

Review:

Discriminatory security policy against Palestinians in the West Bank

Not according to degree of threat but rather by ethnic identity: A review by Rabbis for Human Rights of the systematic discrimination inherent in Israel's security policy in the West Bank.

Our purpose in this review is to shift from a focus on the violent individuals to a systematic overview. Violent and fanatic people exist on both sides; from a human rights perspective, the question is how the authorities handle nationalistic violence, terrorism, and hate crimes.



We are frequently asked why we focus on monitoring settler violence against Palestinians and not vice versa. We focus on the responsibility of the sovereign power over the territory under its control, as this regime is equally responsible for the security of everyone who lives in the West Bank. The Israeli military government in the West Bank systematically exhibits different security policies and practices towards Israeli citizens compared to the Palestinian subjects. This is true even when security forces are faced with similar security threats. Another issue is the systematic failure of the security forces to defend the Palestinians. It is not only an indication of incompetence but an ongoing and institutional bias in Israel's security policy, prioritizing the defense of threatened Palestinians last. On the other hand, the security forces do not hesitate to disproportionately and collectively trample Palestinian rights on the pretext of settler security, even when the measures they take are not reasonable.

Although far from complete, this review covers a number of levels of discrimination in Israel's security policy in the West Bank. It was compiled through the collection of existing information.

Aspects of discrimination between settlers and Palestinians in Israel's security policy in the West Bank:

1. Admissions by senior army officers, government investigation committees, and the State Comptroller of inadequacy in dealing with settler and soldier violence in the West Bank since the 1980s

Pages 25-55 of the Yesh Din report [Standing Idly By](#) provide a comprehensive review of admissions by government officials and security forces of their failure to handle violent settlers. This failure is not new and one of its causes is the bias of security force personnel, including senior officials, towards the settlers. From the Yesh Din report [Standing Idly By](#) pp. 27-28:

“In April 1981, a monitoring committee was established to investigate suspicions against Israelis in Judea and Samaria, headed by Deputy Attorney General Yehudit Karp, following an undertaking made



רבנים למען זכויות האדם

by the State to the Supreme Court to enforce law and order against violent settlers living in Beit Hadassah in Hebron.⁵⁰ Through his military secretary, then- Prime Minister Menachem Begin ordered the Coordinator of Government Activities in the Territories (COGAT) and the Commander of Judea and Samaria Area to ‘take aggressive action to prevent disturbances of public order and breaches of law’ and to cooperate with the monitoring committee.”

The report of the monitoring committee noted that despite these explicit undertakings [to enforce the law equally], the actions of “officials inside the military government” completely contradicted their spirit. These officials intervened in police investigations of violent settlers in Hebron, pressed for the release of settlers suspected of violence, and even promised to repair the damage caused by those settlers. It appears that these problems have not gone away in present days, as seen below.

2. Closing areas in order to “protect” the population: Rarely for Israelis, regularly for Palestinians

When do you harm someone whose security is threatened? In the territory under Israeli security control, very few areas are closed to Israelis due to fear for their safety — certainly not their private agricultural lands. On the other hand, the security forces often close wide swathes of land to the entrance of Palestinians out of fear that extremist settlers will attack the Palestinians. Even when it comes to private agricultural land belonging to Palestinian

farmers, the farmers are often forbidden from entering their land, sometimes in the middle of the workday, on the pretext that settlers might harm them. These areas are under Israeli security control, and therefore Israel owes security to those who are threatened rather than harming them. Instead of acting against the aggressors, the security forces harm the potential victims themselves. This is not a policy of protection against violence but rather the transformation of the threat of violence into a tool for pushing Palestinian farmers off their land and undermining their livelihoods.

On the other hand, it is often argued that Area A is also closed to Israelis out of fear for their safety. Such a claim, however, is a false equivalence: Our argument against blocking access is against the sovereign who is responsible for security and for protecting those who are threatened. Israel is not the direct sovereign in Area A; that area is not under the responsibility of Israeli security but rather under the Palestinian Authority, which has not initiated blocking the access of Israelis. Moreover, the closure of Area A does not affect the ability of Israeli farmers to earn their livelihoods due to blocked private agricultural land as is the case for Palestinian farmers. Israel is the party that has closed Area A to Israelis – in other words, the country where Israelis have civil rights and the ability to impact its policy – and not the PA, on whose policy Israelis have no influence. However, for the Palestinians the situation is the other way around: Israel, the party on whose policy the Palestinians have no impact, is the one who is blocking their access to their land and not

the PA. Finally, there is no effective enforcement of that blocking of access, and in fact many Israelis (not only Arabs) visit Area A every week. This is in stark contrast to the Palestinians who are forcefully denied access to their lands.

3. Collective curfews and widespread travel restrictions without cause or following violent acts committed by an individual

The army does not impose curfews on settlements from which Jewish assailants set out or to which they escaped – even in the case of outposts known for high levels of nationalistic violence. On the other hand, curfews and travel restrictions are common tools when it comes to Palestinian villages or even entire cities with tens of thousands of residents. Sometimes these measures are taken after incidents such as stone-throwing where nobody was hurt. Even when it comes to a serious case of Jewish terror, when outposts have numerous extremist residents, and during times of tension when revenge attacks (“price tag”) are expected, there have been no cases of curfews on outposts. We oppose in general imposing a curfew on an entire community because of the actions of individuals, but the fact that this illegal policy is applied based on national identity rather than according to the severity of the violence or threat is another indication of a discriminatory security policy beyond the illegal use of collective punishment.

Apart from cases of curfew, Palestinians are frequently expelled or detained when they travel throughout the

territories. This occurs even where there are no permanent entrance prohibitions on Palestinians set in place by the issuing of temporary injunctions on various pretexts, or even without said injunctions, by way of unauthorized initiatives of soldiers on the ground which are contrary to military orders. Palestinians are frequently expelled because of their identity and not because of their actions. Two recent examples of this overreach by soldiers on the ground come from the last olive harvest season (2016). During the season, Rabbis for Human Rights documented four cases of blocked access or the expulsion of Palestinians

from their land despite the fact that either the work had been coordinated with the army in advance or that the work planned was in an area that did not require coordination. The army opposes these actions but does not act vis-a-vis its own soldiers to prevent them from happening. Meanwhile, we are not familiar with cases and certainly not systematic phenomena of expelling settlers from agricultural land at the initiative of soldiers on the ground.

In addition, many outposts are surrounded by “informal special security areas,” which is to say that even though

the army (the authority responsible for security) decided not to declare the area off-limits to Palestinians, in fact extreme settlers attack Palestinians who enter those areas and create a situation where access is de facto prevented. Soldiers frequently cooperate with the extremist settlers in blocking access, which is illegal even according to the army. Sometimes the violent and illegal expulsion of Palestinian farmers by a soldiers and/or settlers takes place in Area B, land that is under PA civilian control and where there is no Israeli controlled “state land.” Even **concerning Area B**, where it is clear that Israel has no authority to manage lands, this phenomenon occurs repeatedly. Moreover, in cases when the army recognizes the expulsion is unjustified, inadequate measures are taken to prevent soldiers from repeating this behavior. The areas from which Palestinian farmers are blocked — especially the “informal special security areas” — often contain private Palestinian land, resulting in an undermining of the farmers’ livelihoods.

Of course this phenomenon has no reverse parallel: There is nothing to prevent settlers from entering swathes of land surrounding Palestinian villages, or anything to stop settlers from entering Palestinian villages in Areas C and B. There is certainly nothing in Israeli military practices to prevent settlers from accessing the land they cultivate.

Another issue is trespassing: From our experience, Palestinian complaints of settlers trespassing onto their land are not treated seriously, whereas the entry of Palestinians into land allocated for settlements or their





רבנים למען זכויות האדם

agriculture are handled instantly, whether by security forces or by quasi-military local forces (civilian security coordinators or emergency squads), who were empowered to exercise force and carry arms. Settler trespassing into Palestinian agricultural lands is often the beginning of an attempt to take-over the land, so the failure to respond to the trespassing facilitates the takeover.

The city of Hebron is an interesting microcosm of access prevention. The parts of Hebron into which the Israeli army does not allow Israeli civilians to enter are not under full and direct military control. On the other hand, in the H2 area, which is under full Israeli security control, access restrictions apply only to Palestinians, whose access to some streets is restricted.

Throughout the West Bank there have recently emerged a number of rare cases where the entrance of Israelis is prevented in order to guarantee the safety of Palestinian farmers. These areas, however, constitute private Palestinian lands rather than public spaces or Jewish settlements, and in any case the opposite situations are much more numerous and wide-reaching.

4. Security measures for illegal outposts compared to Palestinian villages suffering from repeat attacks

As a rule, the outposts and settlements receive a range of means of protection. This includes fences, permits to carry weapons, military patrols, guards and guard towers, emergency squads, and more. Sometimes even



a military force is situated at an outpost to manage "settlement security," while official or unofficial security areas are designated where Palestinian access is forbidden without coordination and military permission. The Palestinian villages, even the ones most attacked, receive no permanent security measures that we are aware of. Even the varying level of approximated threats for the two populations cannot explain such an extreme gap: after all, the Palestinian villages have also experienced the infiltration of hostile elements, including some which have cost lives – as in the case of the Dawabshe family, whose home was firebombed, killing a couple and their baby and seriously injuring their five-year-old son.

5. Vastly different rules of engagement and open-fire orders despite parallel situations

This discriminatory security policy— especially when it comes to rules of engagement and opening fire — did not start yesterday. As early as the Shamgar Commission investigating the Cave of the Patriarchs massacre in 1994, a series of senior officers testified that the message to the soldiers was: you do not shoot at Jews or use "intifada measures" against them even if they are massacring Palestinians or shooting at soldiers (p. 32-35, [Standing Idly By](#) by Yesh Din). Even in times where the security threat is similar, the conduct of the security forces is different towards Jews and Palestinians.

The disparity in the rules of engagement continues to this day. For instance, the actual on-the-ground practices of

security forces are completely different when Palestinians throw stones versus when Jews throw stones. A young Palestinian who throws a stone at an officer and runs away may be killed even after he stops posing a threat. Settlers who have thrown stones at soldiers, and therefore pose a threat, have never been shot, not even with rubber bullets. A comprehensive summary of actual examples of this discrimination can be found in the [article by John Brown in Ha'aretz](#) [Hebrew]: "IDF soldiers are more afraid of Palestinian stones than settler stones."

As a rule, the security forces generally refrain from employing crowd-control measures against violent gatherings of settlers attacking Palestinians or even soldiers. This is frequently observed by our activists. Meanwhile, crowd-control measures are frequently employed even against nonviolent gatherings of Palestinians. In many cases these measures are used in a nonstandard, unauthorized, and dangerous way, leading to grave injuries and even the death of Palestinian demonstrators. Usually the soldiers responsible [go unpunished](#). Crowd-control measures are [not employed illegally against violent settler demonstrations —justifiably so— and in fact crowd-control measures are hardly used at all in those situations. This indicates that it is possible to effectively manage demonstrations, even violent ones, without using lethal practices. Thus the systemic disparity in the approach to different demonstrations is based on the identity of the demonstrators and not on the degree of violence of the demonstration or gathering.

6. Size, speed, and power of forces deployed in equally serious and violent incidents

When settlers or outposts are attacked by Palestinians, military and/or police forces arrive on the scene quickly, in a large scale, and respond forcefully – sometimes disproportionately – to the violence. On the other hand, we see again and again cases where even after our activists or other rights activists report violent attacks on Palestinians to the security forces, the forces take their time and in some cases never arrive at all. When the security forces finally arrive to a site where Palestinians were attacked, they often come with a limited force that does not enable a serious response, or they do not take all of the necessary measures to prevent the attack and detain the assailants.

The problem in these cases mainly relates to the conduct of the soldiers and less so to the police, which have recently improved their response to nationalistic crimes (although we also have seen policemen and policewomen standing idly by). However, the military is a more dominant factor for the defense of the Palestinians; the soldiers are numerous and are more deployed on the ground than the police. Therefore, soldiers are often present at the violent sites without the police. Despite the fact that soldiers have detention powers, even vis-à-vis violent settlers (until the police arrives), it is rare for soldiers to use that power. Therefore, again and again violent settlers are not detained by soldiers and flee the scene before the police



come. As a rule, the detention of violent settlers by soldiers is a rarity compared to the tendency of soldiers to arrest Palestinians for minor issues such as presence in an area that has not been declared off-limits for Palestinians, but is considered to be close to an outpost. The inadequate treatment of attacks sometimes reaches the point that soldiers actually ignore violence or stone-throwing by settlers (documentation of one of the recent incidents is [here](#)). See the following section as well.

7. The widespread and repeated phenomenon of security forces "standing idly by" during violent attacks on Palestinians

We are not familiar with situations where security personnel stand idly by while Palestinians attack settlers. Unfortunately, we know all too well the opposite phenomenon. Turning a blind eye to settler violence is





רבנים למען זכויות האדם

illustrated most blatantly in this [video documentation](#) by B'Tselem. Documented is an army officer ignoring settler violence, openly claiming his job is not to protect Palestinians against attacks, calling human rights activists "traitors," and hinting they should be executed. As far as we know, no action was taken against that officer, despite the fact he can be easily identified and located, and the requests of B'Tselem to the military advocate general to take action reflecting the severity of the incident. Just recently, [Rabbis for Human Rights documented a series of cases](#) of soldiers ignoring settlers throwing stones at Palestinians in the village of Burin.

From the Yesh Din report Standing Idly By: "Between September 2000, the beginning of the second intifada, and December 2011, B'Tselem made 57 complaints to the MAG Corps in cases in which security forces were suspected of failing to prevent violence against Palestinians and vandalism of Palestinian property. The MAG Corps told B'Tselem that investigations were opened in only four cases, and in two of them, they were closed without any action taken against the implicated soldiers. A criminal investigation was opened in one case only. Many other cases are still being processed by the MAG Corps – five years after the incidents occurred, and long after the soldiers were discharged from the military and therefore likely no longer fall under the jurisdiction of the military courts-martial. Yesh Din has filed 30 complaints with the MAG Corps regarding cases in which soldiers stood idly by since 2008. Not a single case has led to criminal or disciplinary proceedings against the soldiers."



Rabbis for Human Rights has also received a number of complaints of soldiers standing idly by while settlers assault Palestinians or Palestinian property.

8. Charges and convictions for Palestinians; closed files for settlers

According to Yesh Din data, 99.7% of Palestinians put on trial (in military courts) are convicted. Rarely are investigation files against Palestinians closed without charges. On the other hand, in cases of ideologically motivated crimes by Israeli suspects in the West Bank, only in 8.2% of cases are any charges pressed at all. How is it that investigators fail so badly at finding evidence when the suspects are Israelis yet are so efficient when they are Palestinians?

Even when a strong basis of evidence is present indictments and convictions are not reached. For instance, [in the case of the Qawarik cousins](#), although it was proven there had been unjustified lethal shooting, unconvincing and contradictory self-defense arguments, as well as a clearly known suspected soldier, basic investigative and legal efforts were not made to bring the suspects in the killing of the Palestinians to trial. The cousins were shot after, according to the testimony of soldiers, one of them picked up a syringe he found on the ground, which turned out to not have a needle. The incident occurred after the cousins had been detained on the ground for hours, and all together, they were shot with 29 bullets. The soldiers were not put on trial.

Sometimes this is also the case for settlers: Even when the police have all of the evidence needed to bring a settler to trial, in many cases this somehow does not happen. Therefore many Jewish hate criminals are never brought to trial despite strong evidence. Conversely, Palestinians are almost always charged and they are convicted at a rate of nearly 100%.

The mechanisms of negligence in bringing violent settlers to justice continue even after they are charged: For instance, the court inexplicably allowed a settler —already convicted of shooting a Palestinian to death in unjustified circumstances (manslaughter) and awaiting sentencing, to stay under house arrest, enabling the convict to flee and disappear. It is hard to imagine a similar case in the context of a Palestinian who had committed the same crime. There are also past cases of scandalous pardons for Jewish terrorists, not even as part of prisoner exchange deals or political processes.

9. Abuse of administrative detentions when used against Palestinians

In principle, we oppose administrative detention – detention without trial – for the entire population, except in rare and short-term cases where there is no other way to prevent the clear and immediate threat of a life-threatening attack with a high level of certainty ("ticking bomb"). However, the widespread use of this tool against Palestinians is unacceptable, as is the length of the detainments which can last years in the case of Palestinians but only weeks or months in the



רבנים למען זכויות האדם

case of Jews. Finally, the ease with which administrative detention is used against Palestinians raises questions. For example, the case of the release of the administrative detainee Khader Adnan after he went on a hunger strike. Administrative detention is supposed to be an instrument used only against “ticking bombs.” It is hard to believe that the authorities would release a “ticking bomb” only because the detainee went on a hunger strike, and therefore there is reason to doubt the argument that the use of administrative detention against Palestinians is indeed limited just to those cases.

10. Accompaniment of threatened students to school: Consistent for Israelis, inconsistent for Palestinians

Students who attend school in the village of A-Tuwani in South Hebron Hills, whom Rabbis for Human Rights assists, have been facing violent attacks by extremist settlers on their way to school for years. Even the human rights activists who accompany the students have been attacked and injured in some cases. After pressure, the army agreed to devote a patrol to accompany the students to school, perhaps out

of recognition of its own failure to prevent the assaults and arrest the assailants. The security forces also accompany Jewish students in places where they are threatened by Palestinian extremists. In the case of the accompaniment of Jewish students, we are not familiar with complaints of tardiness or systematic and ongoing absences of the accompanying force, but the children going to school at A-Tuwani suffer from just that: Almost every week they must choose between the physical risk of walking to school without accompaniment (because the accompaniment was late or didn't come at all) or missing school.

The picture that arises from all of the above reveals the ongoing and systematic discrimination of a policy that is supposed to provide security in the West Bank. However, the policy in the area is actually dependent on the ethnic identity of the attackers and the victims and not only on the degree of risk or threat. This discrimination is very far from the precept: “Ye shall have one manner of law, as well for the stranger, as for the home-born; for I am the LORD your God” (Leviticus 24:22).

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