

Written Submission to

**Special Rapporteur on contemporary forms of racism, racial discrimination,
xenophobia and related intolerance, Mr. Mutuma Ruteere**

24 May 2012



Submitted by
**BADIL Resource Center
for Palestinian Residency and Refugee Rights**

Contacts:

Badil Resource Center
PO Box 728, Bethlehem, Palestine
Tel/fax 972-2-274-7346
E-mail: info@badil.org
Website: www.badil.org

Amjad Alqasis
BADIL Legal Advocacy programme coordinator
Email: Amjad@badil.org

Rania Madi
BADIL Representative, Geneva
Email: rania@badil.org

Ongoing impunity for Israeli Jewish settler violence based on racial discrimination

1. In light of your forthcoming reports to the General Assembly and the Human Rights Council, we wish to provide you with information concerning acts committed by Israeli Jewish settlers against the Palestinian people, which contribute to fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance.
2. The Palestinian civilians in the Occupied Palestinian Territory are subject to acts of Israeli Jewish community violence without accountability or redress resulting in the infliction of great mental and physical suffering. The systematic Israeli Jewish settler harassment and aggressive actions against the Palestinians and their property coupled with the absence of an effective response to enforce the rule of law by the relevant Israeli authorities has resulted in the murder of three Palestinians and the injury of 183 Palestinians directly by Israeli Jewish settlers in 2011. Additionally, Israeli soldiers injured 125 Palestinians during attacks committed by settlers against the Palestinian population.ⁱ In addition, Israeli settlers destroyed 10,000 Palestinian-owned trees, primarily olive trees, significantly undermining the livelihoods of hundreds of families'.ⁱⁱ
3. In light of these circumstances, the Committee on the Elimination of Racial Discrimination (CERD) noted in its 2012 Concluding Observations and Recommendations that it is *'concerned about the increase in racist violence and acts of vandalism on the part of Jewish settlers in the Occupied Palestinian Territory targeting non-Jews, including Muslims and Christians and their holy places... The Committee is particularly alarmed by reports of impunity of terrorist groups such as Price Tag, which reportedly enjoy political and legal support from certain sections of the Israeli political establishment'*.ⁱⁱⁱ
4. Moreover, CERD stated that it is *'particularly appalled at the hermetic character of the separation of two groups [Jewish settlers and non-Jewish Palestinians], who live on the same territory but do not enjoy either equal use of roads and infrastructure or equal access to basic services and water resources. [Therefore] the Committee draws the State party's attention to its General Recommendation 19 (1995) concerning the prevention, prohibition and eradication of all policies and practices of racial segregation and apartheid, and urges the State party to take immediate measures to prohibit and eradicate any such policies or practices which severely and disproportionately affect the Palestinian population in the Occupied Palestinian Territory and which violate the provisions of article 3 of the Convention.'*^{iv}
5. Racially-motivated crimes perpetrated by Israeli Jewish settlers against Palestinian civilians is manifested in violent acts against the person, harassment of communities, and the destruction or defacing of personal property. Such attacks have increased significantly in frequency, with a 40% rise in the weekly average number of settler attacks resulting in Palestinian casualties and property damage witnessed between 2010 and 2011. These figures indicate a 165% increase in settler attacks since 2009.^v In the 9 months since January 2011, 600 settler attacks have been reported including 119 incidents resulting in

casualties and a further 258 attacks resulting in damage to property. In its report “When Settlers Attack,” the Palestine Center breaks settler attacks down into 6 separate categories; namely arson, stone throwing, destruction of property, vehicular attack, shootings and physical attacks^{vi}. It is noted that these attacks are not limited to the occupied Palestinian territory (oPt) but are also committed against Palestinians within the territory of Israel. Below is a representative - although by no means comprehensive - selection of such acts from the past 12 months:

- 19 May 2012. A large group of settlers, some of whom clearly armed, descended on the eastern outskirts of the village 'Asira al-Qibliya, from the settlement Yitzhar. As evidenced by video footage provided by B'Tselem, settlers, accompanied by IDF soldiers, then fired multiple shots in the direction of the Palestinians, with Fathi 'Asayira, 24, being wounded in the head. He is currently described as being in a stable condition in Rafidiya hospital in Nablus. Several other Palestinians were injured by stones during the incident.^{vii}
- 31 March 2012. Four Palestinians were hospitalized. Two men and two women picking tumbleweed in Salfit, near Ramallah, were attacked by a group of young Jewish settlers. The four were beaten with batons and metal chains, resulting in Raja Sabri Al-Zeer, having his right arm and fingers on his left hand broken. Ahmad Moharram Al-Zeer suffered head injuries, with Lamya Fathi Hussain Al-Zeer, and Hasan Saleem Al-Aridi both suffering medium to serious bruising. All were transferred to a hospital.^{viii}
- 28 January 2012. Suleiman Abu Mahamid, 18, was struck by a private car whilst waiting to catch a bus near al-Zayyem checkpoint between the West Bank and Jerusalem. The vehicle then fled the scene. Witnesses said the assailant was an Israeli settler using a road into the West Bank to which Palestinians have no access.^{ix}

6. The number of arson attacks targeting mosques and other property has also dramatically increased within the Occupied West Bank as well as Israel:

- 03 October 2011. A mosque in the village of Tuba-Zangariya, northern Israel, was torched along with its contents.^x
- 15 December 2011. A mosque within the village of Burka, near Ramallah, was the subject of an arson attack. Petrol had been poured within the mosque before being ignited, whilst 'War' was daubed in Hebrew graffiti on the walls.^{xi}
- 14 December 2011. Okasha Mosque in west Jerusalem was subject to an arson attack by Jewish settlers. Anti-Arab and Islamophobic graffiti was left on the walls of the mosque, along with the 'Price Tag' moniker of the terrorist movement of that name.^{xii}
- 04 January 2012. A car wash premises and two vehicles were torched in Sharafat village, nearby Gilo settlement in Jerusalem. 'Price Tag' slogans were found at the scene.^{xiii}

7. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) explicitly attributes the motivating factors to these attacks to racial discrimination. It

states “*Settler violence is not random criminal activity; in most cases, it is ideology-driven, organized violence, the goal of which is to assert settler dominance over an area.*”

8. The 'Price Tag' settler terrorist movement is an ad-hoc retributive policy that targets Palestinian civilians aims at accelerating settlement expansion by unofficial means. Settler ideology insists that land within the West Bank should be subject to exclusive use and enjoyment by Jewish persons. Beside the Israeli official settlement policy, many settlers have worked to establish outposts on their own accord. Lack of government oversight and accountability has emboldened the settler movement and fueled its racist overtones. Graffiti slogans and statement, which regularly accompany attacks on Palestinian property for example, reflect a vehemently anti-Arab sentiment prevalent in these settlements. The criminal actions attributed to the Price Tag movement and those of other non-State actors are primarily motivated by race and religious factors. Settlers engage in said insidious practices, confident that they will be immune from prosecution.

9. Consider that 90% of investigations into settler violence are closed without any indictment thereby failing to enforce the law against the Israeli Jewish settlers and failing to protect Palestinian residents.^{xiv} In addition, the mechanisms in place for making such complaints are structurally disadvantageous to Palestinians, as police stations where complaints should be made are often located within Jewish settlements and the procedures are conducted in Hebrew thereby making them inaccessible to Palestinian victims.

10. The inaction by IDF and Israel law-enforcement officials, which fail to provide adequate protection against the racially motivated attacks against the Palestinian population, is an indicator that these attacks are committed with Israel’s consent and/or acquiescence.

11. According to OCHA, over 80 communities with a combined population of nearly 250,000 Palestinians are vulnerable to settler violence. This includes 76,000 who are at high-risk.^{xv}

12. Under international humanitarian and human rights law Israel has a positive obligation to prevent non-state actors from attacking Palestinians and their property; to carry out proper criminal investigation; and to grant effective remedy. Nevertheless, Israel has failed to assume its responsibilities.

13. In light of these concerns, we wish to call upon you and your office to:

- Address the question of Israeli Jewish settler violence as part of Israel regime of institutionalized racial discrimination;
- Urge the UN General Assembly and the UN Human Rights Council to assume their responsibilities by condemning Israel’s official policy providing settlers with impunity;

- Urge the UN Human Rights Council Fact Finding Mission (resolution A/HRC/19/L.35) to address the question of settlers' violence and to suggest procedures to ensure Palestinian victims' rights to protection, justice and remedy.

ⁱ Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, ISRAELI SETTLER VIOLENCE IN THE WEST BANK (NOVEMBER 2011), available at:

http://www.ochaopt.org/documents/ocha_opt_settler_violence_FactSheet_October_2011_english.pdf

ⁱⁱ Ibid.

ⁱⁱⁱ CERD/C/ISR/CO/14-16, paragraph 28.

^{iv} CERD/C/ISR/CO/14-16, paragraph 24.

^v *Israeli Settler Violence in the West Bank*, November 2011. United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian Territory.

^{vi} Palestine Centre, *When Settlers Attack*, Yousef Munayyer (2011).

^{vii} The Guardian, Israeli settlers filmed firing guns at Palestinians (21 May 2012), available at:

<http://www.guardian.co.uk/world/2012/may/21/israeli-settler-fires-gun-stone-thrower>.

^{viii} Ma'an News Agency, 4 hospitalized after settler attack near Ramallah (02 April 2012), available at:

<http://www.maannews.net/eng/ViewDetails.aspx?ID=472833>.

^{ix} Ma'an News Agency, Palestinian teen hit by Israeli car at checkpoint (29 January 2012), available at:

<http://www.maannews.net/eng/ViewDetails.aspx?ID=455984>.

^x Aljazeera, Mosque in Israel torched in arson attack (03 October 2011), available at:

<http://www.aljazeera.com/news/middleeast/2011/10/20111039125757892.html>.

^{xi} Egypt Independent, New mosque attack as Israel moves on settler outpost (15 December 2011), available at: <http://www.egyptindependent.com/news/new-mosque-attack-israel-moves-settler-outpost>.

^{xii} The Muslim News, Israeli settlers torch Ramallah mosque (30 December 2011), available at:

<http://www.muslimnews.co.uk/paper/index.php?article=5623>.

^{xiii} Haaretz, Israel Police suspect rightist extremists set fire to Palestinian car wash (05 January 2012),

available at: <http://www.haaretz.com/print-edition/news/israel-police-suspect-rightist-extremists-set-fire-to-palestinian-car-wash-1.405513>.

^{xiv} YESH DIN, as reported in OCHA-oPt, *The Humanitarian Impact of Israeli Settlement Policies*, Fast Facts (January 2012), available at

http://www.ochaopt.org/documents/ocha_opt_settlements_FactSheet_January_2012_english.pdf.

^{xv} See supra note 1.