

**POLICY BRIEFING**

# **Israeli settler violence in Palestine**

## **Abstract**

Violent attacks by Israeli settlers against Palestinians in the West Bank, including in East Jerusalem, have increased substantially in recent years, reaching a record high in 2011. This violence, coupled with an unrelenting harassment and the continual expansion of the settlements, is undermining not only the security and livelihood of the Palestinian population, but also the likelihood of achieving peace and the two-state solution. The international community — including the United States, Israel's steadfast ally — considers Israel's position in Palestine to be that of an occupying power. Israel refutes the appellation, which has important ramifications for the legality of settlements and Israel's obligations in Palestine. Rather than protect the Palestinian population in the territory it occupies, the Israeli government and its security forces instead enable settlers committing violent acts against Palestinians and their property. An environment of impunity reigns, allowing the harassment to continue. The EU has reiterated its clear position on the illegality of the settlements and its condemnation of settler violence. However, the EU needs to marry its words to decisive actions in order to pressure Israel to cease expanding settlements, to evacuate the outposts and to take legal measures against Israeli civilians who attack Palestinians.

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## Table of contents

<b>1.</b>	<b>Introduction</b>	<b>4</b>
<b>2.</b>	<b>International Law and the Israeli occupation of Palestine</b>	<b>4</b>
2.1.	The 1907 Hague Regulations and the Fourth Geneva Convention	4
2.2.	The opposing positions of Israel and the international community	5
2.3.	Israel's obligations in Palestine	8
<b>3.</b>	<b>Settlements and Settlers</b>	<b>8</b>
3.1.	Settlements and outposts	8
3.2.	The settlers	12
<b>4.</b>	<b>Settler Violence and Harassment</b>	<b>13</b>
4.1.	Settler violence - a daily occurrence	14
4.2.	Increased Violence	16
4.3.	Violence against Persons	18
4.4.	Damage and destruction of Palestinian property	20
4.5.	Establishing 'facts on the ground'	22
<b>5.</b>	<b>Policy Options</b>	<b>26</b>
<b>6.</b>	<b>Sources</b>	<b>27</b>

## 1. Introduction

Violence and harassment against Palestinians in the West Bank, including in East Jerusalem is growing. A record number of physical attacks and abusive incidents were recorded in 2011.

As the Israeli settlements in the West Bank, including in East Jerusalem, expand, violence and harassment against local Palestinians grow as well. A record number of physical attacks and abusive incidents were recorded in 2011, and few doubt that many more go unreported. In addition to threatening the security and livelihood of the Palestinian population, the abuse undermines the likelihood of achieving peace and the two-state solution.

Israel denies its responsibility in the matter. While the international community — including Israel's steadfast ally, the United States — considers Israel to be an occupying power in Palestine, Israel disputes the title. The appellation matters greatly under international law. As an occupying power, Israel does not have the right to establish settlements — or even to turn a blind eye to the settlements. The settlements exist because of the passage of civilian Israelis from Israel proper into the occupied territory — a transfer expressly forbidden under the 1949 Geneva Convention, signed by Israel. And rather than protect the Palestinian population, as further required by international law, the Israeli government and its security forces instead enable the settlers' abuse. An environment of impunity reigns.

Even before Israel's decision on 30 November 2012 to approve 3 000 new housing units in settlements in the West Bank and East Jerusalem, the EU had expressed its clear position on the illegality of the settlements and its condemnation of settler violence. Yet given the Israeli government's determined persistence, coupled with the rise in violence, the EU may soon need to act to preserve the prospect of peace.

## 2. International Law and the Israeli occupation of Palestine

### 2.1. The 1907 Hague Regulations and the Fourth Geneva Convention

Two of the most important bodies of international law applicable in Palestine are the 1907 Hague Regulations and the Fourth Geneva Convention from 1949.

The 1907 Hague Regulations contain rules of occupation, including a definition of 'occupation' and the obligations of the occupying power. These regulations have become a part of customary international law<sup>1</sup>, and Israel is therefore obliged to abide by them.

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<sup>1</sup> Customary International Law is rules deriving from "a general practice accepted as law," i.e. rules that are considered to come from a longstanding state practice that all states are bound to and obliged to follow. See further: <http://www.icrc.org/eng/war-and-law/treaties-customary-law/customary-law/overview-customary-law.htm>

The 1907 Hague Regulations define occupied territory and the responsibilities of the occupier.

Art. 42: 'Territory is considered occupied when it is actually placed under the authority of the hostile army'.

Art. 43: 'The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.'

Art. 55: 'The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.'

The Fourth Geneva Convention from 1949 includes provisions on the treatment of civilians in occupied territories. Israel ratified the Fourth Geneva Convention in 1951 and has therefore committed itself to abide by the Convention's obligations. According to Article 49 (6), occupying powers may not move their own civilians into the occupied areas. Israeli settlements in Palestine constitute this kind of displacement and contravene the Convention.

The 1949 Fourth Geneva Convention forbids transferring civilians into occupied territories.

Article 49 (6): 'The occupying power shall not deport or transfer its own civilian population into the territory it occupies'

## 2.2. The opposing positions of Israel and the international community

Israel contests the international community's position that the West Bank and Gaza are occupied and that the settlements are illegal. Below is an outline of their opposing positions on the issues of occupation, the applicability of the Fourth Geneva Convention to Palestine in general, and to the settlements, the outposts and East Jerusalem in particular. Regarding the issue of the outposts, Israel's position and its actions are also irreconcilable — an issue that will be addressed in Chapter 2.

**Table 1:**  
A comparison of Israel's position and that of the international community on key issues

Issues:	Israel's position:	The international community's Position, as established in UN resolutions, the International Court of Justice (ICJ) 2004 Advisory Opinion and information from the International Committee of the Red Cross (ICRC):

<b>Occupation</b>	At the time of the 1967 war, when Israel entered the Palestinian territories, Jordan ruled the West Bank and Egypt controlled Gaza, although neither was the rightful sovereign. These areas are therefore <b>not 'occupied'</b> by Israel, but are instead 'disputed' territories <sup>2</sup> .	Since 1967, Israel has effectively controlled the Palestinian territory. Israel assumed this control by military force and maintains its control by military force. Therefore this area, including East Jerusalem, is defined as <b>occupied under international law</b> <sup>3</sup> . The argument that the territory did not 'belong' to anyone before the 1967 war is irrelevant to the law of occupation. According to the ICRC, 'it is sufficient that the state whose army established effective control over the territory was not itself the rightful sovereign of the place when the conflict broke out.' <sup>4</sup>
<b>Fourth Geneva Convention</b>	The Fourth Geneva Convention is conventional law, not customary law. <b>Israel does not recognise the formal, <i>de jure</i> applicability</b> of the Geneva Convention to Palestine.	<b>The Fourth Geneva Convention is <i>de jure</i> applicable to Palestine, including East Jerusalem</b> <sup>5</sup> . Israel is bound by the Convention because it ratified it in 1951. An ICJ Advisory Opinion from 2004 affirms that the Fourth Geneva Convention and international human rights law are applicable in

<sup>2</sup> See further the recent opinion of the Levi Committee, and comment by Peace Now: <http://peacenow.org.il/eng/LeviCommittee>

<sup>3</sup> This has consistently been reaffirmed by international bodies, including the UN Security Council, see e.g. UN SC Resolution 242 (1967), <http://unispal.un.org/UNISPAL.NSF/0/7D35E1F729DF491C85256EE700686136> the UN General Assembly, the International Committee of the Red Cross (ICRC), see e.g. <http://www.icrc.org/eng/where-we-work/middle-east/israel-occupied-territories/overview-israel.htm> and the International Court of Justice (ICJ), see <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4>

<sup>4</sup> <http://www.haaretz.com/opinion/the-levy-report-vs-international-law-1.474129>

<sup>5</sup> See e.g. UN SC Resolution 446, <http://unispal.un.org/UNISPAL.NSF/0/BA123CDED3EA84A5852560E50077C2DC>

		Palestine, and that Israel is bound by its rules <sup>6</sup> .
<b>Settlements</b>	<b>The settlements are legal.</b> Israel accepts the applicability of the Geneva Convention in the Palestinian territories <i>de facto</i> (management of humanitarian issues) but not <i>de jure</i> . Even if the Fourth Geneva Convention were applicable to the West Bank, Article 49 does not prohibit Israeli civilians to move into the territories voluntarily.	<b>All settlements — including voluntary ones — are illegal</b> under international law. According to Article 49 (6) of the Fourth Geneva Convention, the occupying power may neither transfer its civilian population into occupied territory nor facilitate or encourage its citizens to move into occupied territory <sup>7</sup> . In a clear violation of this article, Israel has seized Palestinian land for settlements, financed settlements and rewarded Israeli citizens who move into them.
<b>Outposts</b>	A distinction exists between settlements, which are legal, and outposts, which are not authorised by the state and are therefore <b>illegal under Israeli law</b> .	Outposts and settlements are equivalent and are both therefore <b>illegal</b> under international law, and specifically Article 49(6) of the Fourth Geneva Convention.
<b>East Jerusalem</b>	Jerusalem — including East Jerusalem, which was annexed in 1980 — is <b>Israel's unified and</b>	The annexation of East Jerusalem by Israel was illegal. East Jerusalem, an inalienable part of Palestine <sup>9</sup> ,

<sup>6</sup> See also the European Parliament's Urgency Resolution on EU Policy in the West Bank and East Jerusalem, July 2012.

<sup>7</sup> See, ICJ Advisory Opinion, 2004 <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4> and UN SC Resolution 465, <http://domino.un.org/UNISPAL.NSF/db942872b9eae454852560f6005a76fb/5aa254a1c8f8b1cb852560e50075d7d5>

<sup>8</sup> See Knesset, Basic Law: Jerusalem, Capital of Israel, 1980, [http://www.knesset.gov.il/laws/special/eng/basic10\\_eng.htm](http://www.knesset.gov.il/laws/special/eng/basic10_eng.htm) for further information on Israel's position: see the Israeli Ministry for Foreign Affairs <http://www.mfa.gov.il/MFA/FAQ/Israel-%20the%20Conflict%20and%20Peace->

**eternal capital<sup>8</sup>.**

is now occupied by Israel.

## 2.3. Israel's obligations in Palestine

The occupying power, Israel is responsible for the safety and security of civilians in occupied territory.

According to international law, occupying powers are responsible for the safety and security of civilians in territories they occupy. As the occupying power, Israel is therefore obliged to prevent attacks against Palestinian civilians and their property, and to investigate violations. Yet these attacks occur regularly, and Israel generally fails to either prevent them or provide real-time protection. Israel also fails to enforce laws violated by the settlers who carry out attacks against Palestinians, and this in turn encourages further violence and creates a state of impunity for the settlers. For example, according to the Israeli human rights organisation *Yesh Din*, 90 % of all complaints filed with the police concerning settler violence since 2005 have been closed without an indictment<sup>10</sup>. In many cases, Palestinians face hurdles merely in reporting settler attacks because many police stations are located inside settlements.

## 3. Settlements and Settlers

### 3.1. Settlements and outposts

Settlements and outposts are illegal under international law.

Settlements may be defined as communities of Israeli civilians that have been developed and built on Palestinian territory. Palestinians may not settle in Israeli-built settlements, as they are exclusively for Jewish settlers. Settlements have been built in the West Bank since the arrival of the Israeli military in 1967, and have been promoted and supported by successive Israeli governments since. Different settlements are often connected to one another and to Israel with roads that Palestinians are banned from using.

Outposts are smaller settler communities, consisting often of only a few caravans or structures, and established without official authorisation from the Israeli state. Outposts are typically built on hilltops, close to older, recognised settlements, and are usually connected to this main settlement by road.

Settlements and outposts together create a connected web of areas spreading across increasingly wide swathes of Palestinian land and cutting

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[%20Answers%20to%20Frequen](#) and Diakonia

<http://www.diakonia.se/sa/node.asp?node=940>

<sup>9</sup> See e.g. UN SC Resolution 478, [http://daccess-dds-](http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/399/71/IMG/NR039971.pdf?OpenElement)

[ny.un.org/doc/RESOLUTION/GEN/NR0/399/71/IMG/NR039971.pdf?OpenElement](http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/399/71/IMG/NR039971.pdf?OpenElement) and ICJ Advisory Opinion, 2004, [http://www.icj-](http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4)

[cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4](http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4)

<sup>10</sup> *Yesh Din* <http://www.yesh-din.org/postview.asp?catid=150> see also, "Trading Away Peace: How Europe Helps Sustain Illegal Israeli Settlements" p. 15, and *Yesh Din*,

[http://www.yesh-](http://www.yesh-din.org/userfiles/file/datasheets/DS%20Trees%20Oct.%202012%20Eng.pdf)

[din.org/userfiles/file/datasheets/DS%20Trees%20Oct.%202012%20Eng.pdf](http://www.yesh-din.org/userfiles/file/datasheets/DS%20Trees%20Oct.%202012%20Eng.pdf)



Palestinian communities off from one another.



*The 'main' settlement of Itamar, near Nablus, is visible to the left, with one of the outposts connected to it on the right. The photo illustrates how settlements and outposts are spreading across large areas of land in the West Bank. Photo: Malin Pahlmblad/EAPPI*

Israel's settlement policies led to two systems of laws in the West Bank, one that applies to settlers and another to Palestinians. The Israeli NGO B'Tselem describes this as follows: 'The Israeli administration has applied most aspects of Israeli law to the settlers and the settlements, thus effectively annexing them to the State of Israel [...] This annexation has resulted in a regime of legalised separation and discrimination. This regime is based on two separate legal systems in the same territory, with the rights of individuals being determined by their nationality'<sup>11</sup>.

**Table 2:**

The settlements' physical and effective reach in the West Bank

	Area built-up within the settlements:	Area falling into the settlements' municipal jurisdiction:	Area controlled by settlements and regional councils surrounding them:	Protected area around settlements:
<b>Percentage of the West Bank (2009):</b>	0.99 %	9.28 %	33.5%	42.8 %

Source: B'Tselem<sup>12</sup>

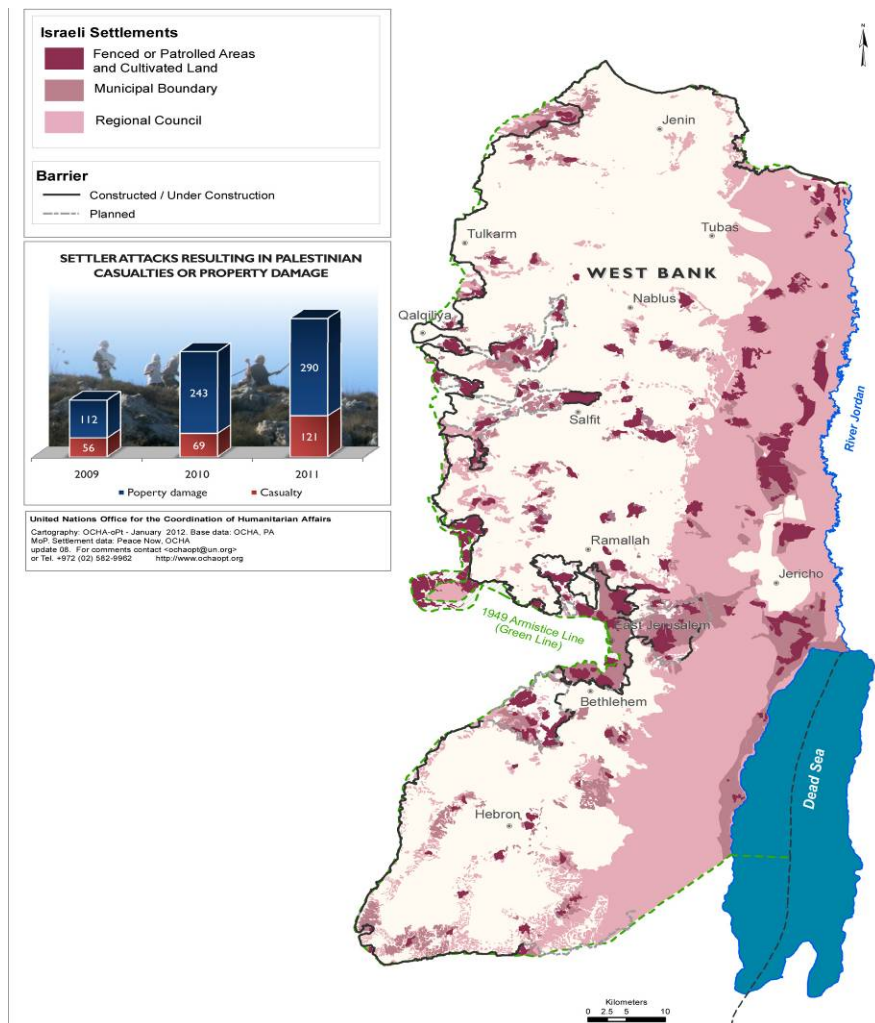
The total built-up area of the settlements comprised less than 1 % of the West Bank's territory in 2009, and the total area that fell under the municipal jurisdiction of the settlements was just under 10 %. Yet the land area that the settlements encompass is *de facto* over 40 % of the West Bank, as Palestinians are restricted from entering in substantial areas in the vicinity of the settlements. In 2006, some 40 % of the land controlled by settlements in Area C was land that had been privately owned by Palestinians and taken from them<sup>13</sup>.

<sup>11</sup> B'Tselem, <http://www.btselem.org/settlements/annexation>

<sup>12</sup> B'Tselem, 2010, 'By Hook and by Crook. Israeli Settlement Policy in the West Bank', p. 11

<sup>13</sup> EU Heads of Missions Report "Area C and Palestinian State Building, July 2011," p. 6

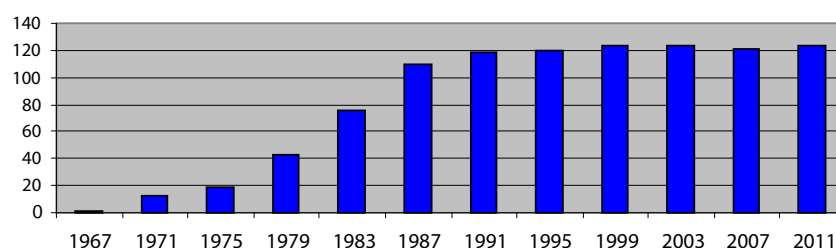
**Figure 1:**  
Settlements and land  
January 2012



Since the Oslo Interim Agreement, the West Bank has been divided into three areas: A, B and C. In Area A, the Palestinian National Authority (PNA) has full civil and security control. In Area B, the PNA has full civil control, while security is jointly controlled by Israel and the PNA. In Area C, which covers around 60 % of the West Bank, including the area where most settlements are built, Israel has full control over security, planning and construction. Life for Palestinians in Area C is extremely difficult, due not only to settler violence, but also to demolitions of their homes, difficulties in obtaining building permits, and discrimination against them in areas such as access to infrastructure and natural resources. According to the Oslo Agreement, the division of the West Bank into these areas was to be temporary and an initial step towards full Palestinian control over the West Bank.

**Figure 2:**

Number of Settlements in the West Bank (not including East Jerusalem), 1967-2011



Source: B'Tselem and UNOCHA<sup>14</sup>

The graph above suggests that not many new settlements have been established in recent years. Yet this is misleading, as construction in existing settlements has continued, *de facto* expanding these communities, in contravention of international law. Most recently, on 30 November 2012, Israel approved around 3000 new housing units to be built in settlements in the West Bank, including East Jerusalem. Illegal construction also occurs in the settlements, and Israeli authorities have taken no real measures to combat this.

At the end of 2011, in addition to the 124 settlements in the West Bank, there were 12 settlements in the annexed area of East Jerusalem, and several more enclaves of small Israeli settlements in East Jerusalem's Palestinian neighbourhoods, such as in Silwan, Sheikh Jarrah and the Muslim and Christian quarters in the Old City.

Although outposts are illegal, even under Israeli law, they are supported by the Israeli authorities.

Although outposts are unrecognised and illegal, even under Israeli law, action is rarely taken against them by the Israeli state. Outposts are, rather, often supported and assisted by government ministries, by being connected to water and electricity networks, for example. Settlers living in outposts are also entitled to the protection of the Israeli Defence Forces (IDF). On 31 October 2012, the Israeli NGO Peace Now reported that two new outposts had been built in the West Bank, and 'it is evident that the two new outposts are highly supported by the authorities. They include mobile homes, infrastructure, electricity, water and roads'<sup>15</sup>. Many of the outposts have been built on privately owned Palestinian land.

<sup>14</sup> B'Tselem, 2010, 'By Hook and by Crook. Israeli Settlement Policy in the West Bank' pp. 9-10, and UNOCHA, August 2011, 'Displacement and Insecurity in Area C', p. 13

<sup>15</sup> Peace Now, <http://peacenow.org.il/eng/NewOutposts>



*Outpost up on a hill next to Yanoun, south of Nablus, 2011. A water tower (to the left), electricity lines and a few caravans to the right for the Israeli army are also clearly visible. Photo: Malin Pahlmblad/EAPPI*

Despite its commitment to evacuate the outposts, Israel has failed to take measures against them, and in some cases, has retroactively legalised them.

In some cases the Israeli state has retroactively 'legalised' outposts by declaring them 'neighbourhoods' of already recognised settlements. According to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), '[r]ecent official efforts to retroactively legalise settler takeover of privately-owned Palestinian land actively promotes a culture of impunity that contributes to continued violence'<sup>16</sup>. The UN Special Rapporteur on the situation of human rights in the Palestinian territories, Richard Falk, commented on this issue in his latest report to the UN Human Rights Council: 'Israeli law has up to now viewed the outposts as illegal because they are on private Palestinian land, but this is changing. [The 'legalisation' of the outposts] appears to be a trend towards abandoning its formal distinction between legal and illegal settlements. In practice Israel has consistently used its soldiers to protect outpost settlers and has connected the outposts to electricity grids, which signifies a normalisation of their existence'<sup>17</sup>. This normalisation is taking place despite Israel's commitment — spelled out in the 'Road Map for peace' plan — to dismantle outposts.

### 3.2. The settlers

Today, about 500 000 settlers live in the West Bank, of whom

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<sup>16</sup> UNOCHA, 2011, "Israeli Settler Violence in the West Bank"

<sup>17</sup> Report of the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967, Richard Falk, 25 May 2012, p. 13, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/136/56/PDF/G1213656.pdf?OpenElement>

approximately 200 000 live in and around East Jerusalem and 300 000 are scattered throughout the rest of the West Bank.

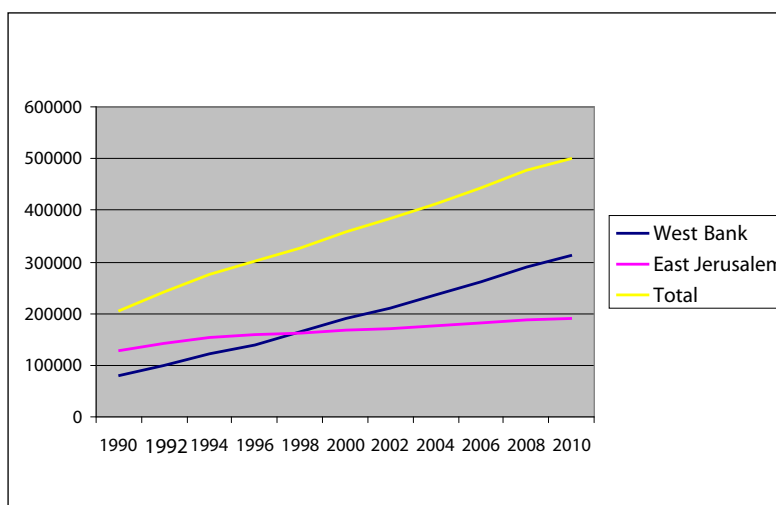
Generally speaking there are two groups of settlers; ideological and economic.

Settlers in the West Bank can roughly be divided into two groups: ideological (or national-religious) settlers and economic settlers. The first group has settled in the West Bank because of their religious conviction that the land is theirs, given to them by God. These settlers usually live in the central and northern West Bank, in particular around Nablus, in Hebron's Old City and south of Hebron, in the South Hebron Hills. Economic settlers, on the other hand, typically live closer to the Green Line and have moved into occupied territory not out of convictions, but because housing is cheaper and there exist financial incentives from the state, such as lower taxes, preferential loans and education benefits.

Construction in and around existing settlements led to a 56 % growth of the settler population in the West Bank between 2000 and 2009. The Israeli population grew only 19 % in the same period.

As a result of the preferential treatment that Israel has given its civilians moving into the settlements and the presence of ultra-orthodox religious settlers in a number of them, the settler population has grown significantly and at a much faster rate than the general Israeli population: between 1999 and 2009, the population in Israel proper grew by 19 %, whilst the **settler population in the West Bank grew 56 % between 2000 and 2009**<sup>18</sup>.

**Figure 3:**  
Settler Population Growth  
1990-2010



Source: B'Tselem<sup>19</sup>

#### 4. Settler Violence and Harassment

Settler violence and harassment are not new phenomena in Palestine. Yet this violence has increased at an alarming and unprecedented rate in

<sup>18</sup> UNOCHA, 2011,

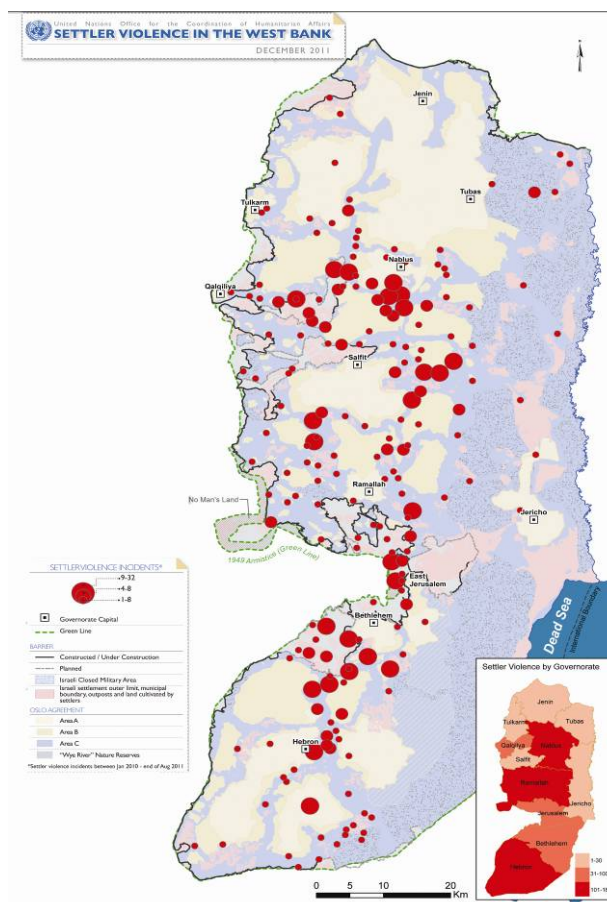
[http://www.ochaopt.org/documents/ocha\\_opt\\_area\\_c\\_report\\_august\\_2011\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_area_c_report_august_2011_english.pdf)

<sup>19</sup> See <http://www.btselem.org/settlements/statistics> and B'Tselem, 2010, "By Hook and by Crook", pp. 9-10



recent years.

**Figure 4:**  
Settler violence incidents in  
2011



Source: UNOCHA

#### 4.1. Settler violence - a daily occurrence

The root cause of settler violence lies in Israel's decades-long policy of facilitating the settlement of its own population in the West Bank, including East Jerusalem.

Settler violence against Palestinians takes many forms, including physical violence, destruction or vandalism of property (such as burning or uprooting trees and arson attacks on mosques), killing and stealing animals, and bathing in water wells used by Palestinians for drinking. According to UNOCHA, '[t]he root cause of the settler violence phenomenon is Israel's decades-long policy of illegally facilitating the settling of its citizens inside occupied Palestinian territory<sup>20</sup>. Violence against Palestinians is carried out by settlers in the West Bank every day, creating the risk of displacement for Palestinians and threatening their physical security and livelihood. According to *Yesh Din*, this violence is part

<sup>20</sup> UNOCHA, 2011, "Settler Violence in the West Bank"

[http://www.ochaopt.org/documents/ocha\\_opt\\_settler\\_violence\\_FactSheet\\_October\\_2011\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_settler_violence_FactSheet_October_2011_english.pdf)

of a larger strategy '[...] designed to assert territorial domination over Palestinians [...]'<sup>21</sup>. This strategy has proved successful. UNOCHA has recorded 140 people who were displaced in 2011 due to settler violence<sup>22</sup>.

### Case 1:

Yanoun:

Settler violence and land grabbing

Yanoun is a small Palestinian village south of Nablus with 65 residents. It is surrounded on three sides by outposts of the settlement of Itamar, an ideological settlement with a long track record of violent attacks against Palestinian civilians. Violence perpetrated against the Palestinian residents Yanoun includes beatings (including the beating of an 80-year old man who lost an eye in the attack), use of live ammunition (resulting in the death of a 24-year old man), killing sheep, contaminating the village's spring water by bathing in it, burning down the electricity generator, cutting off roads to the village, burning wheat fields and olive trees, stealing land and regularly walking through the village with weapons and dogs.



*Upper Yanoun. In the background one can see the farm houses of an outpost and electricity lines serving the outpost. Photo: Malin Pahlmblad/EAPPI*

In 2002, nearly the entire village of Yanoun fled as the result of settler violence.

In 2002, the violence and harassment by the settlers became so severe that the entire village — with the exception of two older brothers — fled. After Israeli and international human rights organisations intervened, the villagers were able to return. Since then, the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI) has provided an around-the-clock protective presence in the village. However, the violence continues. In May 2012, settlers from Itamar bearing machine guns and knives attacked Palestinian farmers in their fields, killing three sheep and injuring five people who required hospitalisation. EAPPI reports: 'EAs [Ecumenical Accompaniers] were told that the worst-injured, Jawdat Bani Jaber was

<sup>21</sup> Yesh Din, "Criminal Accountability of Israeli Civilians", <http://www.yesh-din.org/cat.asp?catid=3>

<sup>22</sup> UNOCHA, December 2011, "The Monthly Humanitarian Monitor", [http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2012\\_01\\_19\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2012_01_19_english.pdf)

In May 2012, five Palestinians in Yanoun were hospitalised after being attacked by settlers.

beaten and stabbed multiple times by settlers, then shot in the face and the foot by Israeli soldiers. He was then denied medical care for three hours. Another Yanoun villager, Jawdat Ibrahim was also reportedly beaten by both soldiers and settlers. In a badly wounded state, he was tied up and abandoned in his fields away from the village. He was not found by his family until the next morning, when he was rushed to hospital in Nablus<sup>23</sup>.

In Yanoun, settler violence is systematic and aimed at taking over Palestinian land in order to extend the area covered by the settlements. Violence and harassment in Yanoun create an environment of constant fear and insecurity for Palestinian residents, not least for the village's many children, some of whom have been attacked by settler dogs and harassed on their way to school. Some families have left the village as a result, making those who stay behind even more vulnerable.

## 4.2. Increased Violence

A 'new generation' of settlers, the so called 'hilltop youth', has developed in recent years. They do not respect the Israeli state or the settler leadership, and are often responsible for attacks on Palestinians.

In 2011, settler violence was at a high.

The earliest Israeli settlers in Palestine — many of them ideological — generally respected the state's primacy and political authority, and avoided violence, even when opposing government policies that they perceived as harmful to the settlement movement. This has, however, changed. A 'new generation' of extremist settlers — called the 'hilltop youth' — has become visible in recent years. These settlers do not respect the state or the traditional settler leadership and are responsible for numerous violent attacks against Palestinians in the West Bank. This movement was established in part as a result of the Israeli government's 'disengagement' from the Gaza Strip in 2005, when the government of Prime Minister Ariel Sharon evacuated settlements from the strip. Since then, settler violence has risen sharply, and attacks have become ever more severe and systematic. In 2011, settler violence was at an extreme high. UNOCHA reports that there were 411 cases of settlers injuring Palestinians or destroying or damaging Palestinian property that year. This represents an increase of 32 % from the year before, and an increase of more than 144 % compared to 2009<sup>24</sup>.

On 5 September 2012, the EU Missions in Jerusalem and Ramallah expressed their concern 'about the increasing number and the severity of recent incidents against Palestinian civilians by extremist settlers in the

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<sup>23</sup> EAPPI, 2012, [http://eappi.org/en/news/eappi-news/se.html?tx\\_ttnews%5Btt\\_news%5D=16283&tx\\_ttnews%5BbackPid%5D=4834](http://eappi.org/en/news/eappi-news/se.html?tx_ttnews%5Btt_news%5D=16283&tx_ttnews%5BbackPid%5D=4834)

<sup>24</sup> UNOCHA, December 2011, "Israeli Settler Violence in the West Bank", [http://www.ochaopt.org/documents/ocha\\_opt\\_settler\\_violence\\_FactSheet\\_October\\_2011\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_settler_violence_FactSheet_October_2011_english.pdf)

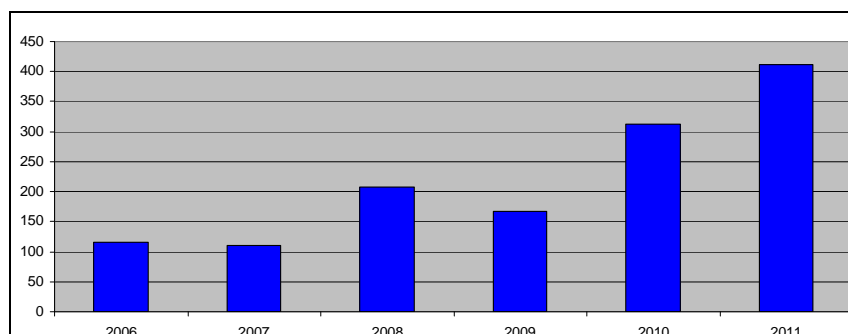
<sup>25</sup> EEAS, 2012, [http://eeas.europa.eu/delegations/westbank/documents/news/20120905\\_localstatement\\_onsettlerviolence\\_en.pdf](http://eeas.europa.eu/delegations/westbank/documents/news/20120905_localstatement_onsettlerviolence_en.pdf)



West Bank, including East Jerusalem<sup>25</sup>.

**Figure 5:**

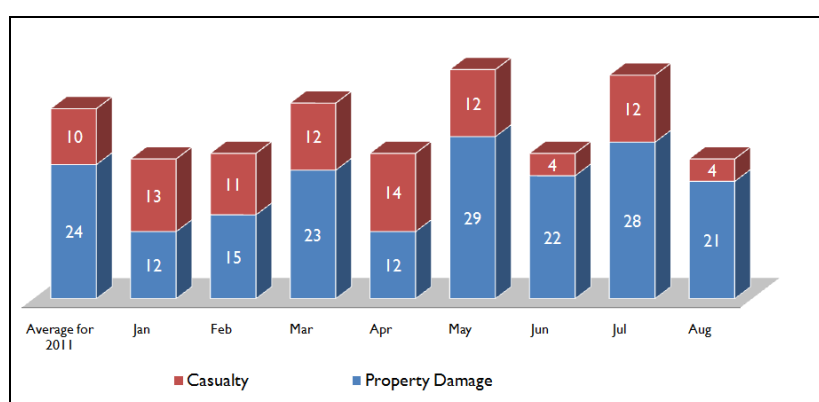
Settler attacks resulting in Palestinian casualties or property damage, 2006-2011



Source: UNOCHA<sup>26</sup>

**Figure 6:**

Settler incidents resulting in casualties and property damage, 2012



Source: UNOCHA<sup>27</sup>

Since 2008, what are called 'price tag' attacks have been carried out by settlers in the West Bank, targeting Palestinians and their property, as well as Israeli security forces, in revenge for actions taken against outposts by the Israeli authorities. These acts are often carried out by the 'hilltop youth'.

## Case 2: Migron

The Migron outpost was built on private Palestinian land north of Jerusalem in 2001. In 2011, after years of legal battles, the Israeli Supreme Court ordered the outpost to be evacuated. After several delays, this order was executed on 2 September 2012. The 50 families from the outpost were temporarily moved to the Ofra settlement while waiting for new homes being built for them by the Israeli government in the nearby replacement site of Givat Hayekev, also on occupied territory. Despite expectations of confrontation and violence, most Migron settlers left calmly. Only a few young settlers had to be removed by force. Migron was

<sup>26</sup> UNOCHA, 2011,

[http://www.ochaopt.org/documents/ochaopt\\_atlas\\_settler\\_violence\\_december2011.pdf](http://www.ochaopt.org/documents/ochaopt_atlas_settler_violence_december2011.pdf)

<sup>27</sup> UNOCHA,

[http://www.ochaopt.org/document/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2012\\_09\\_04\\_english.pdf](http://www.ochaopt.org/document/ocha_opt_the_humanitarian_monitor_2012_09_04_english.pdf)

the largest and one of the oldest outposts in the West Bank and was considered the flagship of the outpost movement. Peace Now commented that the Migron case 'proves [...] that predictions that a government will fall or a civil war will break out over settlement evacuations are over-wrought, and that threats of bringing down a government over such a decision are hollow (just as were the threats that adopting a settlement moratorium would bring down the government). In doing so, Migron also proves that other settlements can be removed'<sup>28</sup>.

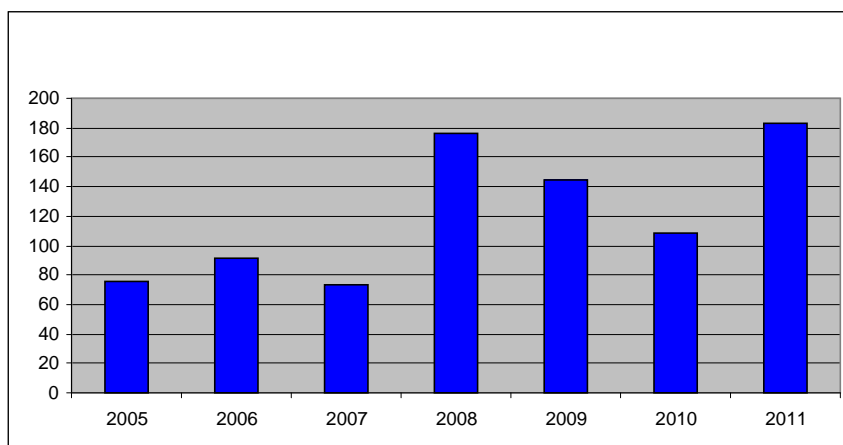
Although the resettlement of Migron progressed more smoothly than many anticipated, the demolition of some structures in the outpost by the Israeli police was followed by 'price tag' attacks. On 4 September 2012, a monastery in Jerusalem was vandalised and the door to the monastery was set on fire. Eight days later, in a village south of Hebron, a mosque was vandalised with graffiti reading 'Price Tag Migron'.

### 4.3. Violence against Persons

Physical attacks by settlers against Palestinians are common in the West Bank and create constant psychological stress and a risk of displacement.

Cases where settlers physically attack Palestinian civilians are very common in the West Bank. This violence creates a risk of forced displacement and constant psychological pressure and stress, not least for children. South of Hebron, in Susiya, a community extremely prone to settler violence, a mother reported to UNOCHA, 'There is no longer a sense of peace and security as there is always the threat of settler attacks. It is particularly difficult to see how my children have lost their sense of security; they now have nightmares about settlers and soldiers attacking them. There are no recreational facilities for them and they are afraid to play too far away from the family home for fear of being attacked'<sup>29</sup>.

**Figure 7:**  
Palestinians injured due to settler violence in the West Bank 2005-2011



Source: UNOCHA Protection of Civilians Database<sup>30</sup>

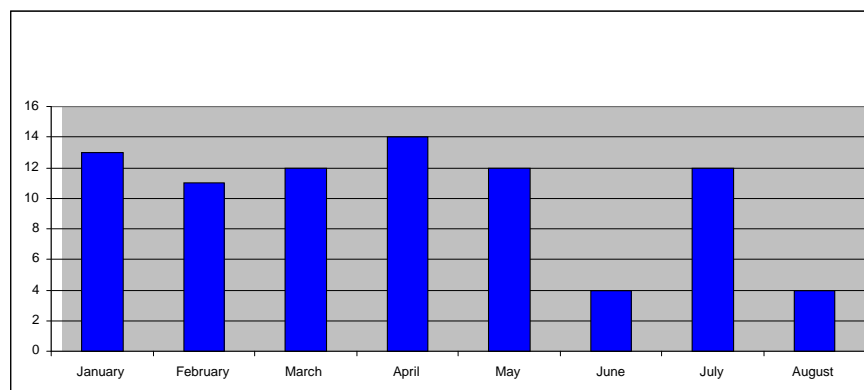
<sup>28</sup> Peace Now, 2012, <http://peacenow.org.il/eng/content/top-10-reasons-why-migron-evacuation-victory-peace>

<sup>29</sup> UNOCHA, August 2011, "Displacement and Insecurity in Area C of the West Bank," p. 16

Settler violence has increased in the last few years.

**Figure 8:**

Palestinians injured due to settler violence in the West Bank, January-August 2012



Source: UNOCHA<sup>31</sup>

Palestinians in Hebron face systematic harassment and violence by settlers.

With its few hundred radical settlers living in the heart of the city, Hebron has one of the highest rates of settler violence in the West Bank. Palestinian residents of Hebron have faced systematic harassment and violence by settlers for years. This has led to the displacement of thousands of Palestinians from the city centre.

### Case 3:

The Cordoba School and settler harassment and violence against children in Hebron

Due to restrictions by the Israeli army, many of the approximately 100 children attending the Cordoba school in Hebron city have to pass the Beit Hadassah settlement on their way to and from school. As they pass the settlement, the children are subject to abuse, harassment and violence, including stones regularly thrown by the settlers, including by settler children. Settlers have also sprayed graffiti on the school with slogans such as 'Gas the Arabs!', and the school has been subjected to several arson attacks. Israeli soldiers rarely intervene. On 16 April 2012, two Palestinian girls were beaten by settler boys and verbally threatened by settler women on their way home from school. During this incident, an Israeli soldier was present but did not intervene. On the same day, settler boys hit a Palestinian boy from the school. On two consecutive days in June 2012, settlers blocked the door to the school and sprayed racist graffiti on the walls inside the building.

<sup>30</sup> UNOCHA, <http://www.ochaopt.org/poc.aspx?id=1010002>

<sup>31</sup> UNOCHA, 2012,

[http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2012\\_09\\_24\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2012_09_24_english.pdf)

#### 4.4. Damage and destruction of Palestinian property

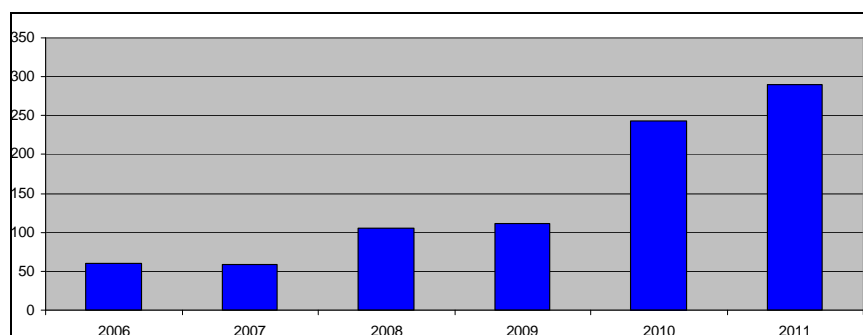
Settlers frequently damage or destroy Palestinian property, and in many of these cases the Israeli security forces do not intervene.

Between January and October 2012, 7 500 trees belonging to Palestinians were destroyed or damaged by settlers.

The damage and destruction of Palestinian property by settlers is a widespread phenomenon in the West Bank. Mosques are torched; **olive trees** — an important source of income for many Palestinians — are uprooted and burned; fields and crops are set on fire; graffiti is sprayed on mosques and houses; cars are burned and windows in houses smashed. In 2011, there were 290 recorded incidents — and presumably more that went unrecorded — of damaged property for which settlers were responsible<sup>32</sup>. Often these acts of violence are 'price tag' attacks. In many cases, the Israeli security forces do not intervene even when present at the scene. In some cases, they have even participated in the violence.

In the period between January and mid-October 2012, 7 500 olive trees belonging to Palestinians were destroyed or damaged by settlers. During the same period in 2011, the number was approximately 9 500<sup>33</sup>. In some cases in which Palestinians' olive trees are located close to settlements or in the seam zone<sup>34</sup>, Israeli authorities have restricted Palestinians' access to their land, only allowing them to go there a few days per year. In these areas, Palestinians are extremely vulnerable to settler violence. During harvest periods, the Israeli army must generally be present for Palestinians to gain access to their land.

**Figure 9:**  
Settler attacks resulting in Palestinian land or property damage, 2006-2011



Source: UNOCHA<sup>35</sup>

<sup>32</sup> UNOCHA,

[http://www.ochaopt.org/documents/ocha\\_opt\\_settler\\_violence\\_map\\_april\\_2012\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_settler_violence_map_april_2012_english.pdf)

<sup>33</sup> <http://reliefweb.int/report/occupied-palestinian-territory/olive-harvest-factsheet-october-2012>

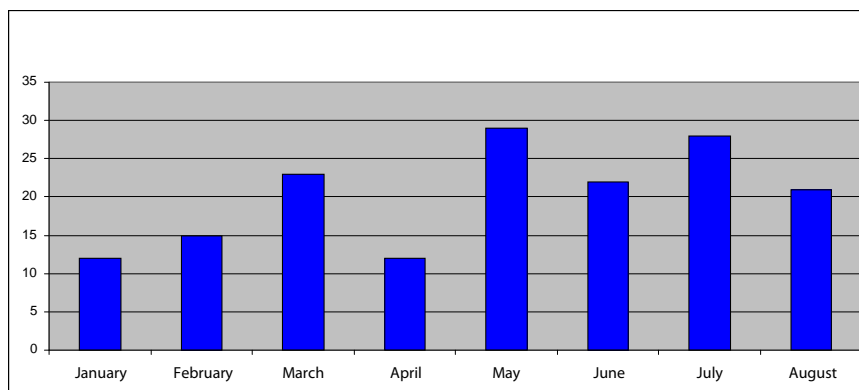
<sup>34</sup> The seam zones are the areas of land in the West Bank, i.e. east of the Green Line, but that have been cut off from the occupied territory because of the Wall. In this way, the Wall has cut off farmers from their land, and has isolated the people living in the seam zones from the rest of the West Bank. The movement of Palestinians who live in the seam zones is strictly restricted by Israeli authorities, as is the access to the land by farmers who live on the east side of the Wall, but whose farm land is in the seam zones

<sup>35</sup> UNOCHA, 2011,

[http://www.ochaopt.org/documents/ochaopt\\_atlas\\_settler\\_violence\\_december2011.pdf](http://www.ochaopt.org/documents/ochaopt_atlas_settler_violence_december2011.pdf)

**Figure 10:**

Damage to Palestinian Property in the West Bank, January-August, 2012

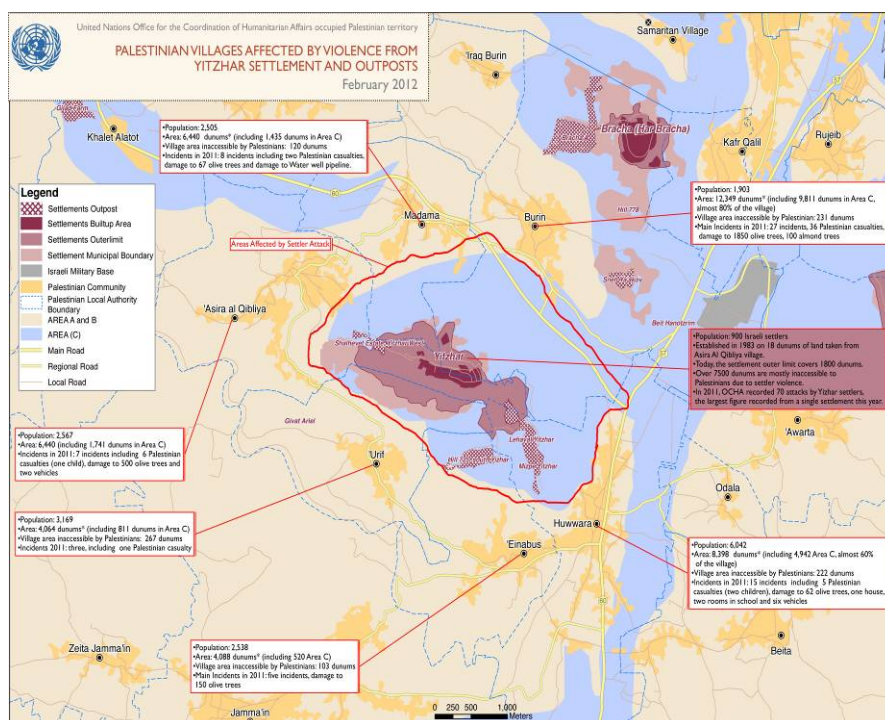


Source: UNOCHA Protection of Civilians Database<sup>36</sup>

During the olive harvest in 2011, some of the most affected Palestinian villages were in the area around Nablus, where harvesters were attacked by settlers from the settlements of Yitzhar, Eli and Itamar. In 2012, this area was again badly affected by settler violence during the olive harvest. On 8 October 2012, in the village of Qaryut, south of Nablus and two kilometres from the settlement of Eli, Palestinian residents found 80 olive trees severely damaged on their land. The same day, residents from Farata and Amatin, villages located close to the Havat Gilad outpost, found that their 220 trees had already been harvested and damaged.

**Figure 11:**

Yitzhar and affected villages



Source: UNOCHA

#### Case 4:

Asira al-Qibliya and Urif

On 19 May 2012, a Palestinian man was shot by settlers from Yitzhar in the village of Asira al-Qibliya. In a video documenting the attack, settlers started fires and threw stones at Asira residents. When Palestinian youth

<sup>36</sup> UNOCHA, <http://www.ochaopt.org/poc.aspx?id=1010002>

(Nablus Governorate)

threw stones back, settlers shot back with live ammunition. Israeli soldiers stood by. A few days later, on 26 May 2012, a group of 20 settlers and 5 armed members of the settlement security guard from Yitzhar entered Urif, another village in the area, setting a fire among the olive trees. Young Palestinians from the village came to the field, tried to extinguish the fire and threw stones at the settlers. The settlers responded with live ammunition, injuring a Palestinian man. Again, Israeli soldiers were present at the scene, but did nothing to prevent the settlers' attack.

*The incident in Asira was filmed by B'Tselem activists and can be viewed here:*

[http://www.btselem.org/video/20120520\\_asira\\_al\\_qibilia\\_settlers](http://www.btselem.org/video/20120520_asira_al_qibilia_settlers)

On 18 November 2012, settlers — reportedly from Yitzhar — again attacked Urif, torching the mosque in the village.

#### 4.5. Establishing 'facts on the ground'

Following a fact-finding mission to the West Bank in April 2011, a European Parliament delegation concluded that '[t]ime is running out. Israel is establishing settlements in East Jerusalem and the West bank that render the creation of a viable Palestinian State based on the 1967 Green Line more and more difficult<sup>37</sup>'. According to international law, any occupation should only be temporary and occupying powers may not make permanent changes in the occupied territory<sup>38</sup>. In the case of Palestine, many settlements have been permanently integrated into Israel by the network of roads and by the separation wall, which encircles several settlements, and places 85 % of the settler population on the 'Israeli side' of the wall<sup>39</sup>.

The Ariel and Qedumim 'fingers' of territory surrounded the separation wall in the north of the West Bank reach far into Palestine. They connect settlements to one another and to Israel, while fragmenting and disconnecting Palestinian communities and hindering Palestinian access to land, water and other resources.

Israel's 'E1 Plan' envisages further expanding settlements between the Maale Adummim settlement and East Jerusalem, creating a zone of settlements and effectively dividing the northern and southern part of the West Bank. Palestinian, mainly Bedouin communities in this area are already vulnerable and frequently subjected to settler abuse, among other

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<sup>37</sup> European Parliament, 2011, [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/dmed/dv/5b\\_dplcpresreleasepalestin/5b\\_dplcpresreleasepalestine2.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dmed/dv/5b_dplcpresreleasepalestin/5b_dplcpresreleasepalestine2.pdf)

<sup>38</sup> Unless they are of military necessity or for the benefit of the local occupied population, i.e. in this case, the Palestinians.

<sup>39</sup> See "Trading Away Peace: How Europe Helps Sustain Illegal Israeli Settlements," p. 13

travails, and the implementation of the E1 plan would place these communities at risk of displacement<sup>40</sup>.

The European Union is 'deeply dismayed by and strongly opposes Israeli plans to expand settlements in the West Bank, including in East Jerusalem, and in particular plans to develop the E1 area'<sup>41</sup>.

According to the international community, East Jerusalem is a part of Palestinian territory that was occupied and later annexed by Israel. Since 1967, according to *B'Tselem*, 'the government of Israel's primary goal in Jerusalem has been to create a demographic and geographic situation that will thwart any future attempt to challenge Israeli sovereignty over the city. To achieve this goal, the government has been taking actions to increase the number of Jews, and reduce the number of Palestinians, living in the city'<sup>42</sup>.

There are three 'layers' of settlements in the East Jerusalem area. Two of these — the large settlements on the outskirts of the city and 12 settlements within the city's municipal boundaries — form an outer 'metropolitan' layer with a population of approximately 200 000 settlers. A third layer comprises around 2 000 settlers living in small enclaves in the middle of Palestinian neighbourhoods around the 'Holy Basin' in and around the old city<sup>43</sup>.

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40 See EU Parliament Quick Policy Insight, 23 October 2012, 'Removing Bedouins from Jerusalem's Outskirts, Jeopardising the Two-State Solution'. For further information, also see; [http://www.amnesty.org.uk/news\\_details.asp?NewsID=19938](http://www.amnesty.org.uk/news_details.asp?NewsID=19938) and UNOCHA, [http://www.ochaopt.org/documents/ocha\\_opt\\_wb\\_barrier\\_july\\_2009\\_excerpts\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_wb_barrier_july_2009_excerpts_english.pdf)

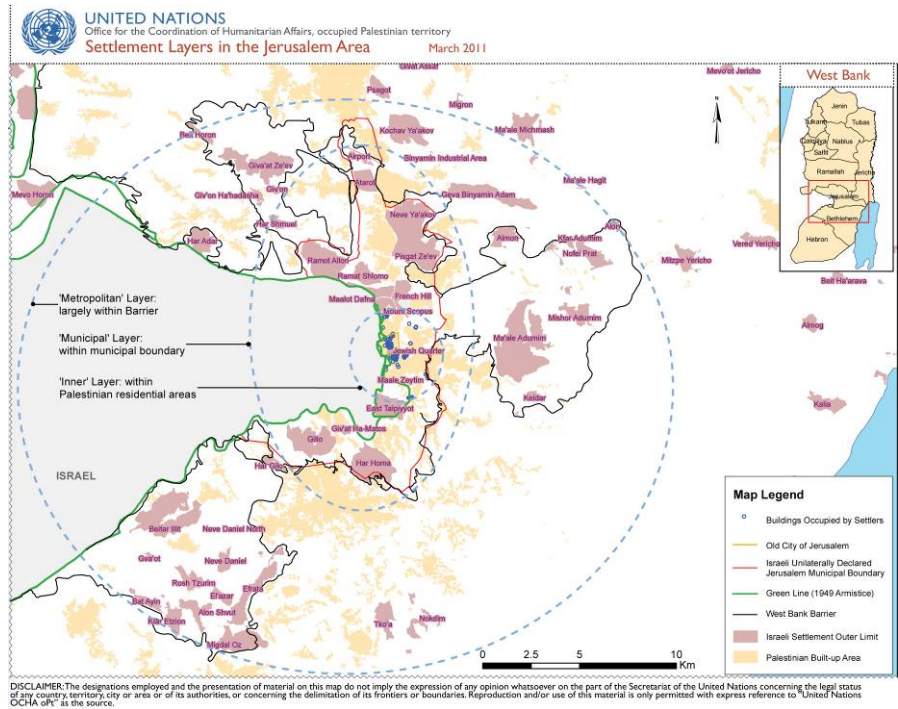
41 EU Foreign Affairs Council Conclusions of 10 December 2012

42 *B'Tselem*, <http://www.btselem.org/jerusalem>

43 The Muslim and Christian quarters of the Old City, Silwan, Sheikh Jarrah, At-Tur (Mount of Olives), Wadi Joz, Ras al-'Amud, and Jabal Al Mukabbir

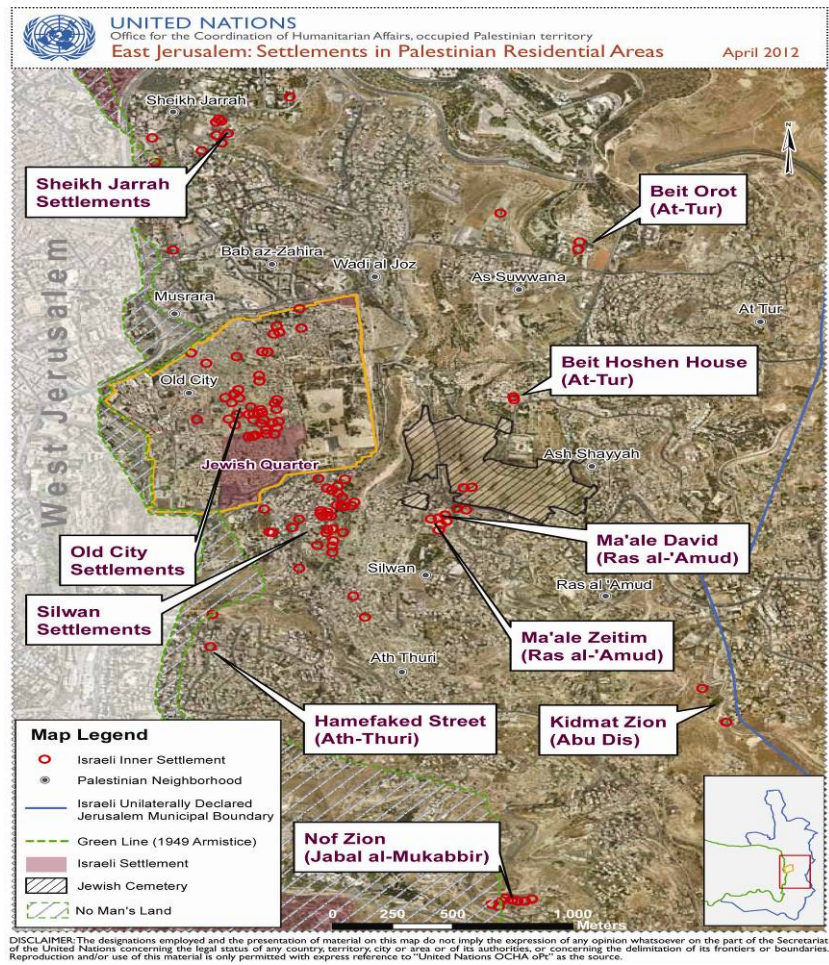


**Figure 12:**  
Settlements in East  
Jerusalem



Source: UNOCHA East Jerusalem Fact Sheet

**Figure 13:**  
Settlements in Palestinian  
residential areas of East  
Jerusalem



Source: UNOCHA East Jerusalem Fact Sheet

The Holy Basin settlers live in houses that have been taken from Palestinians. The transfer of ownership has been affected in various ways:



based on the Absentee Property Law, a claim of prior Jewish ownership, a purchase — often by dubious means — from Palestinian owners, or simply by forcible appropriation of the property. The settlers and settler organisations establishing these enclaves are supported by the Israeli government. The UN Special Rapporteur Richard Falk has described 'ongoing Israeli efforts to create what are euphemistically called 'facts on the ground' for the annexation of East Jerusalem<sup>44</sup>'. The settler groups facilitating these appropriations are 'ultra-nationalistic', aiming to create irreversible 'facts on the ground' — a critical mass of Jews permanently installed in the Palestinian part of Jerusalem — to make a division of Jerusalem based on the pre-1967 border impossible.

The transfer of settlers into Palestinian neighbourhoods creates tense and violent situations. In some cases, settlers have private security guards, financed by the Israeli state, as in the neighbourhood of Silwan.

### Case 5:

#### Sheikh Jarrah and the Al-Kurd Family

In Sheikh Jarrah, in East Jerusalem, settlers have tried to take over Palestinian homes since the 1970s, claiming prior Jewish ownership. Some Palestinian families have been forcefully evicted from their homes — among them, the family of Mohammad and Fawzieh Al-Kurd.

Mohammad's parents came to Sheikh Jarrah in 1956 as refugees from Jaffa, in Israel. With the help of the UN relief and Works Agency (UNRWA) and the Jordanian government, they formed one of 28 Palestinian refugee families who were allowed to lease a home in Sheikh Jarrah. After Israel's invasion of the area in 1967, settlers began to claim ownership of the properties, and in 1999 settlers moved in to one part of the Al-Kurd house. While sharing their home with settlers, a long and complicated legal battle continued and in 2007 the Israeli Supreme Court ruled that the Al-Kurd family should be evicted. The decision was enforced in November 2008 by Israeli police, who came to evict Mohammad, Fawzieh and their five children one night. The police handcuffed Fawzieh. The wheelchair-bound Mohammad was thrown out on the street and suffered a heart attack. One week later, he passed away. The soldiers, with the help of settlers, loaded the family's belongings on a truck and drove away.

At least four of the other families in the neighbourhood have been evicted, and more have received eviction orders from the Israeli Supreme Court. Rifqa Al-Kurd's home in Sheikh Jarrah was taken over by settlers in 2009. She told UNOCHA: 'The settlers are not living in my house permanently. They come in groups, dance, pray and swear against us. Then they leave again, and others come after a while [...] I can't go close to the house because there are cameras all around and the police would come if I tried to. We often are physically attacked: they sent my daughter,

<sup>44</sup> UN Special Rapporteur, Richard Falk, Report, January 2012

who is aged 50, to the hospital four times. They know she has heart problems and they always hit her close to her heart<sup>45</sup>.

UNRWA opposes the evictions and made the following statement in December 2009: 'The United Nations rejects Israel's claims that these cases are a matter for municipal authorities and domestic courts. Such acts are in violation of Israel's obligations under international law[...] UNRWA calls upon the Israeli authorities to reinstate all Palestine refugee families that have been displaced or forcibly evicted from their homes in Sheikh Jarrah<sup>46</sup>.

## 5. Policy Options

The EU considers the settlements illegal and an obstacle to peace. The Union has repeatedly condemned settler violence but declarations need to be followed by concrete policy actions.

The continual expansion of settlements, the settlers' daily violence and harassment of Palestinians, and Israel's leniency towards the perpetrators not only threaten Palestinians' livelihood and physical security, but also undermine any possibility of achieving a just peace.

The EU's position is clear: the settlements are illegal; they constitute an obstacle to peace, and may render a two-state solution unattainable. The Union has repeatedly condemned settler violence<sup>47</sup>. These declarations need to be followed by concrete policy actions.

The following policy options could be considered:

1. Condemn all forms of harassment and violence perpetrated by Israeli civilians against Palestinians.
2. Apply strong pressure on Israel to take decisive action against settler violence and intimidation; call for legal measures to be taken against the perpetrators in order to alter the environment of impunity.
3. Demand that Israel to honour its commitments to evacuate outposts (as set out in the Road Map), to halt the construction and expansion of settlements immediately (including in Palestinian neighbourhoods in East Jerusalem), and to create a clear plan for evacuating the settlements.
4. Ensure that the Union and its Member States do not directly or indirectly support the settlements, as such support constitutes a

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<sup>45</sup> UNOCHA, 2011,

[http://www.ochaopt.org/documents/ocha\\_opt\\_jerusalem\\_report\\_2011\\_03\\_23\\_web\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf)

<sup>46</sup> UNRWA, 2009, <http://www.unrwa.org/etemplate.php?id=312>

<sup>47</sup> See e.g., European Parliament;

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0298+0+DOC+XML+V0//EN> Catherine Ashton, [http://europa.eu/rapid/press-release\\_SPEECH-12-436\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-12-436_en.htm) EU missions in Jerusalem and Ramallah [http://eeas.europa.eu/delegations/westbank/documents/news/20120905\\_localstatement\\_onsettlerviolence\\_en.pdf](http://eeas.europa.eu/delegations/westbank/documents/news/20120905_localstatement_onsettlerviolence_en.pdf)

contradiction of the EU's position that the settlements are illegal. Measures could include:

- Encourage EU Member States to ban the import of products from settlements (as Ireland has demanded). A minimum measure would entail ensuring that settlements goods are properly labelled (as has been done by the UK and Denmark) so that consumers may make informed decisions when purchasing products in the EU;
- Establish a list of companies that wrongly label settlement products as originating from Israel;
- Include a clause in all EU agreements concerning Israel that specifies that the agreement does not apply to the settlements;
- Explore the possibility of denying violent settlers access to the European Union.;
- Support civil society organisations working on mapping and opposing settler violence, including Israeli human rights organisations whose staff members and activists face the threat of violent attacks and repressive measures by Israeli authorities;
- Oppose the destruction and damage of projects funded by the EU that results from Israel's settlement policies and demand compensation from the occupying power;
- Ban private investment in settlements, including settler enclaves in East Jerusalem.

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