2001: Rioting in retaliation for the killing of a settler and for other shooting incidents

On 18 June 2001, Danny Yehuda, a resident of Homesh, was killed by Palestinian gunfire while he drove on the Samaria-Homesh road. The same day, there were several other cases of shootings at settler vehicles in the same area. That afternoon, settlers went to the main Nablus -Tulkarm road, burned trees, and threw stones at a fire engine that had arrived at the scene.³³

Testimony of Fuaz Khader Qassem Yunes, 34, married with six children, fire-brigade driver, resident of Tulkarm³⁴

On Monday, 18 June, around 12:30 P.M., we received a call from the Palestinian DCO that settlers were burning olive trees. The incident occurred near the bypass road, in the area east of the Einav settlement up to the Beit Lid junction on the main Nablus-Tulkarm road. I drove to the location with firefighters Muhammad Tayeh and Iyad Jusy. We drove via Iktaba, Bal'a, and 'Anabta. When we reached the Ramin junction, it was blocked, so we drove back toward Tulkarm. We contacted the Israeli DCO, but they did not send us an army vehicle to accompany us. We drove along the bypass road near the Tiba checkpoint, in the direction of Einav. When we neared the site where a settler had been killed earlier in the day, I saw a large number of settlers gathering along the bypass road. They put up a thatched covering on the hill near the road and about a hundred of them scattered around the

area, which was full of olive and almond trees, and burned the trees on both sides of the road, east of the settlement.

Two army vehicles, containing around ten soldiers, were parked near the settlers. When the settlers saw us approach, they said: "It's an Arab. It's an Arab." They descended the hill and threw stones at us. They approached in their vehicles and threw large rocks that struck the fire engine. The rocks did not cause great damage. I immediately turned around in the middle of the road, and returned to the Tiba junction and entered Tulkarm. Again I contacted the Israeli DCO to get them to let us return to the area, because I saw that the soldiers weren't stopping the settlers or preventing them from throwing rocks at us. Maybe after I left they tried to stop them. I don't know, because I hurried back to Tulkarm.

About thirty minutes after I spoke with the Israeli DCO, an army vehicle came and accompanied us to the fire. As we passed the Avnei Hefetz settlement, many settler vehicles were leaving for the funeral of the settler who had been killed that same day. When they saw our fire engine, they began to shout: "It's an Arab, it's an Arab." Some of them aimed their weapons at us from inside the vehicles that were in the procession. They did not fire. They only wanted to frighten us. We continued along the bypass road accompanied by the army vehicle and again reached the site where the settler had been killed. There were around thirty people under the thatched covering. They stood along the right side of the road, and began to throw rocks at us when they saw the fire engine approach. I moved into the farthest left-hand lane and picked up speed. The rocks struck the back of the fire engine, but did not injure us.

The army vehicle continued to accompany us, and the officer told me by radio transmitter that he requested the soldiers near the tent

33. The press reported other settler violence that occurred in the area at the same time. See "The Israeli Youth Played Dead," *Ha'aretz*, 19 June 2001.

34. The testimony was given to Hashem Abu Hassan on 30 July 2001.

to prevent the settlers from throwing stones. They couldn't prevent the stone throwing because there were only two vehicles with ten soldiers. The soldiers in the vehicle accompanying us did not get out. We stopped about 300 meters down the road. I went to the officer and said, "You saw that the settlers threw stones at us. Maybe they'll come while we are putting out the fire." He said that Israeli soldiers would arrive immediately to prevent them from doing that. They put up a roadblock east of Einav to prevent the settlers from approaching while the fire was being extinguished.

Muhammad and Iyad got out of the fire engine and began to extinguish the fires raging on the hills and alongside the road. Residents from Beit Lid, Ramin, and nearby villages were there, and they helped us put out the fires. We were unable to extinguish fires on the shoulders of the road because settlers were still there. An Israeli fire engine was there but did not help in putting out the fires. It stayed in the same spot from the time that we arrived until we finished, around 5:30 P.M.

When we finished, we decided to go back to Tulkarm. The soldiers ordered us to wait until another army vehicle came to protect us from the settlers on the way back. The vehicle arrived and we drove toward Tulkarm. We quickly passed the area of the thatched covering, and the settlers threw a hail of stones at us. The soldiers near the covering tried to prevent them, but failed. One of the army vehicles accompanied us to the Ma'on junction, from which we entered Tulkarm.

5. Hebron, July 2001: Rioting and property damage in retaliation for the killing of two settlers

On 12 July 2001, two settlers were injured in the Hebron area: Yehezkel Mualem, a

resident of Kiryat Arba, who died the following day, and David Cohen, a resident of Betar Illit, who died two days later. Immediately after the shooting, settlers began to attack Palestinian residents of Hebron and their property. Rafiq Muhammad D'ana, a resident of Wadi Hazin, Hebron, told B'Tselem that:

On Thursday [12 July 2001], two settlers were wounded at the gate into Kiryat Arba and the settlers began to riot. The next day, around 11:30 A.M., hundreds of demonstrators attacked Palestinian houses, mine included, and threw stones at windows, fences, and yards. The windows of my house and car were broken. The settlers also tried to break through the fence that surrounds the house. They seemed to be holding containers of flammable materials.³⁵

For several days, settlers continued to attack local Palestinians. They fired weapons and threw stones at residents, burned farmland, damaged vehicles, and committed other acts of vandalism.³⁶

Testimony of 'Abd Al-Qarim Ibrahim 'Abd Al-Haq al-Abari, 43, married with fourteen children, metalworker, resident of the al-Jabri neighborhood of Hebron³⁷

I live with my wife and fourteen children in our new, four-year-old house. It is located only fifteen meters from the barbed wire fence surrounding the Kiryat Arba settlement. On July 12, after settlers from Kiryat Arba were wounded, the settlers began to attack our house non-stop. Hundreds of settlers came at ten o'clock at night and began to dislodge the shutters and tiles around the house, break trees, and burn the ground. They tore up the vineyards and put up barbed wire around the fields belonging to my uncle and me, an area of seventy dunam, so that they could have control over them.

35. The testimony was given to Musa Abu Hashhash on 24 July 2001.

36. See "Settlers Attacked Palestinians, Damaged Property and Burned Fields," *Ha'aretz*, 13 July 2001; "On the Brink of the Chaos," *Ma'ariv*, 13 July 2001; "Settlers Take Control of House in Casbah of Hebron, and Removed Several Houses Later," *Ha'aretz*, 16 July 2001.

37. The testimony was given to Musa Abu Hashhash on 16 July 2001.

On Saturday [14 July], at 3:15 a.m., while my children were sleeping, I heard voices outside the house. I looked out a window and saw around forty settlers, most of them young, standing around the house. Some of them had rested two ladders against the house and began to climb up to get onto the roof. Six of them came into the house. In defense, I grabbed a sword, which I had made in my metal workshop, to frighten them. They had knives and bottles full of petrol. I think that they wanted to burn the house. The others in my family who had awoken and I yelled, "*Allah akhbar*" and our neighbors called the police. After about thirty minutes, during which the settlers tried to break into the house via the steps and I continued waving my sword at them, four soldiers and two policemen arrived. They removed the settlers with force, pushing them and forcing them to go down the steps. Over the two days that followed, settlers continued to throw stones at the house from a distance, and hundreds of stones landed on the roof and alongside the house.

I have not yet filed a complaint because, since Thursday, there has been a curfew on the area where I live. I do not think that filing a complaint will help. Despite this, my uncles, my brothers, and I got together and decided to file a complaint with the police when the curfew is lifted. We will complain that the settlers trespassed and took control of our land and damaged our houses. If the judge himself is your enemy, to whom can you complain?

6. 'Izbat Shufa, Tulkarm District, 15-17 July 2001: Torching and destruction of property following shootings at settlers

On 15 and 16 July, there were three incidents of shooting at settlers' vehicles travelling on the road between Einav and Avnei Hefetz.

In retaliation, settlers went several times to Khirbet Shufa, which lies near the road, and damaged property of the residents.

Testimony of Saber 'Abd al-Qader Mahmud Hemed, 35. married with three children, farmer, resident of Khirbet Shufa³⁸

I am married and have three children, the oldest seven and the youngest three. I live in Khirbet Shufa, which is in the Tulkarm District. The village has 1,200 residents, most of whom make a living by farming. There is an Israeli army base near the village. Around two kilometers away is the Avnei Hefetz settlement, and four kilometers east of the village is the Einav settlement. Our house is about 200 meters from the bypass road, which is used by the settlers from the area and from the Nablus area. I have been farming for ten years, and it is my only source of income. I have nine hothouses that I built on my land around fifty meters from the bypass road. My brothers also make a living from working this plot of land.

On Sunday [15 July], around eight in the evening, some one hundred settlers tore the plastic covering of the hothouses and began to destroy the produce. I was at home with some of my brothers. We went to the settlers and shouted to them to leave and stop what they were doing. They were armed and threatened us with weapons, saying that if we didn't move back, they would fire at us. We went back to the house and notified the Palestinian DCO about what was happening. The settlers continued to damage the hothouses for around four hours, until the Israeli army came and removed them.

The next day, at 8:00 P.M., around a hundred settlers returned. They had chairs and tables and set them up near the hothouses. Some of them sat down and the others poured

38. The testimony was given to Raslan Mahagna on 8 September 2001.

petrol on the vegetables and damaged the hothouses. Three dunam of tomato plants were totally destroyed. They also damaged the irrigation pipes and the main water pipe, which is 200 meters long. The settlers were armed. They sang and shouted all the time. We were afraid to approach the area, and we called the Palestinian DCO. After four hours or so, the army arrived. This time, the army did not remove the settlers from the area. The settlers remained on the road and prayed. Only in the early morning hours did they leave.

The following day [17 July], at three in the morning, three settlers came in a white Volkswagen commercial vehicle. They burned the hothouses containing cucumber plants that spread over an area of three dunams, and damaged the irrigation system. I called my neighbors and family. We gathered around sixty people from the village, and at 3:30 A.M., we went to the hothouses and shouted at the settlers and threw stones at them. The three settlers saw us and began to flee. Two of them ran toward the bypass road, and the third remained and was apparently looking for the keys to the vehicle, which he couldn't find. The two settlers shouted: "Ya'akov, Ya'akov, get out," and he fled before we got there. We recognized him and his vehicle because he lives in Avnei Hefetz. After five minutes had passed, four army jeeps arrived with the three settlers. The soldiers asked us who fired at the vehicle that was parked there. We explained that nobody fired, and that the settlers were trying to disguise the fact that they were there to torch the hothouses.

In the meantime, the fire in the hothouses continued. The soldiers took out a fire extinguisher to put out the blaze. But this was unsuccessful, and the fire continued until it devoured the nine hothouses. More soldiers arrived, and they told us to go back to our homes. The soldiers said that they would question the settlers about the incident.

They added that they believed us when we said that nobody had shot at the vehicle.

Our loss is estimated at NIS 50,000.

7. Hebron, 9 August 2001: Acts of violence following the attack on the Sbarro Restaurant in Jerusalem in which fifteen Israeli civilians were killed

On 9 August 2001, a suicide bomber attacked the Sbarro Restaurant in Jerusalem, killing fifteen Israeli civilians. Testimonies given to B'Tselem indicate that, immediately after the attack was reported, several Palestinians were attacked in Hebron.

Testimony of Fadel Muhammad Jaril Abu Miale, 47, married (two wives and ten children), bakery employee, resident of the Old City, Hebron³⁹

I live with my wife and ten children in an old house with several rooms. My entire family lives in only two rooms. The other rooms await approval of the Israeli authorities, which have prevented the Palestinian Old City Urban Renewal Committee from renovating the house. The reason is that the house lies near the Avraham Avinu settlement. Our kitchen is not complete and does not have a door. The same is true of the bathroom. Opposite our house, at a lower elevation, is an Israeli army post, which is positioned on the roof of the Bader family's house. The house is empty, and the settlers can enter its rooms from which they can observe one of our two rooms. The street is narrow, with some 2.5 meters separating us from the Bader house.

On Thursday (9 August) at 4:50 P.M., my wife, 'Aida Abu Miale, was sitting in the room looking out over the road. She is forty years old and gave birth to a girl, Shirin, on 24 July 2001. The family was around

39. The testimony was given to Musa Abu Hashhash on 21 August 2001.

and one of the neighbors came to visit because of Shirin's birth. Shortly before she arrived, we heard about the suicide bombing at the restaurant in Jerusalem. Suddenly, large stones began to be thrown onto the road from the roof of the Bader house, where soldiers were standing. My second wife, Faiza, 45, saw a sixteen or seventeen-year-old settler dressed in a blue shirt throw large stones that he had gathered from the demolished fence on the roof. My son Sultan, who is sixteen, saw another settler, around sixteen years old, stand at the same place and throw stones at the house. Sultan told me that he recognized the settler, and that he had seen him in the area more than once.

The throwing of stones at our house and the street continued for more than two hours. While it was going on, I left the house and went to a-Sahaleh Street, which is around a hundred meters from the house, to tell the soldiers there about what was taking place. I told three soldiers that I saw that settlers were throwing stones at us. They went toward the house and saw what was happening. One of the soldiers spoke into a radio transmitter. They left without trying to get the settlers to stop throwing the stones. Near the entrance to the Avraham Avinu neighborhood, I saw a police vehicle with a policeman inside. I told him what the settlers were doing, and he advised me to go to the police station near Kiryat Arba. Then I went home. When I got there, I was amazed to see that my house was in flames. Lots of my neighbors were there and they had succeeded in putting out most of the fire with water and fire extinguishers. I went into the house and saw that the room facing the road, where my wife who had recently given birth was sitting, was completely burned, together with the furniture, mattresses, cabinet, television, and table.

My daughter Howida, 18, was injured in the head by a stone. She was taken to 'Aliyah Hospital, where she was treated and discharged the same day.

I think that the settlers threw a burning object into the room from the Bader house, because the windows face each other. That same night, after the neighbors had succeeded in putting out the blaze, my wife Faiza went with our neighbor 'Abd al-Halim Abu 'Arfe, to the Kiryat Arba police station. The police listened to her and then four policemen along with four soldiers came to the site and took pictures of the house and what was left after the fire. Two days later, policemen returned and examined the house.

The army imposed a curfew on the area throughout the night. On Friday, it was lifted for a few hours. As a result of the curfew, I was fired from my job.

* * * *

Abd al-Halim 'Abd al-Fatah Gh'afre, a medic for the Palestinian Red Crescent in Hebron, told B'Tselem about another incident that occurred the same day:

On Thursday [9 August] at 4:25 P.M., I received a call to transport an injured individual. We drove toward Beit Hadassah. A few meters before getting there, we came across a white GMC vehicle that was blocking the road. The driver was inside. Amjad, the ambulance driver, honked for him to move so that we could pass, but the Israeli driver didn't hear. Another vehicle, a black GMC, came and stopped on the right-hand side of the ambulance and partially blocked it from the rear.

At the same time, about five to seven guys who were fifteen to twenty years old came out of Beit Hadassah and threw stones at the ambulance. The stones shattered the front windshield and the side window, and struck the body of the ambulance. Three soldiers were standing nearby. We asked them to help us, but they mocked us and stayed where they were. After a few minutes, Amjad was barely able to back up and get away from the area.⁴⁰

40. The testimony was given to Musa Abu Hashhash on 11 August 2001.

8. Near Burin, 17 September 2001: Attack on truck following the assassination of Rehavam Ze'evi

Following the assassination of Rehavam Ze'evi on the morning of 17 October 2001, two truck drivers travelling to Burin were attacked near Yitzhar.

Testimony of Mo'adh 'Abd al-Mu'in Wassef Musmar, 23, married with a child, truck driver, resident of Nablus⁴¹

On Wednesday [October 17, 2001], at noon, I was standing in line at the Hawara checkpoint, at the east entrance to Nablus. I was coming back from Jericho in a seventy-ton semi-trailer. It was loaded with thirty-eight tons of steel belonging to the a-Nahadha firm in Nablus. When I got to the checkpoint itself after an hour of waiting, the soldiers ordered me to go back. I turned around and my friend Jamal Darwazeh, who was driving another semi-trailer, did the same. He was ahead of me in the line.

I drove behind Jamal to the Burin village, which is near the checkpoint, and we turned onto a bypass road running in front of the entrance to Yitzhar. I was driving uphill. About two hundred meters before the settlement, I saw about ten settlers throwing large stones at Jamal's vehicle. Other settlers were standing near the entrance to the settlement. I was very frightened. I backed up in an attempt to escape, and I couldn't see Jamal's truck. I saw five settlers rushing at me. I remember what they look like and can identify them. They poured liquid on the front of my truck. They also poured liquid inside the truck, through the open window. One of the settlers threw a burning object inside and it started a fire. I felt the fire spreading toward me, but I managed to open the door quickly and get out of the vehicle.

A settler carrying a large rock came towards me and threw the rock at me. I blocked it and it fell on the ground. Then, another settler, who was short and fat, appeared. He, too, was carrying a large rock, and he threw it at me. I threw a rock at him. It hit him, and he cried out in pain. It was around 1:30 in the afternoon. I'm not exactly sure, because my watch, ID card and vehicle documents were scattered inside the truck. I heard a loud sound coming through a megaphone from far away. I could only recognize the word "jeep". Four of the settlers got into a two-door, silver Opel Kadette that was parked there. The fifth settler got into the car through the window, as they were trying to make a quick getaway. They drove toward the settlement. I went to my truck and realized I would not be able to put out the fire. I turned the engine off and started to run toward Burin.

Testimony of Jamal Munir Fathalla Darwazeh, 45, married with two children, truck driver, resident of Nablus District⁴²

On Wednesday [17 October 17], at 4:00 A.M., I left Nablus for Jericho in a twenty-five-ton semi-trailer. On my way back, at about noon, I got to the Hawara checkpoint at the east entrance to Nablus. I waited for about an hour, and when it came time for me to pass, the soldiers did not let me. I decided to go via Burin, which was nearby. My friend Mo'adh Musmar followed me in his semi-trailer.

I drove along a bypass road that runs in front of the Yitzhar settlement. I was ascending for about 1,500 meters. About 150 meters before the entrance to the settlement, I noticed a 1983 or 1984, two-door, silver Opel Kadette. The hood was up, and a settler wearing a skullcap, blue T-shirt and jeans was standing in front of the car. He looked about twenty-four years old. When I

41. The testimony was given to Sabia 'Abd al-Hadi on 21 October 2001.

42. The testimony was given to Sabia 'Abd al-Hadi on 21 October 2001.

approached the settlement's entrance, the settler put the hood down. Suddenly, fifteen settlers who had been hiding in an open ditch by the roadside appeared. They came toward me and started to throw large rocks at the semi-trailer. I kept driving, but could not go any faster than 30 kilometers an hour because the truck, including the load, weighed sixty tons.

The settlers were wearing bulky white shirts and skullcaps. They were thirty meters away from me and continued to throw rocks. I tried to protect myself by leaning onto the seat next to me. The settlers started shooting at me. I laid flat on the seat.

I heard the sounds of the bullets hitting the semi-trailer. I felt the truck rolling, but I did not really understand what was going on. I felt the vehicle hitting the ground hard time after time. I tried to get up, but my head was below the seat and my legs were on top. I tried to lift my head again, and found myself on the back seat as a result of the severe blows to the vehicle. I realized something serious had happened, but I didn't quite understand what was going on around me. Then I lost consciousness. When I came to, I found myself lying on the main street in Burin.

I later found out that the truck had veered off the road and rolled down the mountain.

The front of the truck was completely destroyed. People from Burin took me out of the truck and undressed me to see if the shots had injured me. They poured water on me to help me regain consciousness. They said they saw the settlers shooting at me and that they saw the truck rolling down the hill. They called the Palestinian police and an ambulance, but the ambulance never showed up.

There was an Israeli military vehicle near the bypass road. An Israeli officer named Avi was inside. He couldn't believe that I was the driver who had fallen down the mountain, because he saw the severe accident himself. He was moved and told me I was close to God. He gave me his telephone number so I could call him to give testimony as to what had happened.

A police car took me to the police station in Ariel, where I gave testimony. I told the police officers what had happened to me and about the soldier who would testify on my behalf. I am not sure whether I gave them his telephone number. The police officer gave me a document indicating I had filed a complaint.

I still feel pain all over my body, but it is not very severe. The bullet holes and the severe blows my truck received rolling down the hill destroyed it completely.



Failure of Law Enforcement

For years, Israeli officials have severely criticized the bodies charged with law enforcement in the Occupied Territories. As far back as 1981, a committee headed by Deputy Attorney General Yehudit Karp was appointed to examine the police's handling of offenses committed by settlers. The committee found serious flaws in law enforcement and called upon the police to find an urgent solution to the problem to prevent deterioration of the situation and a weakening of the rule of law.⁴³ In 1994, following the massacre in the Cave of the Patriarchs by a settler, a state commission of inquiry, headed by the President of the Supreme Court, Meir Shamgar, was appointed. The Shamgar Commission also criticized the law enforcement on settlers, placing blame on both the police and the army.⁴⁴ Following publication of the report, the SHAI [Judea and Samaria] District of the Israel Police Force was established, and the attorney general at the time, Micha'el Ben Yair, established orderly procedures for law enforcement in the Occupied Territories.⁴⁵

In 1998, Attorney General Elyakim Rubinstein revised the procedures. In response to criticism of the procedures by various sources, Rubinstein stated that they are necessary to solve the continuing serious problem of insufficient law enforcement in the Occupied Territories.⁴⁶ The procedures provide, in part, that the police are responsible

for law enforcement in the Israeli communities, and in incidents in which there is information that enables advance preparations. The IDF is responsible for handling incidents outside the Israeli communities and incidents in which soldiers are the first to arrive at the scene.⁴⁷

Testimonies given to B'Tselem indicate that these procedures are almost never implemented. The near complete disregard for the procedures is especially apparent in the acts of revenge described in this report.

Preparation

In the chapter titled "Intelligence and Situation Evaluation," the procedures state that the police and the army are to maintain ongoing evaluation, both permanent and temporary, regarding anticipated violent events. The procedures provide that, "For this purpose, the officials will consider the nature of the incident, its scope, the potential involvement of non-Israelis, the existence of danger to life or property, the risk of potential escalation, and the like."⁴⁸

The procedures also discuss measures to be taken in such cases. A chapter in the detailed appendix explicitly mentions "preparatory action for an incident regarding law enforcement, about which there is prior

43. *Investigation of Suspicions against Israelis in Judea and Samaria - Monitoring Committee Report*, 1982.

44. *Report of the Commission in the Matter of the Massacre in the Cave of the Patriarchs, in Hebron*, Jerusalem 1994.

45. For details, see *Tacit Consent*, pp. 25-27.

46. "At Meeting with YESHA Council Rubinstein Refuses to Cancel Law Enforcement Procedures for the Occupied Territories," *Ha'aretz*, 5 May 1998.

47. *Procedure for Law Enforcement and Order Regarding Israeli Offenders in Judea and Samaria and the Gaza Strip*, September 1998).

48. Section 7(b).

information."⁴⁹ The procedures require, among other things, prior preparation, setting up a command center, increasing the complement of soldiers, and declaring an area a "closed military area," enabling the army to prohibit entry and exit. It also states that, "Where necessary, distant observation posts and blockades shall be placed in the designated area in time to prevent the gathering of additional lawbreakers."

The incidents described in this report belong to a set, recurrent pattern, and the police and army should expect that an attack on settlers would lead to violent acts by settlers against Palestinians. The procedures relate specifically to incidents of this kind and state in detail how the security forces are to prepare. However, as seen from the cases presented in this report, the police and army do not implement the preparatory measures mentioned in the procedures.

Response when the incident occurs

As noted, the police are responsible for law enforcement on Israeli civilians in the Occupied Territories when there is prior information about the incident or after police officers are summoned to the scene. The procedures state that the handling of violence by settlers shall include dispersing demonstrations, making arrests, moving forces, blocking, and protecting. In addition, the procedures state that, "The police will be responsible for employing the means to disperse demonstrations, by using means such as fire engines and tear gas. In the absence of police at the location, the IDF will employ these means." Cases described in this report clearly show that the police have blatantly failed to perform their duty: police officers present in the area do not act sufficiently to prevent violent acts and attacks on Palestinians.

IDF soldiers are also obligated to intervene when settlers attack Palestinians and to protect those under attack. However, testimonies presented above and many other testimonies given to B'Tselem indicate that, in many cases, soldiers present during the attacks did nothing to stop them. At times, soldiers did not intervene even after the Palestinians under attack expressly request assistance. In some cases, the soldiers even took part in the violence initiated by the settlers.

The procedures reemphasize the duty of soldiers to protect the Palestinians from settlers. They state that, "IDF commanders and soldiers in operations in Judea and Samaria and in the Gaza Strip shall be guided by the provisions of these procedures."⁵⁰ However, the situation in the Occupied Territories indicates that the procedures are not implemented at all, and the testimonies given to B'Tselem by soldiers who served in the Occupied Territories during the past year show that the soldiers were not provided any instruction about the procedures. In his testimony to B'Tselem, a reserve-duty soldier who served in the Gaza Strip in recent months stated:

Regarding settlers, we did not receive any instructions on how to act toward them, not even if they riot and harm Palestinians. They told us in a general way that we were also supposed to protect the Palestinians located in our sector (residents of al-Mawasi), but I felt that they were just going through the motions. The general atmosphere was not to harm settlers, whatever the circumstances.⁵¹

A soldier who served in the West Bank described how he understood he should act when settlers attack Palestinians or damage their property:

As a soldier, you are forbidden to do anything. Maybe shout at them and call the police. That is because they are Israeli

49. Section 10.

50. Section 9(a) of the detailed appendix to the procedures.

51. The name of the witness is on file at B'Tselem. He gave his testimony to Ronen Shnayderman on 19 July 2001.

citizens. They told me that, after a while, they stop because it is ineffective. Until the police arrive, there is nobody to grab.⁵²

On 15 July 2001, a discussion was held on the subject of "various law enforcement problems in the region." The participants included, among others, the attorney general, the OC Central Command, and the commander of the SHAI District of the police. The participants decided to incorporate the attorney general's 1998 law enforcement procedures "in briefings to commanders and soldiers serving in the region."⁵³ It is superfluous to say that the need to issue such a directive indicates that, at the present time, the procedures have not been incorporated.

An indication of the compassion shown by the IDF to the illegal acts of settlers is its attitude toward the independent armed patrols periodically operated by settlers in some areas of the West Bank. IDF officials informed B'Tselem that they severely oppose the patrols and that they are liable to lead to Jewish militias in the Occupied Territories.⁵⁴ In response to a letter from B'Tselem, the IDF Spokesperson stated that, "The armed patrols are not operated in cooperation with the IDF. The army is acting to stop the activity." The spokesperson added that the IDF is attempting to stop this illegal activity "through *hasbara* [publicity]."⁵⁵ The IDF's preference to cope with the organized, armed activity, which the IDF itself defines as illegal, by *hasbara* alone rather than taking significant measures against those involved clearly indicates its disregard for the harm that settlers inflict on Palestinians.

The testimonies given to B'Tselem in this report indicate that the police and army

are clearly not acting in accordance with the procedures set by the attorney general. The failure is all encompassing, from allowing large groups of settlers to enter Palestinian communities or neighborhoods, when their intention is obvious and openly-stated, to settlers being able to freely abuse the residents and damage their property. In time and place, the acts of revenge occurred proximate to the Palestinian attacks, so a large contingent of security forces were present in the area. In some of the locations, such as Hebron and a-Sawiya, the Palestinians were even under curfew, the enforcement of which required a large army presence. Even this fact did not lead to firm action being taken against the rioting settlers. The curfew only aided the settlers by enabling them to act unimpeded.

Investigation

The SHAI District of the Israel Police Force was established to rectify the defects in police investigations of settlers. The role of the District Prosecutions Division was defined as management of the prosecution procedures for offenses of disturbance of the peace by settlers and land disputes (the division later began to handle criminal files of Israelis in the Occupied Territories as well).⁵⁶

Examination of the functioning of the SHAI District since its founding does not attest to an improvement in the handling of offenses by settlers or the thorough prosecution of lawbreakers. In some cases, the district did not open an investigation file, claiming that a formal complaint had not been filed, although, according to law, the police must investigate every case brought to its attention regarding commission

52. The name of the witness is on file at B'Tselem. He gave his testimony to Lior Yavneh on 30 July 2001.

53. See the state's response in HCJ 4647/01, *HaMoked: Center for the Defence of the Individual v. Commander of IDF Forces in the West Bank*, par. 21.

54. On the subject of armed patrols, see *Tacit Consent*, pp. 23-24.

55. Letter of 11 July 2001 from the IDF Spokesperson.

56. See State Comptroller, *Annual Report 52A* (in Hebrew), 23 September 2001, p. 182.

of an offense. Investigations have been prolonged, and a large percentage were closed on the grounds of lack of evidence or "offender unknown."⁵⁷

The State Comptroller's report published in September 2001 sharply criticized the police's handling of investigation files against settlers.⁵⁸ The State Comptroller's investigations showed that:

- Seventy-five percent of the investigation files opened against settlers for offenses related to disturbance of the peace between 1998-2000 were closed, primarily due to lack of evidence and lack of public interest, and indictments were not filed.
- Ninety percent of the investigation files opened against settlers between January and October 2000 were later closed.
- A prosecutor begins to handle a file between six to eighteen months after the complaint is filed, creating difficulties in completing the investigations.
- Although a primary reason for establishing the District Prosecutions Division was the handling of land disputes, since its establishment in 1995, not one indictment has been filed on this subject.
- The division lacks basic working tools, such as computers, which severely affects its activity and, among other things, delays the handling of indictments.

In conclusion, the State Comptroller states that, "The police and relevant officials should respond and act to rectify all the defects that were raised on the subject of law enforcement."

In the state's response in the petition to the High Court of Justice on the matter of the failure to enforce the law on violent settlers,

filed in June 2001 by HaMoked: Center for the Defence of the Individual, the state explained that the police encountered many difficulties during the investigation of cases of settler violence.⁵⁹ The state noted, among other things, that the police had to cope with the lack of cooperation by suspects and witnesses, difficulties in collecting information from the scene of the offense, the large number of offenses committed by Israelis and Palestinians, and the problem in collecting testimonies from soldiers who are heavily burdened with work.

Undoubtedly there are objective difficulties, but every police force in Israel and around the world faces problems like the lack of cooperation of suspects, and they do not prevent them from solving crimes. The police must act to overcome these difficulties, and the government must allocate additional personnel and resources when necessary. The State Comptroller, whom it may be assumed was aware of the problems that the police face, did not believe that these difficulties justify the lack of law enforcement on violent settlers, and demanded that the defects be rectified.

Furthermore, it seems that the difficulties characteristic of an intifada, such as collecting evidence or the heavy burden on soldiers who witnessed the offenses being committed, does not visibly affect the activity of the authorities and their ability to thoroughly prosecute offenders when the suspects are Palestinian. This comparison indicates a bias. Against Palestinians suspected of harming Israelis, the system works with tenacity, at times violating the human rights of suspects. When Israelis are suspected of harming Palestinians, the system is compassionate, and does not exert noticeable effort.⁶⁰

57. See *Tacit Consent*, pp. 32-33.

58. *Annual Report 52A*, pp. 180-196.

59. State's response in HCJ 4647/01, *supra*, footnote 51, par. 15.

60. For a comparison of statistics on investigations and prosecutions in cases in which Palestinians killed Israelis and cases in which Israelis killed Palestinians, see *Tacit Consent*, pp. 34-35.

Summary

Analysis of the response of the Israeli authorities to settler attacks on Palestinians reveals a blatant disregard for Palestinian lives and property. This disregard is reflected not only in the lack of preparation to handle incidents, the failure to intervene when settlers attack Palestinians, and the incomplete and feeble investigations, but also in the total disregard for the criticism and recommendations of state bodies and officials regarding the law enforcement system. These officials, from the Karp Committee, in 1982, to the State Comptroller, in 2001, pointed out the flaws in law enforcement on settlers.

The officials in charge of law enforcement on settlers are well aware that the system is not functioning properly. In response to the conclusions of B'Tselem's report *Tacit Consent*, Minister Ephraim Sneh, who served as deputy minister of defense at the time the report was drafted, confirmed that the system does not deal harshly enough with rioting settlers.⁶¹ After settlers rioted in Hebron at the end of March 2001, the Hebron Brigade Commander, Colonel Noam Tibon, said that, "The law here has no teeth

at all. I have no means by which I can remove the hooligans from here."⁶² Major General Shahar Ayalon, commander of the police force's SHAI District, admitted that, "Criminal incidents that the police handle in a few hours in Netanya, take a year in Kiryat Arba and Hebron."⁶³

Despite the officials' awareness that the law is not enforced on violent settlers, the state has not made a serious effort to improve the system and prevent attacks on Palestinians. In the July 2001 discussion on law enforcement in the Occupied Territories, in which the attorney general, the OC Central Command, and the commander of SHAI District took part, the officials decided, among other things, to recommend that additional forces be assigned to SHAI District.⁶⁴

B'Tselem does not know if this recommendation was implemented. However, the fact that this discussion was held almost a year after the intifada began, and after hundreds of violent attacks by settlers against Palestinians, clearly indicates that the officials in charge of law enforcement do not give significant attention to this subject.

61. The comments were made in an interview on "Good Morning, America," *Galei Tsahal*, 22 March 2001.

62. "Brigade Commander Angry at Police, Settlers, and Hebron Agreement," *Ha'aretz*, 3 April 2001.

63. "Many in Hebron Think it Necessary to Take Law into Their Own Hands," *Ma'ariv*, 20 July 2001.

64. See the state's response in HCJ 4647/01, *supra*, footnote 51, par. 21.

Conclusions

During the current intifada, settlers committed hundreds of attacks on Palestinians throughout the Occupied Territories, from blocking roads to Palestinian traffic to shooting and killing Palestinians. The root of this phenomenon is the failure of Israeli law enforcement bodies - the police and the IDF - to cope with settler violence.

This failure is particularly grave when considering events of the kind described in this report. The vast majority of these incidents could have been prevented if the police and army had been properly prepared and had made any effort to prevent anticipated violence. Even after the settlers began to attack Palestinians and damage their property, the security forces did not make a serious effort to stop them.

The failure of the authorities to respond to the repeated attacks on Palestinians by settlers attests to the shameful disregard for Palestinian life and property, and transmits a message that these acts are legitimate. The settlers participating in the violence are well aware that no, or no significant, measures will be taken against them, and act openly in front of television cameras. The state's policy enables the continued attacks on innocent people and violates the state's duty, as the occupying power, to protect the Palestinian population.

Palestinian attacks on settlers are a flagrant violation of international law, and all parties must take all legal measures within their power, to prevent harm to civilians. However, such attacks cannot sanction settler revenge attacks on Palestinians. On this point, the Shamgar Commission's comments are appropriate:

Adopting this approach [of sanctioning retaliation] is liable to challenge the foundations of law and order. There is no substitute for the law being imposed by those authorized to do it. Implementing criminal responsibility is the task of the sovereign, and it alone. Expropriating the [imposition of] punishment from it and depositing it in the hands of an individual or group of people unauthorized for this purpose is a proven recipe for anarchy.⁶⁵

B'Tselem urges the Israeli authorities to:

- Undertake advance preparations to prevent the occurrence of acts of revenge of the kind described in this report, and to act immediately to halt such acts, in accordance with the law enforcement procedures drafted by the attorney general.
- Brief all soldiers serving in the Occupied Territories on the provisions of these procedures relating to their duty to defend Palestinians when settlers attack them. Action should be taken against soldiers who violate the procedures and against commanders who do not implement the procedures in their units.
- Act to improve investigations conducted by the police force's SHAI District. The police must investigate every suspicion of settler violence against Palestinians efficiently and without discrimination.
- Increase the forces assigned to the SHAI District and provide it with a budget that would improve its performance, a necessity warranted, in part, by the findings of the State Comptroller's report.

65. Shamgar Commission Report, p. 168.

Response of the IDF Spokesperson *

Operations Directorate
IDF Spokesperson's Unit
Public Relations Branch
Tel: 972-3-6080-339/340
Fax: 972-3-6080-334

15 October 2001



B'Tselem - Ms. Korin Dagani

Re: **Response to B'Tselem's report on settlers' acts of revenge against Palestinians**

Dear Ms. Dagani,

Our response to the aforementioned B'Tselem report is as follows:

The IDF, together with other security bodies, such as the Border Police and the Israel Police Force, acts to prevent violent conduct by settlers against the Palestinian population.

In light of lessons learned from past events, forces in the field are prepared for disturbances by Jews following violent acts taken by Palestinians. The number of forces employed at points where friction between settlers and Palestinians is likely to occur is increased, and even reinforcements from other security bodies are summoned, to prepare for the events and to minimize the possible damage.

It should be noted that, where a suspicion exists that soldiers did not prevent violence by settlers against the Palestinian population, an investigation of the circumstances of the case is conducted, and appropriate measures are taken against those responsible. Disciplinary/command handling is among the actions taken. In the event that a serious deviation is found, indictments against the soldiers in military court are also filed.

IDF soldiers are trained to protect a person's human dignity and property.

The Central Command in particular provides information to the soldiers and emphasizes the subject.

It should be noted that the soldiers have been in combat for about a year and some of the cases are a direct result of the violent events in the field.

Sincerely,

s/

Lt. Col. Adir Harubey

Head, Public Relations Branch

* Translated by B'Tselem

Response of the Israel Police Force, SHAI District *



SHAI District Headquarters

Tel: 02-6279200

Fax: 02-6279239

31 October 2001

To: _____

Re: Response to B'Tselem's report *Free Rein*

1. The District provided responses to the events described in the report at the time they [requests for a response] were received, and we continue to stand by these responses.
2. The law enforcement procedure issued by the Attorney General is well known, is studied intensively in every forum at all levels of the District hierarchy, and we comply with them. Regarding the incorporation of the procedure within the IDF, we are not the proper body to respond.
3. The investigation mechanism in the District is constantly being improved and made more efficient and professional. The objective is to uncover the perpetrators of criminal offenses.
4. Regarding the cases of shooting at Palestinians, which is ostensibly attributed to Jews, District Commander Major General Shahar Ayalon greatly enlarged the staff of police officers and investigators handling these incidents and gave the investigations top priority.
5. The order issued by SHAI District headquarters to its units is unequivocal: Upon being informed of the suspected commission of an offense, an investigation is to be opened. This does not mean that the investigation will ultimately lead to the location and prosecution of the suspects. The testimony of a Palestinian complainant who was injured as a result of an offense committed against him is indeed grounds for constructing a body of evidence for presentation in court. Without the testimony of the injured party, it is almost impossible to prove the suspect's guilt. For this reason, such testimony has great evidentiary weight and importance.

There is a problem in getting Palestinians from the area to testify in Israeli courts. This problem arises primarily because the Palestinians fear that they will be suspected of collaborating with Israeli authorities.

6. District Coordinating Offices are located throughout Judea and Samaria. The DCOs are intended to house both Palestinian and Israeli officials. Palestinians are supposed to file complaints there in their own language. Unfortunately, since October 2000, the Palestinian DCO officials have not been in the [DCO] offices and the cooperation and coordination has ceased. This has also occurred in many other areas of activity. However, police officials are still present in the offices. The Palestinians realize that they could

* Translated by B'Tselem

go directly [to them] and do not have to go to [police] stations in Israeli communities. The charge that Palestinians are supposed to go to police stations located in Israeli communities is completely false.

We have always requested that Palestinians at least go to the DCO, where they will be questioned by District investigators. In our opinion and according to our assessment, Palestinian governmental officials prevent the citizens from coming as required. In many instances, we made requests through DCO officials to get Palestinians to appear and to summon witnesses to court. Our requests were not answered.

7. Relevant statistics reflecting the activity of the District are as follows:

In 2000, the District handled 356 Palestinian complaints against Israelis for various offenses, in comparison with 324 complaints in 1999. In Samaria, fifty-three percent of the cases were solved, and in the Hebron area, the figure was in excess of seventy percent. This level of success is one of the highest in the Israel Police Force. These statistics testify to the seriousness, resolve, and extreme attention given in the course of the combined efforts expended in investigating the cases. These results were obtained despite the complex and dangerous conditions and without the cooperation of both sides.

On the other hand, since October 2000, there has been an increase of more than forty percent in the number of serious security offenses, including the throwing of stones and petrol bombs, placing of explosive devices, and serious instances of gunfire at Israelis in Judea and Samaria. There have been thousands of these kinds of attacks.

Sincerely,

s/

Rafi Yaffe, Superintendent

District Commander Spokesperson