



The Dynamics of Israeli Settler Terrorism and US Options

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Introduction

On July 31, 2015, Palestinian homes in the village of Duma in the occupied West Bank were set on fire at night by masked assailants who left behind Hebrew graffiti reading “Revenge!” A family of four, the Dawabsheh family, was inside one of the homes when the attack took place. As a result, the toddler in the family, 18-month-old Ali, was burnt to death. His parents, Saad and Riham, and four-year-old brother Ahmad initially survived the attack despite suffering major burns. In subsequent weeks, the father and mother both succumbed to their injuries leaving behind their eldest son struggling to recover in a hospital from extensive burns. This attack constituted the most severe act of Israeli settler terrorism in recent years.

The attack, condemned internationally as an act of terrorism, brought focus back to the issue of Israeli settler terrorism which has existed for decades and has intensified in recent years. The problem of Israeli settler terror is significant not only because of the devastating effect it has on Palestinian lives and property, but also because of its political destabilizing potential. For these reasons, US policymakers should thoroughly examine options for combating this dangerous and growing trend.

Below is a background on Israeli settler terrorism, suggested means to combat it and several options for the United States government on how it can contribute to the fight.

Settler Terrorism

Jewish terrorism in Palestine is as old, and in fact older, than the modern state of Israel itself. The use of political violence by Israeli settlers against Palestinian civilians and their property in the 1967 Occupied West Bank has also been in existence for decades. Some early and prominent examples include the bombing campaigns against Palestinian mayors in 1980 by the Jewish Underground. The 1994 attack by Baruch Goldstein, a notorious American-Israeli settler on Al-Ibrahimi Mosque in Hebron, gunning down scores of Palestinians, killing 29 and injuring many more. The Bat Ayin Underground had nearly pulled off a bombing outside a girl’s school in April of 2002 that was rigged to explode at the moment schoolgirls entered the building. This followed a very similar incident the month earlier which did go off in front of a school in Sur Baher injuring eight students and a staff member.¹

¹ For a more detailed overview of these activities and others, see [Jewish Terrorism in Israel](#)

While these are among some of the more notable incidents, perhaps even more troubling are those that have become mundane. In recent years, violent Israeli settler activity has become commonplace in the West Bank. Attack types vary and include everything from shootings to physical assaults to arson and span across the Occupied Territory.²

After analyzing settler terrorism in the West Bank, three key findings help explain what steps can be taken in relation to this scourge. First, settler attacks have increased in recent years. Despite hitting a high point in 2011,³ the number of settler attacks as recently as 2014 remained twice as high as they were a mere 5 years ago.⁴

Second, these attacks are primarily structural, not responses to other events. This means that while some settler attacks happen at a specific time (in response to the Israeli Government acting against settlements for example) most settler attacks do not seem tied to a particular trigger and are rather a product of the structure of the Israeli occupation. The West Bank is divided into several zones, primarily known as Areas A, B and C, established by the Oslo Accords. In each of these areas, security jurisdiction and policing work differently:

Area	Security Jurisdiction	% of WB Land	% of WB Palestinian Pop
A	Palestinian	18%	55%
B	Israeli	21%	41%
C	Israeli	61%	4%

The vast majority of Israeli settler attacks occur in Areas B and C where Israel alone is responsible for security. Palestinian security forces are not permitted to operate in these areas. Two types of Israeli forces operate in Areas B and C; the Israeli police and the Israeli military. While Palestinian police have limited jurisdiction in Area B (and none in Area C) they can only exercise it in instances where the perpetrators are not Israeli citizens and where crimes are “not related to Israel’s security interests.” The article on criminal jurisdiction in the legal protocol of the Oslo Accords states that “Israel has sole criminal jurisdiction over...offenses committed in the Territory by Israelis” and that “Palestinian authorities shall not arrest Israelis or place them in custody.”⁵ This means that settlers choosing to commit attacks in areas B and C, where the vast majority of attacks take place, know that if they face any prosecution it will be in the Israeli criminal justice system. That justice system has a particularly poor track record when it comes to preventing and punishing Israeli settler attacks. In fact, an Israeli NGO that tracks this issue found that “The chance that a complaint

² For a comprehensive analysis of Israeli settler violence, see [When Settlers Attack](#)

³ http://unispal.un.org/pdfs/UHCHR_SettlerViolence.pdf

⁴ <http://unispal.un.org/UNISPAL.NSF/0/DBD71B246ACA1DC885257E0500543AAD>

⁵ <http://unispal.un.org/unispal.nsf/eed216406b50bf6485256ce10072f637/bb2b59417609ec9485256f1800663122?OpenDocument>

submitted to the Israel Police by a Palestinian will lead to an effective investigation, the location of a suspect, prosecution, and ultimate conviction is just 1.9 percent.”⁶

In practice, this all amounts to a system in which Israeli settlers are able to commit violent attacks against Palestinian civilians and their property without having to worry about facing any legal consequences. This system, supported by the legal structure of the occupation, has enabled and emboldened settler terrorism.

While this structure is probably the single most significant explanatory variable when it comes to why Israeli settler attacks happen, some attacks, albeit a minority, are also precipitated by other events. In the aforementioned analysis on settler attacks, I analyzed eight years of daily data on settler violence encompassing thousands of incidents and found that Israeli actions against settlements had a statistically significant impact on the occurrence of settler violence, although it only explains a small percentage of the phenomenon. This suggests that while most settler attacks are not responses to other events, certain events, like Israeli actions against settlements are highly likely to be followed by Israeli settler attacks. This trend is so reliable that in fact, when Israel took down two settler buildings on July 29th, I tweeted hours before the settler attack in Duma that an uptick in settler violence was likely in response.⁷

Third, and perhaps most important, what can be gleaned from the two preceding points is that settler attacks are largely preventable, and thus relatively minor changes in policy by Israel and the United States could go a long way toward combating this phenomenon. The most violent settlements are well known and so are the most vulnerable Palestinian populations. An adjustment in Israeli investigative and security resources deployed in these locations could significantly deter settler attacks. For this to be a viable path toward reducing settler attacks over time, however, the dismal prosecution rates for settler attacks against Palestinians must change dramatically. This requires a political will that Israeli leaders have yet to display. But the absence of adequate Israeli action to prevent settler terrorism should not prevent the United States from taking the steps it can take on its own to combat these dangerous attacks.

US Options to Combat Settler Terrorism

For several consecutive years, the US State Department’s annual Country Reports on Terrorism has included Israeli settler attacks on Palestinians. The day after the attack on the Dawabsheh family home in Duma, the State Department condemned “in the strongest possible terms last night’s vicious terrorist attack.”⁸ Yet despite appropriately labeling Israeli settler attacks as terrorism, the United States Government has yet to apply any of the various anti-terrorism laws at its disposal to combat Israeli settler terrorism.

⁶ <http://www.yesh-din.org/postview.asp?postid=309>

⁷ <https://twitter.com/YousefMunayyer/status/626422544682328064>

⁸ <http://www.state.gov/r/pa/prs/ps/2015/07/245554.htm>

There are several steps the US government can take to combat settler terrorism:

1. Elevate Settler Attacks on the Bilateral Agenda with Israel

The first step the United States could take is to raise the issue of combating Israeli settler terrorism to the top of its bilateral agenda with the state of Israel. The US can impress upon Israel that this is a matter of importance to the United States and that it will be watching how Israel adjusts its policies to better address Israeli settler attacks. Further, the United States could request that its cooperative relationship with Israel on counter-terrorism include a robust sharing of intelligence on Israeli settler terrorism. While this step would be an important one, the US continues to rely on the Israelis to voluntarily crack down on Israeli settler terror, something they have failed to adequately do. The United States can and should take separate, independent, concurrent and consequential steps that would reinforce the seriousness of the diplomatic messages Washington is sending to Tel Aviv.

2. Designate Israeli Settler Terror Networks as Foreign Terrorist Organizations (FTOs)-

The State Department's Office of the Coordinator for Counterterrorism can launch an investigation into Israeli settler terror networks upon which the Secretary of State, the Attorney General and the Secretary of the Treasury can base the decision to designate such networks as FTOs. There is of course a precedent for adding Israeli settler terrorists to the FTO list. In 1997, the United States added "Kahane Chai" or the Kach movement to the FTO list and this decision was further upheld by a US district court as well. The designation of Israeli settler terror networks as FTOs would provide US law enforcement with the tools to crack down on anyone providing material support to these organizations including American-registered not-for-profit organizations that might be taking advantage of US tax incentives to raise funds for these movements.

3. Designate Israeli Settler Terrorists as Specially Designated Nationals under Executive Order 13224-

At the initiative of either the State or Treasury departments the US government can choose to designate specific individuals involved in Israeli settler terrorism as "Specially Designated Nationals" under Executive Order 13224. This would empower the Office of Foreign Asset Control (OFAC) to take appropriate action to block the assets of the designees in the US as well as prevent financial institutions from making such assets available to the designee.

In sum, settler terrorism continues to be a significant problem facing Palestinians and has the potential to destabilize the West Bank at any given moment. While the government of Israel can do the most to combat Israeli settler terrorism it has not displayed the political will to do so.

The government of the United States has a range of options before it that it can select to send a strong message about its opposition to settler terrorism and make a substantive contribution toward ending this menace.

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