

Urgent Appeal on Intensified Violence and Attacks against Palestinians by Colonial Settlers

Date: 14 April 2022

Submitted by:

- Al-Haq, Law in the Service of Man

For the attention of the United Nations:

- Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr. Michael Lynk;
- Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Ms. Tlaleng Mofokeng;
- Special Rapporteur on the right to adequate housing, Mr. Balakrishnan Rajagopal, and
- Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms. E. Tendayi Achiume.

Introduction

We address your respective mandates concerning the intensifying level of violence against Palestinians by colonial settlers illegally residing in the occupied Palestinian territory (oPt) committed with institutionalized impunity. The appeal highlights alarming forms and levels of colonial settler violence throughout Palestine in 2021, and intensified price tag attacks in particular, since December 2021, which have intensified since the start of Ramadan this year.

The alarming escalation of settler violence practiced with full impunity have increased after the killing of a colonial settler by allegedly two Palestinians on 16 December 2021, and recent attacks by Palestinians inside the Green Line since 27 March 2022.

Colonial settlers have been increasing their attacks against Palestinians, often with the protection of the Israeli Occupying Forces (IOF), including by ongoing colonization attempts; physically attacking Palestinians including by killing and injuring them and attacking them in their homes and properties; attacking Palestinian properties, including livestock, homes, agricultural lands, cemeteries, and vehicles; obstructing their movement; and various acts of intimidations and provocations. These violations continue to contribute to the deteriorating human rights situation across Palestine and reinforce Israel's apartheid regime on both sides of the Green Line and against the Palestinian people as a whole.

While increase of colonial settler attacks have been observed as acts of reprisals after the killing on 16 December 2021, and recent attacks inside the Green Line since 27 March 2022, colonial settler violence has been allowed to continue and escalate due mainly to the settlement enterprise illegally initiated and expanded by the Israeli occupying authorities. Colonial settler violence is also reinforced by Israel's systematic failure to conduct effective investigations and prosecutions of the offending colonial settlers, creating a climate of impunity, and resulting in further oppression of the Palestinian people.

Violence against the Palestinian people has been also allowed to continue and escalate with the international community's failure to bring to end Israel's systematic violations of international law. As well noted by Professor Michael Lynk: 'the problem is not ignorance or lack of evidence...but the remarkable unwillingness of the international community to act upon its own comprehensive rules-based framework for peace and self-determination by imposing accountability on the offending party.'¹ In this regard, this urgent appeal, urgently requests your immediate intervention to protect the Palestinian people from systematic and ongoing colonial settler attacks and violence, including by publicly condemning and addressing these attacks, and urging Israel, the Occupying Power, to immediately halt the planning, and expansion of its unlawful settlement enterprise, to take all necessary measures to ensure effective law enforcement against colonial settlers perpetrators and launch investigation into incidents of colonial settler violence.

State-Sponsored Colonial Settler Violence Across Palestine

With around 300 illegal settlements in the West Bank, including in occupied East Jerusalem, with more than 680,000 colonial settlers,² Palestinians have been left with dire impacts on their rights. Israel's settlement enterprise not only unlawfully appropriates Palestinian land and hinders the freedom of movement of Palestinians, but also deepens territorial and demographic fragmentation between Palestinian communities, undermining Palestinian territorial and social contiguity and integrity, and denying the Palestinian people from exercising their inalienable right to self-determination, including permanent sovereignty over their natural resources.

While colonial settler attacks are an ongoing and systematic reality for Palestinians as part of the coercive environment to induce Palestinian displacement, colonial settlers have been increasing their attacks in the recent years, knowing they enjoy impunity from the Israeli occupying authorities, who do not enforce the law with regards to their violence, and are institutionally

¹ Michael Lynk, 'The International Community and Israel: Giving Permission to a Permanent Occupation' (Just Security, 7 January 2022), <<https://www.justsecurity.org/79777/the-international-community-and-israel-giving-permission-to-a-permanent-occupation/>> accessed 15 January 2022.

² OHCHR, 'Occupied Palestinian Territory: Israeli settlements should be classified as war crimes, says UN expert' (9 July 2021) <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27291&LangID=E>> accessed 15 January 2022.

unwilling to investigate and prosecute these attacks.³ Moreover, there has been an increased documentation of incidents of colonial settlers attacks whereby the IOF not only stand passively while Palestinians are attacked by colonial settlers, but also actively attack Palestinians during these attacks.⁴

On the other hand, the institutionalized regime of racial domination and oppression over the Palestinian people is evident in how Palestinians are subjected to a coercive environment whereby they are at the threat of being displaced because of land confiscation policies, demolitions, forced evictions, natural resources exploitation and pillage, alongside violence by colonial settlers which the Israeli occupying authorities systematically fail to end.

The year 2021 witnessed alarming levels and trends of colonial settler violence against Palestinians, this was especially witnessed during the violent campaign of repression carried out by the IOF and Israeli police against the Palestinian people amidst the Unity Uprising,⁵ as colonial settlers also intensified their organised violence against the Palestinian people.

During the Unity Uprising, alarming colonial settler attacks included a march which took place in Jerusalem on 22 April 2021, whereas colonial settlers chanted ‘death to Arabs’,⁶ while the IOF injured 105 Palestinians according to the Palestinian Red Crescent.⁷ The Uprising that sparked in Jerusalem extended later on both sides of the Green Line. Colonial settlers also extended their violence inside the Green Line and organized attacks against Palestinian citizens of Israel. On 10 May 2021, Mousa Hassouna, a 32-year-old Palestinian citizen of Israel from al-Lydd was killed by a colonial settler during a protest.⁸ Israeli police arrested four colonial settlers suspected of

³ See Al-Haq, ‘Institutionalized Impunity: Israel’s Failure to Combat Settler Violence in the Occupied Palestinian Territory’ (2013) <https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/institutionalised-impunity.pdf> accessed 15 January 2022.

⁴ See Al-Haq, ‘Urgent Appeal to the United Nations Special Procedures on Intensified Yitzhar Settler Violence’ (17 February 2021) <<https://www.alhaq.org/advocacy/17913.html>> accessed 15 January 2022.

⁵ The Unity Uprising is the most recent uprising in the Palestinian struggle. The spark of the Uprising started in Jerusalem in April 2021, after provocations from Israeli forces against Palestinians when they installed metal barriers on the stairs of the Damascus Gate, cut electrical wires to Al-Aqsa Mosque, and amidst the mobilization of residents of Sheikh Jarrah to prevent their imminent forced displacement. The Uprising later spread on both sides of the Green Line and outside historic Palestine, whereas the Palestinian people as a whole protested seven decades of fragmentation and Israeli settler-colonialism. In response, Israeli forces killed and attacked Palestinian protesters, and worshippers, across historic Palestine, bombarded civilians in the Gaza Strip, facilitated right-wing mob violence targeting Palestinian communities inside the Green Line, and undertook an arrest campaign targeting Palestinians across historic Palestine.

⁶ Yumma Patel, ‘Israeli Mobs Chant ‘Death to Arabs’ in Night of Violence in Jerusalem,’ (Mondoweiss, 23 April 2021) <<https://mondoweiss.net/2021/04/israeli-mobs-chant-death-to-arabs-in-night-of-violence-in-jerusalem/>> accessed 15 January 2022.

⁷ Said Amouri, ‘Israeli Settlers Assault Palestinians in Occupied Jerusalem,’ (AA, 23 April 2021) <<https://www.aa.com.tr/en/middle-east/israeli-settlers-assault-palestinians-in-occupied-jerusalem/2218004>> accessed 15 January 2022.

⁸ Adalah, ‘Adalah demands cancellation of civil emergency declaration in Lydd’ (16 May 2021) <<https://www.adalah.org/en/content/view/10326>> accessed 15 January 2022.

killing Mousa, all of whom were released on bail on 13 May 2021.⁹ During May, the IOF has allowed colonial settlers coming from the West Bank entry inside the Green Line to target Palestinian neighbourhoods and villages and provided support and protection as they attacked Palestinian residents and destroyed Palestinian property.¹⁰

As the Unity Uprising continued with demonstrations and confrontations taking place across Palestine, colonial settlers killed three Palestinians in one single day on 14 May 2021 in three events confronting Israeli settler assaults in the governorates of Hebron, Salfit, and Nablus. In Al-Rihiya village, southern Hebron, colonial settlers killed Ismail Jamal al-Toubasi, 27, who joined other youths to put out a fire, which settlers had set to Palestinian fields. As Israeli settlers opened fire, Al-Toubasi sustained a bullet wound in the back of the head. Though hampered by colonial settlers, Palestinian paramedics and youths managed to free and transport him to hospital where he was pronounced dead.¹¹

On the same day, in the presence of IOF, colonial settlers killed Husam Wael Asayrah, 19, in the Asira al-Qibliya village, Nablus. Together with other youths, Husam went out to confront colonial settlers who attacked Palestinian homes. Confrontations took place between Palestinian youths on one hand, and colonial settlers and IOF on the other. Meantime, a settler opened fire and injured two Palestinian young men. Asayrah died after sustaining a live bullet wound in the chest.¹²

Also on 14 May, Awad Ahmad Harb, 27, was killed by colonial settlers who attacked Iskaka village, in Salfit. Palestinian youths were out to prevent colonial settler attacks on the village. During confrontations with colonial settlers and IOF, IOF fired tear gas canisters and opened fire. According to eyewitnesses, a colonial settler took a sniper position and opened fire on Harb, while he was seeking protection. The IOF obstructed a Palestinian ambulance, delaying access to Awad for 20 minutes.¹³

Another alarming showcase of colonial settlers' impunity is the establishment of the Evyatar colonial outpost on Jabal Sbeih (Sbeih Mountain), southeast of occupied Nablus, on 3 May 2021. In an abnormal speed and within less than one month, colonial settlers took advantage of the violent repression by the IOF against Palestinians amidst the Unity Uprising and established the

⁹ The Times of Israel, '4 Jewish Suspects Held Over Fatal Shooting of Arab in Lod are Released on Bail' (13 May 2021) <<https://www.timesofisrael.com/4-jewish-suspects-held-over-fatal-shooting-of-arab-in-lod-are-released-on-bail/>> accessed 15 January 2022.

¹⁰ Oren Ziv, 'How Israeli police are colluding with settlers against Palestinian citizens' (+972 Magazine, 13 May 2021) <<https://www.972mag.com/israel-police-settlers-lyd/>> accessed 15 January 2022.

¹¹ Al-Haq field report on file with Al-Haq, 16 May 2021.

¹² Al-Haq Affidavit 177A/2021, taken on 17 May 2021, Mohammad Yihya Saleh, 27, resident of Asira al-Qibliya, Nablus.

¹³ Al-Haq field report on file with Al-Haq, 18 May 2021. See Al-Haq, 'Al-Haq Field Report on Human Rights Violations in May 2021' (14 June 2021) <<https://www.alhaq.org/monitoring-documentation/19587.html>> 15 January 2022.

Evyatar colonial outpost, seizing 35 dunams of private Palestinian land.¹⁴ Instead of dismantling the colonial outpost, the Israeli occupying authorities, facilitated the construction of Evyatar colonial outpost, by firstly allowing its construction, connecting it to water and electricity infrastructure, conducting an agreement with illegal settlers with the intention of legalizing the colonial outpost,¹⁵ and instituting a violent campaign of repression and collective punishment against Palestinians who protested the colonial outpost.¹⁶ Palestinians have always resisted settlement expansion, knowing that among the multi-layered violations they would endure, they would also be subjected to violence and attacks by colonial settlers. Outlining the reason for the popular resistance at Jabal Sbeih, Saed Hamayel, who lost his 16-year-old son, Mohammed, in the protests, said:

*'If we don't continue our popular resistance, we would see settlers not only on 35 dunams but expanding to 800 dunams, as they were aiming. We would be turned into Bantustans and the apartheid would be more entrenched. All settlements started with a caravan. Ariel, which is one of the biggest settlements, started with one caravan. We see neighbouring villages who suffer from frequent settler attacks. In Beita, we are losing our beloved ones, to Israeli bullets, to Israeli bars. We want to pay our bill once, we don't to pay it in instalments.'*¹⁷

The year 2021 also witnessed the attack on Khirbet Al-Mufaqarah in the South Hebron Hills in October 2021, whereby dozens of colonial settlers attacked the community injuring dozens of Palestinians, including a 4-year-old boy in the head, stabbing livestock, and destroying Palestinian property. The IOF, who were present, did nothing to deter the attack, and fired teargas and stun grenades at Palestinians instead.¹⁸

Since the beginning of 2022, trends of ongoing colonial settler violence included ongoing colonization attempts with the intention to appropriate further land for expanding illegal settlements including by setting up caravans and/or tents and water tanks, erecting barbed wire fences on Palestinian land, and levelling agricultural lands. Colonial settlers, including armed ones, continue to physically attack and injure Palestinians, including by throwing stones, beating them

¹⁴ Al-Haq, 'Joint Urgent Appeal to UN Special Procedures on Israeli Suppression of Palestinian Resistance at Jabal Sbeih against Settlement Expansion' (06 November 2021) <<https://www.alhaq.org/advocacy/19173.html>> accessed 15 January 2022.

¹⁵ Jerusalem Legal Aid and Human Rights Center (JLAC), 'Petition for the Cancellation of Evyatar Deal' <<https://www.jlac.ps/details.php?id=i8bt4da2256ygi5x0p0gu>> 15 January 2022.

¹⁶ Al-Haq, 'Joint Urgent Appeal to UN Special Procedures on Israeli Suppression of Palestinian Resistance at Jabal Sbeih against Settlement Expansion' (06 November 2021) <<https://www.alhaq.org/advocacy/19173.html>> accessed 15 January 2022.

¹⁷ Al-Haq, 'Voices from Beita: The Price of Resisting Settlement Expansion' (28 September 2021) <<https://www.youtube.com/watch?v=4p-nMUHRF40>> accessed 15 January 2022.

¹⁸ Al-Haq, 'Joint Oral Intervention during the 48th Regular Session of the UN Human Rights Council, General Debate under Item 9' (5 October 2021).

with their hands, sticks, batons, and pistols, using pepper spray, and running over Palestinians with their vehicles.¹⁹

Moreover, colonial settlers, including armed ones, continue to attack Palestinian properties, including livestock, homes, agricultural lands, and vehicles by running over and injuring livestock with their vehicles and trying to steal livestock; vandalizing agricultural lands, including by cutting, uprooting and/or burning olive trees, stealing plants, and destroying agriculture related infrastructure and equipment; throwing stones at Palestinian vehicles, and torching them; as well as spray painting hate and racist speech on Palestinian properties.²⁰ Other trends of colonial settler violence since 2022 include raiding agricultural lands, towns and villages, and attacking Palestinian homes with the protection of the IOF who accompany colonial settlers and fire tear gas canisters at Palestinian to provide protection for the colonial settlers assaulting Palestinians, as well as obstructing the movement of Palestinians by closing main roads and villages' entrances with the protection of the IOF.²¹

Armed attacks by colonial settlers have also been documented by Al-Haq since the beginning of the year, resulting in the injury of Palestinians. On 25 February 2022, at around 4:30 pm, two brothers, Mohammad and Jawad Abu Khadija, both 33, were shot by a colonial settler near the town of Hizma, east of occupied Jerusalem, as they were driving their car, Jawad's son, Jude, five-year old, in the backseat. As they collided a car in front of them while driving at low speed, and dismounted to check what happened, the driver of the car, a colonial settler, cursed the brothers with racist words. He refused to exchange insurance information and instead took his gun and shot Mohammad in the lower abdomen and Jawad in the right thigh. Mohammad's injury led to a fracture in the pelvis area, whereby he is not capable to move or work for one month, and Jawad's injury obstructed his ability to walk on his right leg and work, as he requires care from a neurologist. Jawad reported that his five-year old son, Jude was in a state of shock and trauma, as he lost the ability to talk for four hours, and peed himself after the attack.²²

Intensified Price Tag Attacks in the West Bank since December 2021

Settler attacks often intensify their acts of violence and/or vandalism against Palestinians in retaliation to perceived threats and violence against them and their interests.²³ Ever since the killing

¹⁹ According to Al-Haq monitoring.

²⁰ According to Al-Haq monitoring.

²¹ According to Al-Haq monitoring.

²² Al-Haq field report on file with Al-Haq, 27 February 2022.

²³ Chaim Levinson, 'Price Tag' Crime Crosses the Green Line into Israel' (Haaretz, 01 May 2014)

<<https://www.haaretz.com/.premium-price-tag-crime-crosses-into-israel-1.5246827?lts=1603803737794>>
accessed 15 January 2022.

of colonial settler Yehuda Dimentman by allegedly two Palestinians on 16 December 2021,²⁴ attacks against Palestinians and their properties, especially in Nablus Governorate, have spiked.

While this increase has been observed after this incident, which reflects the colonial settlers' price tag policy, Al-Haq believes that the continuation and increase of colonial settler violence is mainly attributed to the settlement enterprise initiated and expanded by the Israeli occupying authorities. Colonial settler violence is a product of the settlement enterprise and it is being reinforced by Israel's systematic failure to conduct effective investigations and prosecutions of offending colonial settlers, creating a climate of impunity.

Dimentman, was killed as he left Homesh settlement,²⁵ which has been evacuated since 2005.²⁶ Homesh settlement was established on a confiscated 1,014 dunums from Burqa village, northwest of Nablus.²⁷ Colonial settlers have repeatedly called for and attempted to resettle Homesh, since its evacuation in 2005.²⁸ Since 2013, the settlement has been used by the Israeli occupying authorities for military training, despite a ruling by the Israeli Supreme Court stating that the land should be returned to its Palestinian owners.²⁹

Since the killing of Dimentman, colonial settlers organised themselves and intensified attacks against Palestinians, specifically in Burqa village. Outlying the severity of colonial settler violence following this incident, Arafat Mohammad Ibrahim Salah, 56, who was subjected to an attack by colonial settlers, alongside his family in their house in Burqa village, Nablus, on 23 December 2021, said in his affidavit to Al-Haq:

*'Settlers always attacks us and our properties, but this is first time that settlers have dared to reach a residential area in the middle of the village [Burqa], and attack our home and other residents' homes.'*³⁰

²⁴ Aljazeera, 'Israeli settlers attack village in occupied West Bank' (24 December 2021) <<https://www.aljazeera.com/news/2021/12/24/israeli-settlers-attack-village-in-occupied-west-bank>> accessed 15 January 2022.

²⁵ Ali Sawafta, 'Settlers clash with Palestinians in aftermath of West Bank killing' (Reuters, 19 December 2021) <<https://www.reuters.com/world/middle-east/funeral-held-israeli-killed-west-bank-gun-attack-2021-12-17/>> accessed 15 January 2022.

²⁶ The Applied Research Institute – Jerusalem (ARIJ), 'Burqa Village Profile' (2014), 16 <http://vprofile.arij.org/nablus/pdfs/vprofile/Burqa_vp_en.pdf> accessed 15 January 2022

²⁷ ARIJ, 'Burqa Village Profile' (2014), 16 <http://vprofile.arij.org/nablus/pdfs/vprofile/Burqa_vp_en.pdf> accessed 15 January 2022

²⁸ POICA – Palestinian Observatory of Israeli Colonization .Activities, 'Israeli Settlers re-occupy the evacuated 'Homesh' settlement' <<http://poica.org/2007/03/israeli-settlers-re-occupy-the-evacuated-homesh-settlement/>> accessed 15 January 2022; Tovah Lazaroff, 'IDF halts attempt to rebuild Homesh settlement, first razed in 2005' (The Jerusalem Post, 28 April 2021) <<https://www.jpost.com/israel-news/idf-halts-attempt-to-rebuild-homesh-settlement-first-razed-in-2005-666614>> accessed 15 January 2022

²⁹ ARIJ, 'Burqa Village Profile' (2014), 16 <http://vprofile.arij.org/nablus/pdfs/vprofile/Burqa_vp_en.pdf> accessed 15 January 2022

³⁰ Al-Haq Affidavit 579/A, taken on 29 December 2021, Arafat Mohammad Ibrahim Salah, 56, resident of Burqa, Nablus.

On the same evening, of the killing of Dimentman, on 16 December 2021, colonial settlers blocked parts of Nablus-Ramallah Road, and attacked passing Palestinian vehicles. Asem Shawkat Khudair, 31, resident of Ramallah, was attacked by a group of colonial settlers while driving from Ramallah to Nablus. In his testimony to Al-Haq, he recalled the following:

*'On 16 December 2021, as I was driving back home to Ramallah from Nablus, on Yitzhar Road, south of Nablus, I witnessed road closures and Israeli settlers on alert. Before I reached Yitzhar roundabout, I saw around 20 Israeli settlers, most of whom had masks on their faces. They were carrying stones and wooden sticks in their hands. They were about 6 meters away from my private car. As soon as I saw them, they started throwing stones at the left side of the vehicle and shouting in Hebrew, which I don't understand. Their stones broke the left rear door glass. Then, they surrounded my car. I panicked and I saw death approaching me. I continued driving and moved past the settlers. I was then surprised by a roadblock of light reflectors and stones in the middle of the street to prevent vehicles from reaching the roundabout. Near the Yitzhar roundabout, there were another ten settlers who were throwing stones at my vehicle and some Palestinian vehicles. As soon as I passed over the roadblock that the settlers sat up, I felt that the vehicle was about to overturn due to my speed and the height of the stones that they had placed in the middle of the road. Then, I saw a settler in his forties. He approached the vehicle from the left side until he was about one meter away. He was carrying a large stone in both hands, and hit it on the windshield. Glass shattered inside the vehicle and hit my chest, face and body. I continued driving quickly past the roundabout and headed towards Huwwara village. My cars' windshield is entirely smashed, the left rear window glass is broken, and the front struts are destroyed. Repairing the damages will cost me 3000 Israeli shekels. After this incident, I went to a physiotherapist to treat me, as I was unable to walk after the attack.'*³¹

On the same night, Abed AlMenem Abd Al-Aziz, 52, was also attacked by a group of colonial settlers while driving with his wife and three children from Asira Al-Qabaliya to their house in Beita, Nablus. In his affidavit to Al-Haq, Abed stated:

'On 16 December 2021, at about 8:30 pm, I was returning towards my town, Beita, with my wife and three children. I was driving on Yitzhar Road, south of Nablus, when I was surprised by a car carrying the Israeli yellow plate, blocking my way. I managed to pass by it. Moments later, I saw around 30 Israeli settlers, carrying stones and sticks in their hands, accompanied by around five fully armed Israeli soldiers. The settlers started throwing stones at the vehicles. Their stones hit the structure of the car, the windshield, and the left rear window. I continued driving fast, then I began to slow down after a distance of about 100 meters because I saw the closure of the road with large stones and light reflectors. I came to a complete stop after I passed the settlers. Then, four Israeli occupying soldiers stopped me. I asked one of the soldiers, why did he allow the settlers to attack us, but the soldier

³¹ Al-Haq Affidavit 568/A, taken on 20 December 2021, Asem Shawkat Ahmad Khudair, 31, resident of Ramallah.

*asked me to leave. The occupation soldiers did nothing to these settlers who attacked us. After I inspected the car, I saw many damages and found the left mirror completely broken. My children and wife were afraid and could not sleep easily that night.*³²

The next day, on 17 December 2021, hundreds of colonial settlers held a memorial service at Homesh settlement, and some called for reinstatement of the settlement.³³ On the same day, tens of colonial settlers raided Burqa village, north of Nablus, and indiscriminately opened fire on the residents, as well as torched Palestinian homes and properties.³⁴ On the same day, a group of colonial settlers raided Qaryout village, southeast of Nablus, at dawn and attacked Palestinians, leaving many with wounds and fractures, and damaging their homes.³⁵ Wael Mohammad Ahmad Muqbel, 62, and his wife, Samiha Hussein Abdel Aziz Moqbel, 53, were attacked, while they were sleeping in their house in, Qaryout village. In his affidavit to Al-Haq, Wael recounted the following:

*'On 17 December 2021, at approximately 3:30 am, my wife, Samiha, woke me up and told me someone is knocking on our door. I immediately headed to open the door and found the glass window of the main door broken. I looked out the broken window and saw two people, one in military clothes and the other in civilian clothes. The person wearing military clothes was hitting the person wearing the civilian clothes, so I thought that the one who was being hit was my son Ahmad. Someone from behind the door told me they are from the army. Immediately, I opened the door, when the person in military uniform sprayed pepper gas in my face. They then dragged me by the neck outside. I lost consciousness after that. When I woke up, I was wet, as it was raining outside. The Palestinian ambulance crews were over my head and a number of Palestinians from the village. I was transferred to Rafidia Governmental Hospital in Nablus, where I was diagnosed with fractures in my ribs from the left side and bruises in my ribs from the right side, various bruises in my head and face, swelling in the right eye and nose, a wound in the left ear and a fracture in the left jaw.'*³⁶

Outlying the damages to their home and cars, Samiha outlined:

'After my husband opened the door, I stood in the hall, about 5 meters away from the main door. I saw people pulling him out by the neck outside the house. About ten people in civilian clothes entered the house and immediately began to break the furniture and contents of the

³² Al-Haq Affidavit 576/A, taken on 22 December 2021, Abed AlMenem Abd Al-Aziz, 52, resident of Beita, Nablus.

³³ Ali Sawafta, 'Settlers clash with Palestinians in aftermath of West Bank killing' (Reuters, 19 December 2021).

³⁴ Middle East Monitor, 'Occupied West Bank witnesses painful wave of Israel's settler attacks' (18 December 2021) <<https://www.middleeastmonitor.com/20211218-occupied-west-bank-witnesses-painful-wave-of-israels-settler-attacks/>> accessed 15 January 2022

³⁵ Palestinian News Agency – Wafa, 'Israeli settlers leave several villagers wounded, fractured south of Nablus' (17 December 2021) <<https://english.wafa.ps/Pages/Details/127237>> accessed 15 January 2022

³⁶ Al-Haq Affidavit 569/A, taken on 18 December 2021, Wael Mohammad Ahmad Muqbel, 62, resident of Qaryout village, southeast of Nablus.

*kitchen. I started screaming and asking them what they are doing and who they are. They did not respond and proceeded with breaking the contents of the kitchen. They, then spread around the house and one of them told me that they are Israeli settlers and sprayed pepper gas in my face. My face was burning, and I started screaming. I then entered my bedroom and locked myself. Meanwhile, the settlers continued their attack by smashing and breaking the contents of the house. While I was in my bedroom, a stone was thrown from outside and entered through the window. After about 20 minutes, a group of neighbors, paramedics and an ambulance of the Palestinian Red Crescent Society arrived. My husband's private car and his two agricultural tractors, which were parked in front of the house, were also damaged. The car's windows were broken, and its tires were damaged. The tires of the agricultural tractors were also damaged and one of the tractors' structures was destroyed.*³⁷

Colonial settler attacks continued across the West Bank. On 19 December 2021, colonial settlers blocked a section of Nablus-Jenin Road, denied access to Palestinian vehicles, and attacked Palestinians by throwing stones at their cars. Jamal Hasan Al-Rmeilat, 55, who works as a truck driver and resides in Jenin, was attacked while he was driving his truck from Nablus to Jenin. Jamal recounted the following:

'At about 4:30 pm on 19 December 2021, I was driving my truck from Nablus to Jenin and I was transporting a load of tiles. When I reached Bazariya junction near Silat al-Dahr village [southwest of Jenin], and near the evacuated Homesh settlement, I was surprised to see four Israeli settlers. One of them stood in front of the truck in the middle of the street and he was carrying a medium-sized stone. Israeli settlers are present from time to time in the vicinity of Homesh settlement and on Jenin – Nablus Road. The settlers shouted at me to stop. When I stopped, one of the settlers immediately threw a stone on the windshield of the truck, which shattered the glass. Then, I was surprised by another settler who opened the passenger's door. The settler had a pistol and pointed it at me and was preparing to shoot me. I felt that my life was at risk. As a reaction, I drove the truck a little forward, which prevented the settler from shooting at me. Later, I was surprised by another settler, who started throwing several stones at me. The first stone shattered the left front door glass, and then I was hit in the head by another stone from the same settler from a short distance. I felt severe pain and blood started to bleed from my head. Despite all that, I continued driving for about 250 meters, trying to get away from the place, until I reached a military checkpoint. I activated the warning lights in the truck to warn the soldiers. I headed towards the right side of the street, where there were some rocks, as I was no longer able to control it and began to feel unconscious. I completely lost consciousness, and when I woke up, I found myself in Jenin Government Hospital. I suffer from injuries in the head and bruises in some

³⁷ Al-Haq Affidavit 567/A, taken on 18 December 2021, Samiha Hussein Abdel Aziz Moqbel, 53, resident of Qaryout village, southeast of Nablus.

parts of my body. I still can't move and I suffer from pain. I also found out that my truck had its windshield and the left front door glass smashed, in addition to several damage in the structure of the truck.'³⁸

Price tag attacks continued, while colonial settlers tried to pressure the Israeli government to authorise and expand Homesh settlement.³⁹ On 23 December 2021, some 10,000 colonial settlers marched near Homesh, protesting plans to dismantle a yeshiva there.⁴⁰ Meanwhile, the IOF closed Burqa entrances to allow colonial settlers to access Homesh,⁴¹ and deployed tear gas and rubber-coated bullets against Palestinians.⁴²

On the same night, 23 December 2021, colonial settlers raided Burqa village, attacked Palestinian houses by throwing stones, assaulting residents, and smashing tombstones.⁴³ A three-storey house, on the north-eastern side of Burqa, where a Palestinian family of two households resides, was attacked by a group of colonial settlers. Arafat Mohammad Ibrahim Salah, 56, one of the six members of the family recounted the attack:

'On 23 December 2021, at about 6:20 pm, we were all in the first floor in the guest house accompanied by some of our relatives. I heard glass smashing. Then, I heard people screaming in Hebrew. I recognized that the perpetrators of the attack were Israeli settlers, who came in a march towards the evacuated Homesh settlement, which is located 500 meters to the north side of the village. I hurried towards the entrance of the house and called for help from neighbours. Immediately, I went up to my son's apartment in the third floor, and found their bedroom's window broken from the settlers' stones. My son's wife, who is pregnant, was scared. I tried to look from the door of the balcony to see the settlers, as they were throwing stones heavily, constantly, and violently. I saw about 150 settlers, in civilian clothes. They were standing on a high hill, about 10 meters to the north side of our house. My family and I started shouting at them to stop throwing stones, but they did not respond. Three armed settlers were accompanying the group of settlers, and were about 50 meters away from the attacking settlers. The settlers continued throwing stones at our house for

³⁸ Al-Haq Affidavit 574/A, taken on 23 December 2021, Jamal Hasan Al-Rmeilat, 55, resident of Al-Jaberyat, Jenin.

³⁹ Oren Ziv, 'An evacuated settlement becomes a symbol of Jewish extremism' (3 January 2022)

<<https://www.972mag.com/homesh-outpost-burqa-settlers/>> accessed 18 January 2022.

⁴⁰ Hagar Shezaf, 'Palestinians Attacked After Pro-settler March in West Bank' (23 December 2021)

<<https://www.haaretz.com/israel-news/.premium-thousands-march-near-west-bank-outpost-against-plans-to-demolish-yeshiva-1.10489989?lts=1641306526480>> accessed 18 January 2022.

⁴¹ AlJazeera, 'Israeli settlers attack village in occupied West Bank' (24 December 2021)

<<https://www.aljazeera.com/news/2021/12/24/israeli-settlers-attack-village-in-occupied-west-bank>> accessed 15 January 2022.

⁴² AlJazeera, 'Israeli settlers attack village in occupied West Bank' (24 December 2021)

<<https://www.aljazeera.com/news/2021/12/24/israeli-settlers-attack-village-in-occupied-west-bank>> accessed 15 January 2022.

⁴³ Hagar Shezaf, 'Palestinians Attacked After Pro-settler March in West Bank' (Haaretz, 23 December 2021)

<<https://www.haaretz.com/israel-news/.premium-thousands-march-near-west-bank-outpost-against-plans-to-demolish-yeshiva-1.10489989?lts=1641306526480>> accessed 15 January 2022.

*about 5 minutes, when residents of our village, Burqa, arrived to confront the attack. The settlers withdrew in the direction of Homesh settlement. After inspecting the house, we found that the settlers had broken my son's bedroom window on the third floor, and my bedroom's window on the second floor. They have caused holes in our plastic water tank, which led to the flow of all the water stored inside. We also found that the settlers had attacked the family cemetery, as they had broken 20 tombstones.'*⁴⁴

Earlier that day, confrontations erupted between the IOF and Palestinians at the western entrance of Burqa, whereas the IOF raided Palestinian homes and took them as military stations. Iman Fayez Mohammad Hajja, 53, testified on the raid by the IOF on her home at the western entrance of Burqa. The family, consisting of 10 members, was held hostage at their home and their home was used as a military station for three consecutive nights. In her affidavit, Iman said:

'I live with my family. We are 10 members, three of whom are children. We live in a three-storey house, at the western entrance of Burqa. At about 10 am on Thursday 23 December 2021, we heard violent knocking on our main door. I went to open the door, when I was surprised by dozens of fully armed Israeli occupying soldiers, in their military uniform. They were pointing their guns at me, and asked me to go inside the house. They immediately raided the house and went to the third floor, where my son, Fadi, 32, his wife, Ruba, 24, and their daughter Dania, 10 months old, live. All my family members gathered in the first floor and the IOF took the third floor and the roof as their military station. They were behaving in a brutal manner, shouting and violently opening the doors of the houses. After the soldiers raided our house, our neighbour's house, Sabeih Saif, was also raided and taken as a military station. Confrontations were taking place between the residents and the Israeli occupying soldiers who raided the village in hundreds, accompanied by dozens of military patrols and an Israeli military bulldozer. The bulldozer closed the main road of the village with dirt and rock mounds. I could hear the sounds of live bullets, rubber-coated bullets, tear gas canisters being fired by the IOF from the roof of our house towards the main street, where the confrontations took place. We felt frightened with the IOF present in our home and we were concerned for our lives. I was watching the IOF movement in the building through a window overlooking the staircase. My family was detained on the first floor and soldiers prevented us from leaving. I even wanted to go to the third floor to bring diapers for my son's child, but they refused. My son, Fadi, was outside the house at the moment of the raid and was unable to come back to the house until the next day. I consider that the IOF held us hostage inside the house. The raid continued until 2:00 am on Friday, 24 December 2021. After they withdrew, we inspected the damage, and found that they had moved plastic chairs, and furniture from my son Fadi's house on the third floor to the roof. I also saw empty bullets on the ground and tear gas canisters on the roof. At about 10:00 am, on 24 December

⁴⁴ Al-Haq Affidavit 579/A, taken on 29 December 2021, Arafat Muhammad Ibrahim Salah, 56, resident of Burqa, Nablus.

*2021, the IOF returned and raided the house again. They stationed at the third floor and the roof and stayed until 1:00 am on 25 December 2021. During that time, we felt suffocated as a result of inhaling tear gas fired by the IOF from the rooftop of our house, which reached inside the house. On 26 December 2021, at approximately 1:00 pm, the IOF raided our house again and stationed at the third floor and the roof. They prevented us from moving again until they withdrew at 2:00 am on Monday 27 December 2021. This was the worst night we lived in the house, as they were firing live bullets and tear gas canisters heavily and violently. After the last raid, we found holes in the windows in the second and third floor. During the raids, we did not have the freedom to move or leave our house or receive anyone and we couldn't buy our necessities. The children in the house were terrified. I felt that our house turned into a military station.*⁴⁵

Since 27 March 2022, Palestinians have been subjected to intensified colonial settler attacks in acts of vengeance, after a series of attacks by Palestinians inside the Green Line. The overall situation since the aforementioned date, have also included intensified violence by the IOF, who launched several attacks on Jenin refugee camp, increased their resort to excessive use of force and shoot to kill policy, heightened their conduction of arbitrary arrests, closed Al Jalma and Barta'a checkpoints, and intensified military troop numbers deployed in the West Bank. The attacks on the Jenin Refugee Camp amount to the continued use of collective punishment by Israel's apartheid regime against Palestinians.⁴⁶ Such violence by IOF has been accompanied by statements made by Israeli officials, inciting further violence against Palestinians, including Prime Minister Naftali Bennett's call on 30 March 2022 for 'citizens of Israel' to hold arms⁴⁷ further reinforcing colonial settlers to continue their attacks against Palestinians.

Most of the prominent trends by colonial settlers since the last two weeks has been closing main roads and attacking Palestinians in their vehicles, including by throwing stones, spreading a widespread sense of unsafety for Palestinians to move between cities and towns, and obstructing their right to freedom of movement, and their right to access health, education, and work. For example, on 27 March 2022, at around 11:45 pm, a group of colonial settlers attacked and destroyed dozen Palestinian vehicles passing through Nablus-Ramallah Street, near Huwwara town, south of Nablus, and on 29 March 2022, at approximately 10:30 pm, colonial settlers attacked Palestinian cars at intersections between towns and villages in Nablus, smashing the windows of a number of them and damaging car bodies.⁴⁸

⁴⁵ Al-Haq Affidavit 583/A, taken on 29 December 2021, Iman Fayeze Mohammad Hajja, 53, resident of Burqa, Nablus.

⁴⁶ Al-Haq, 'Action Alert: International Community must Intervene to Stop Escalating Violence Against Palestinians by Israeli Occupying Forces and Colonial Settlers' (11 April 2022) <<https://www.alhaq.org/advocacy/19878.html>> accessed 12 April 2022.

⁴⁷ Gov.il, 'Recorded Statement by PM Bennett' (30 March.2022) <https://www.gov.il/en/departments/news/spoke_statement300322> accessed 12 April 2022.

⁴⁸ According to Al-Haq's documentation.

Other trends also include attacking Palestinians in their homes, by throwing stones at homes' windows, destroying vehicles and torching them, and spray-painting racist speech at Palestinian homes' fences and doors. On 27 March 2022, at around 11:30 pm, colonial settlers attacked the home of Samir Mahmoud Masoud Odeh, 60, in Huwwara town by throwing stones and smashing the windows of their home and their private Mazda vehicle. As soon as family members left the home to see what happened, a group of colonial settlers withdrew in the direction of Nablus - Ramallah Street. Samir and his two sons, Ahmad, 18, and Abdullah, 23, headed to the aforementioned road, whereby dozens of colonial settlers were throwing stones at passing Palestinian vehicles. Then, a group of IOF arrived, and the family confronted the IOF verbally. One soldier then physically beat Samir with a rifle end on his head. Samir lost consciousness directly and was transferred to Rafidia hospital in Nablus city, as he had a two-cm wound in his head stitched.⁴⁹

At dawn on 28 March 2022, colonial settlers attacked Palestinians' properties in the town of Turmusaya, north of Ramallah, by damaging the tires of around 16 Palestinians' vehicles, and writing provocative racist slogans on walls in the area calling for revenge against Palestinians and threatening them of reprisals against Palestinians attacks inside the Green Line.⁵⁰

Colonial settler attacks are a direct result of the illegal transfer of Israeli civilians into occupied territory perpetrated by Israel, the Occupying Power.⁵¹ Israel, as Occupying Power, is obliged to "ensure, as far as possible, public order and safety" in the occupied Palestinian territory.⁵² Israel is also obliged to ensure the wellbeing and safety of the protected population, including by private actors.⁵³ This is in addition to its obligation to ensure that the protected persons are treated humanely and "protected especially against all acts of violence or threats thereof and against insults."⁵⁴ The scale and frequency of colonial settler violence has created a coercive environment in which the Palestinian people are forced to live in, and which may result in their forcible transfer, by the Israeli occupying authorities who have failed to provide an adequate response.⁵⁵

In addition, under international human rights law, colonial settler attacks infringe upon Palestinians' rights, including freedom of movement and residence, freedom from interference

⁴⁹ Al-Haq Affidavit 79A/2022, taken on 28 March 2022, Samir Mahmoud Mas'oud Odeh, 60, resident of Huwwarra, Nablus.

⁵⁰ According to Al-Haq's documentation.

⁵¹ Articles 49 and 147, of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entry into force 21 October 1950) 75 UNTS 287 (hereinafter 'Fourth Geneva Convention'); Article 8 of the Rome Statute of the International Criminal Court (adopted 17 July 1998, entry into force 1 July 2002) 2187 UNTS 3 (hereinafter 'Rome Statute').

⁵² Article 43, of the 1907 Hague Regulations annexed to the Hague Convention IV Respecting the Law and Customs in War on Land (hereinafter 'Hague Regulations').

⁵³ JS Pictet, Commentary: Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, ICRC, Geneva, 1958, pp. 274-283; Article 43, the Hague Regulations.

⁵⁴ Article 27, Fourth Geneva Convention.

⁵⁵ Article 8, Rome Statute; Articles 49 and 147, Fourth Geneva Convention.

with home and family life, as well as the rights to health, education, work and an adequate standard of living.⁵⁶ As indicated in the cases above, the IOF not only stand as bystanders while Palestinians are under attack by colonial settlers, they have gone further to shield and support colonial settlers who carry out violent attacks with impunity, perpetuating an environment in which these attacks thrive.

Colonial settler violence is a direct result of Israel's failure to take the necessary measures to prevent colonial settler violence. The systematic lack of any law enforcement by the Israeli police forces on criminal acts perpetrated by colonial settlers against Palestinians reveals an institutional unwillingness to hold colonial settlers to account. This constitutes a further violation of international law by the Israeli occupying authorities in so far as they deny to Palestinians an effective legal remedy for such attacks.⁵⁷ This systematic lack of law enforcement against colonial settlers, coupled with institutional unwillingness to investigate and prosecute colonial settlers, encourage colonial settlers to repeat their violence knowing that they enjoy impunity for crimes against Palestinians and benefit from the protection of Israeli domestic laws, in violation of international law.⁵⁸

Recommendations:

The following appeal highlights increasing violence against Palestinians committed by colonial settlers since 2021 including specific price tag attacks in the recent period. We request the immediate intervention of your respected mandates to protect the Palestinian people from systematic and ongoing violence and attacks by IOF and colonial settlers, which are conducted with institutionalised impunity, and, in particular to:

- I. Demand Israel, the Occupying Power, to immediately halt the planning, construction and expansion of its unlawful settlement enterprise and progressively undertake measures to dismantle all existing settlements and their infrastructure and withdraw colonial settlers from the oPt;
- II. Call on Israel to guarantee the protection of the Palestinian civilian population in the oPt by taking all necessary measures to ensure effective law enforcement against colonial settler perpetrators and investigation into incidents of colonial settler violence;
- III. Call on Israel to afford all victims of colonial settler violence access to justice and effective remedies, including by ensuring the investigation of incidents, the prosecution of potential perpetrators, and reparations for its wrongful inaction;

⁵⁶ Al-Haq, 'Institutionalised Impunity: Israel's Failure to Combat Settler Violence in the Occupied Palestinian Territory' (2013) 29.

⁵⁷ Article 2(3) of the International Covenant on Civil and Political Rights (adopted 16 December 1966, entry into force 23 March 1976) 16 December 1966, 999 UNTS 171.

⁵⁸ See, Al-Haq, 'Institutionalised Impunity: Israel's Failure to Combat Settler Violence in the Occupied Palestinian Territory' (2013) 29.

- IV. Call on Israel to cease all policies and practices that form part of its apartheid regime against the Palestinian people, particularly with regards to law enforcement and access to justice;
- V. Call on Third States to take immediate actions and measures against Israel's settlement enterprise, including by instituting a ban on settlement imports, supporting and endorsing available mechanisms to counter the expansion of Israel's unlawful settlement enterprise, including the UN Database of all business enterprises involved in or with settlements, and undertaking necessary measures that guarantee Israel's genuine law enforcement and investigation into incidents of colonial settler violence;
- VI. Call on the International Criminal Court and the prosecutor to push forward with their investigation into the Situation in Palestine, so that justice and accountability can be given for the victims of Israel's war crimes and crimes against humanity.