

Settlement Monitor

This section covers items—reprinted articles, statistics, and maps—pertaining to Israeli settlement activity in the West Bank, East Jerusalem, and the Golan Heights.

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SETTLEMENTS AS RETALIATION FOR KIDNAPPING

“YA’ALON PROPOSED NEW SETTLEMENT IN MEMORY OF MURDERED TEENS” (EXCERPTS)

This article was published by Haaretz on 1 July 2014. It was authored by the newspaper’s diplomatic correspondent, Barak Ravid. The text is available at www.haaretz.com.

Defense Minister Moshe Ya’alon and Prime Minister Benjamin Netanyahu proposed Monday night that Israel’s response to the murder of the three teenagers in the West Bank include a wave of settlement construction and the establishment of a new settlement in memory of Eyal Yifrah, Gilad Shaar and Naftali Fraenkel, a senior Israeli official told *Haaretz*.

An Israeli defense official confirmed the details and said that Ya'alon suggested the new settlement be established in the G'vaot outpost, frozen in 2002, which is located between Alon Shvut and Beitar Ilit. The Defense Ministry specified that the outpost is located on state lands and that the government [had] already made a decision to turn it into a settlement.

During Monday's cabinet meeting, Ya'alon presented a plan prepared by the Civil Administration with various actions aimed at strengthening the Israeli settlement enterprise. The suggestions include promotion of planning procedures and the publication of construction tenders for thousands of new units in the settlement blocs. The plan also includes a proposal for a new settlement on state lands inside one of the blocs, to be named after the three victims.

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According to the senior official, Justice Minister Tzipi Livni opposed the move and threatened to vote against the cabinet decision. Livni said that if Israel presents settlement construction as a sanction or punishment in response to the murder, it will hurt the little bit of legitimacy Israel has from the international community to retain the settlements blocs in any future deal with the Palestinians.

Livni evoked the many condemnations of the murders expressed by a slew of world leaders, and argued that settlement construction would damage Israel's international backing and hurt the national consensus surrounding kidnapping.

"It is wrong to split the nation along ideological lines of construction that the entire nation is not behind," Livni said. "Such a move could also hurt our international legitimacy for a military operation against Hamas. Settlement construction at this stage would minimize the murders and transform it from a national issue to a political one."

Economy Minister Naftali Bennett expressed a certain amount of support for Livni's stance, stating that he objects to an Israeli response limited to settlement construction that does not include a comprehensive military operation against Hamas.

However, a heated [debate] erupted at the cabinet meeting, when Bennett called the proposed actions raised "weak and disgraceful" and threatened to vote against them. As a result, Netanyahu decided to postpone the vote and schedule another meeting for Tuesday night.

According to a source present at the meeting who preferred to remain nameless, IDF Chief of Staff Benny Gantz and Israel Defense Forces officers suggested a strike on several Hamas facilities in the Gaza Strip, most of which have already been abandoned due to Hamas' anticipation of an Israeli raid.

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According to the source, there were "proposals, like continued operations against Hamas' civilian infrastructure in the West Bank and the search for the kidnappers, but nothing of significance."

At one point in the meeting, the source said, Bennett burst out with a list of eight possible actions, some of them quite extreme. He suggested large-scale operations against Hamas in the Gaza Strip, confiscating Hamas money in banks in the West Bank, and to begin instating [*sic*] the death penalty on terrorists convicted of murder in military courts.

"The response we are discussing here is weak and borders on disgraceful," Bennett said. "This was a severe instance of the kidnapping of three kids and their murder in cold blood. A weak response to such a grave incident guarantees the next kidnapping."

Ya'alon criticized Bennett during the meeting and warned that his suggestions were dangerous. "If we implement what you propose, it will lead to an escalation we won't know how to control, to

the point of a war in Gaza,” Ya’alon said. “Do we really want a war in Gaza now?” Bennett responded: “We will ultimately be at war in Gaza. It’s better that we be the ones to start it.”

Livni also rejected Bennett’s proposal. “We’ve had harsh terror attacks in the past, but you don’t start a war because of it,” she said. Minister Gilad Erdan agreed with Bennett that the defense establishment’s proposals were inadequate, but opposed an operation in the Gaza Strip for fear of an escalation.

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Before the meeting ended, Bennett turned to Netanyahu and said that he intended to vote against the cabinet decision as it currently [stood]. Netanyahu, who during the meeting expressed that he wanted to hear additional proposals for actions against Hamas, said he wanted a unanimous decision, and as a result, postponed the vote.

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“TAKING ADVANTAGE: THREE NEW OUTPOSTS” (EXCERPTS)

This short report was published by Americans for Peace Now on 9 July 2014. The text is available at www.apn.org, along with two detailed maps of the areas in question.

Peace Now has just announced that in the last few days, following the killing of the three Israeli teens, there have been alarming developments on the ground in settlements: **Three new (serious) outposts** were established and **a new road to Givat Eitam** outpost was paved, in addition to several other protest tents and other developments that the settlers put up in different places in the West Bank.

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1. The Three New Outposts:

Unlike other cases where following a terror attack settlers would put up a protest tent or a shack, calling it an “outpost,” this time the Settlements’ Municipalities were involved in the establishment of the outposts and supplied trailer homes and basic infrastructure of electricity and water. (The official website of the [Gush Etzion Municipality](#) called settlers to come to guard and support the places, and in Kiryat Arba, the mayor of the settlement took part in the establishment of the outpost.)

A. Ramat Hashlosha (the hill of the three)—At least 4 caravans were put up between the Palestinian villages of Zurif and Jaba’a, south east of Bethlehem near the settlement of Bat Ayin. The outpost is meant to prevent the potential connection of Jaba’a southward with the Palestinian territories in a case of land swaps as part of a final status agreement.

Most of the land of the hill on which the outpost was built was declared as “State Land” and was added to the municipal boundaries of Bat Ayin in 2001. In the past, the settlers proposed a construction plan for the site (plan no. 419/3) that was rejected by the minister of Defense in September 2006.

B. Tko’a E—The Gush Etzion Municipality placed at least 4 caravans one km south of the Tko’a settlement, east of Bethlehem. As of year 2013, the area was not part of the municipal borders of Tko’a. In the past, the lands on which the caravans were put were not declared as “State Land,” however, during 2013, following the work of the “Blue Line Team” of the Civil Administration, the land was added to the declared lands, without an official declaration.

C. Talmei Hayim—The outpost was built near the houses of the Palestinian neighborhood of al-Baqa' in Hebron, on a hill outside the fence and north of Kiryat Arba. The settlers have been trying for many years to establish an outpost on the hill (under the names: hill 18, hill 22 and Mitzpe Avihai). The place became a point of friction and tension when settlers attacked Palestinians from the area. The IDF evicted the outpost several times.

This time, trailer homes were brought to the place, and the mayor of the municipality of Kiryat Arba, Mal'achi Levinger, participated in putting up the structures.

Although the hill is outside of the fence and the Special Security Zone of the settlement, the land is included in the Municipal borders of Kiryat Arba, and the Ministry of Housing has an initial plan for hundreds of housing units that was never promoted or approved. The settlers would like to push forward the plan by starting the settlement on the ground.

2. A New Road to Givat Eitam (A-Nahla) [sic]

Our friend Dror Etkes has informed us that on the night between Thursday and Friday, settlers have opened a 500 m. road connecting between the Efrat settlement and the [outpost called Givat Eitam](#). This is a dramatic change in the situation, allowing the settlers to easily access and develop the outpost, without passing in private Palestinian lands. [See more here](#).

TWO SIDES OF SETTLER FORGERIES

"ISRAELI SETTLERS FORGING DEEDS FOR LAND"

This article was published by Al Jazeera on 20 May 2014. It was authored by Rania Zabaneh, a producer at the Ramallah bureau. The text is available at www.aljazeera.com.

AbdulLatif Simrin is no Jesus, but according to a lease presented by Jewish settlers as evidence to an Israeli court, the Palestinian man who died in 1961 sold them his land 50 years after his death—even by Holy Land standards, Simrin's resurrection is beyond miraculous.

First came cellular company towers, followed by caravans that started mushrooming atop the hill opposite Burqa, where the illegal outpost of Migron was established on Simrin's and a few other Palestinian families' private lands in 2002.

One of nearly [100 illegal outposts](#) dotting the West Bank, established by Jewish settlers without Israeli government authorization, Migron soon became one of the largest and most developed outposts at the time.

Representatives of AbdulLatif Simrin and others took their case to the Israeli Supreme Court, demanding the eviction of more than 50 Jewish families residing illegally on their lands.

During the trial, settlers presented a document allegedly signed in 2003 by AbdulLatif Simrin, who lived in California, selling them five acres of his land for \$90,000.

The issue was that the illiterate farmer who used his thumbprint instead of a signature died without ever leaving Palestine, decades before he could have signed the document. In 2011, the court deemed the document forged and ordered the evacuation of Migron, since it was established on private Palestinian land.

However, Palestinians had little reason to celebrate. Not only did the settlers relocate to a nearby hilltop, a mere two kilometres away, creating a new settlement, but they also presented another document claiming they purchased a new plot from Burqa's Yusef Nabbut in 2012, hindering the demolition of the outpost.

Nabbut's son, 57-year-old Mohammed, insists his father could not have made the sale to the settlers or the alleged middleman.

"They got papers with his name written there and my father was an 85-year-old man who used his thumbprint," Nabbut said. Moreover, there are no records of the alleged middleman. "They made up names and IDs," he added.

In Ramallah, Mohammed Nazzal's desk is a mess. The man who's been in charge of the settlement file for the Palestinian government for nearly four years is always busy. He says his department is currently fighting in Israeli courts to prove Palestinian ownership of hundreds of acres of land across the occupied West Bank.

"The problem is that most Palestinian lands are not officially registered," Nazzal told Al Jazeera. "Even in cases of registered lands, forgery would take place and Palestinians won't even realize it until they approach the Israeli Civil Administration for the documents—if they want to build on the land, or they see structures on it."

For the vast majority of unregistered lands, comprising more than 60 percent of the occupied West Bank, any registration needs to be published in local papers in accordance with the law before it becomes final.

Palestinian experts say those ads often appear in internal pages, in small fonts and are published during holidays. Even if they want to challenge them, the procedure is often very complicated for Palestinians, bearing in mind the lands in question are often under settlers' control.

According to Nazzal, many acquisitions are conducted by development companies with Arabic names. "It's part of the deception process," he said. The process, according to Nazzal, often includes the use of middlemen who either do not exist or are already on the run for selling lands to settlers. "They want the courts to believe they buy lands in good faith," Nazzal told Al Jazeera.

Settlers like David Haivri refute those accusations. Haivri said that Palestinians do sell lands to settlers, but because they fear for their well-being, "it makes sense to hear people retracting after they've made deals."

However, Palestinians and their advocates maintain settlers' stories often do not hold water. "The frauds sometimes are ludicrous—someone who's dead sold the land, the spelling of the last name is not correct," Reut Mor, the spokesperson for the Israeli NGO Yesh-Din [*sic*] told Al Jazeera.

Back in Burqa, Nabbut has been busy making shuttle visits to Israeli police centers for the Migron investigation. Despite the hustle, he's persistent. "My father is dead and can't defend himself," he said. "Land and honor are the same; we won't give up on either." His visits finally paid off, as the Israeli police recently deemed the last document submitted by settlers as [another forgery](#).

Neither Nabbut's cry of foul play, nor settlers presenting such leases at legal crunch time is unique. On the contrary, presenting alleged purchases right before an evacuation is becoming more common, which begs the question: Why do settlers hold off on presenting proof of ownership until the very last minute?

The answer is simple, according to Mor: “It works.” If the Israeli court is to decide on evacuation, it will exclude the structures on the plot in question. Regardless of the authenticity of the presented documents “that usually buy[s] settlers quite a lot of time,” she explained.

Although the whole settlement enterprise is illegal under international law, the Israeli legal system has managed to provide a fig leaf to the occupation by ordering the evacuation of outposts built on private Palestinian lands, while dealing with settlements as legal structures. As settlers secure a foothold in strategic West Bank places, they keep Palestinians away from their lands longer. That, in turn, makes it easier for Israel to declare private lands as “state” land, technically confiscating it and often to the benefit of the settlers.

Meanwhile, although it admits outposts are illegal, the Israeli government leaves them to flourish under its nose by providing them with basic services as well as protection. A 2005 report shows the Israeli Housing Ministry spent millions of dollars on outposts, including around \$1 m. in Migron.

To further complicate an already complicated situation, a recent Israeli report recommended the “legalization” of most outposts in the occupied West Bank, even those built on private Palestinian lands, as the Levy report of 2012 concluded settlements do not breach international law because the West Bank is “not under military occupation.”

In recent years, six illegal outposts were “legalized,” by being turned into settlements, while eight more are in the process, according to Yesh-Din [sic].

In total, settlements and the related infrastructure leave Palestinians with less than half of the West Bank.

Burqa lost two-thirds of its land to settlements and outposts. Although the Israeli authorities promised to remove the structures from Nabbut’s land by May 21, he remains wary.

“I’ll believe it when I see it,” he said.

“THE FORGERY AT THE HEART OF WEST BANK LAND TRANSACTIONS”

This article was published by Haaretz on 20 May 2014. It was authored by Chaim Levinson, the paper’s correspondent for Jewish settlements in the West Bank. The text is available at www.haaretz.com.

After many postponements, the West Bank outpost of Givat Asaf was about to be demolished in July 2012. The state had promised to demolish the outpost several months prior, following a petition to the High Court of Justice by the left-wing activist group Peace Now. Givat Asaf had been built entirely on Palestinian land.

Eight days before the outpost was to be evacuated, and after the squatters had been living there for more than a decade, settlers pulled a rabbit out of their hat. Officials of Al-Watan, a subsidiary of settlement organization Amana, announced they had purchased a plot of land on the outpost as well as parts of two other plots of land. The state joined the residents of Givat Asaf in requesting a postponement of the evacuation while it clarified whether the change of ownership warranted the outpost’s legalization. Supreme Court President Justice Asher Grunis consented.

There were questions about the legitimacy of the transaction from the start. The chance that a Palestinian landowner would sell a plot of land that was to be discussed in the High Court shortly before its evacuation is close to nil, and forging a land transaction is no rare occurrence in the West Bank. Several months ago, when the Palestinian landowners learned of the supposed

purchase, they quickly petitioned the Jerusalem District Court that the registration be changed back, claiming that they had never sold the land to anyone and that the documents were forged.

The affair came to a predictable end this week when the State Prosecutor's Office notified the Supreme Court, "The opinion submitted by the forensic science department indicates there is a suspicion of forgery regarding the document of sale of one of the three aforesaid plots of land." Although the state announced it would "consider its measures" in light of the new information, Al-Watan had already won the round: The evacuation was postponed for two years, which may well have been used for additional "transactions." The outpost will keep on going from one appeal to the next until the arrival of either peace or the third intifada.

Reclaiming the Jewish Homeland

Al-Watan ("Homeland" in Arabic) is a company registered in the West Bank according to Jordanian law, which stipulates that only a resident of the area or a company registered there may purchase land. Al-Watan was established in 2002 to buy Palestinian-owned land for Jewish settlement. The owners of Al-Watan are Amana (through its subsidiary Binyanei Bar Amana) and the Mateh Binyamin Regional Council (through the Mateh Binyamin Development Company). The company is managed by Ze'ev Hever, who runs many companies and agencies behind the establishment of outposts in the West Bank. Hever began working for the company in 2011 upon the departure of the previous director, Yitzhak Mamo.

Hever, who was a member of the Jewish underground in the 1980s and served an 11-month jail term for his activities in the group, has been running Amana for the past 25 years. He is considered a prominent figure in Jewish settlement in the West Bank. With his broad connections in the government, the army and the Civil Administration, he is considered a close friend of Housing Minister Uri Ariel and Benzi Lieberman, the director of the Israel Lands Authority and former director of the Yesha Council. The doors of Defense Minister Moshe Ya'alon and Justice Minister Tzipi Livni's offices are open to him, as are those of the Prime Minister's Office and the Finance Ministry. In the past, he was close with former Prime Minister Ariel Sharon. About a year ago, *Haaretz* published an exposé revealing the scope of Amana's illegal construction activities in the West Bank and raised questions about what appeared to be deliberate disregard of Amana's actions by law-enforcement authorities.

Since the Land Registry Office in the West Bank keeps its records sealed, there is no way to know how much land Amana has purchased. But a look at the building plans submitted to the Civil Administration in recent years shows that Al-Watan's activity is limited to buying land on outposts that are under threat of demolition—purchases that quickly turn out to be dubious. Criminal proceedings have never been initiated against the company.

Yariv Oppenheimer, the executive director of Peace Now, said, "The State Prosecutor's Office is overly forgiving, and is not using even one-tenth of the tools at its disposal to prosecute the ones who are responsible and stop this from happening. There are no arrests, no recruitment of state's witnesses and no questioning under caution about the submission of false and forged affidavits to the Civil Administration and to the court. The Land of Israel is being purchased by fakery, using methods taken from the underworld, and the State Prosecutor's Office has no one who will investigate and find the ones responsible."

Hever said, “Al-Watan conducts its business honestly. But it is natural that the sellers of the land on the Arab side would deny the sale and even complain about it to the police, since the Palestinian Authority has enacted a law mandating the death penalty for anyone selling land to Jews. I suggest that those who are in a hurry to draw conclusions wait for the court’s final ruling, and then form their opinion.”

Long-Dead Sellers

In 2006, Peace Now petitioned the High Court via attorneys Shlomi Zacharia and Michael Sfar, asking for the demolition of Migron, which was then the largest outpost in the West Bank, with approximately 50 families living there. Al-Watan came to Migron’s aid. Its officials told the High Court that the company had purchased two plots of land on the outpost two years earlier. But a probe by the police’s National Fraud Squad quickly showed the purchase was fake. The power of attorney for the sale had been signed in 2004 in California by a man who had died in Ramallah 40 years earlier, and the American notary whose signature was on the document told Israeli investigators that his stamp had been stolen several months earlier.

The findings of the police probe did not keep Al-Watan from holding onto the documents in an effort to prevent the outpost’s demolition. In 2011, on a [*sic*] eve of the Supreme Court hearing that would decide the outpost’s fate, Al-Watan sued in Jerusalem District Court to have the land registered in its name, providing the same forged documents as evidence. In the Supreme Court hearing, they claimed they needed to await the district court’s ruling. In that case, the judges did not respond to the request, and when the Migron case ended in January of this year, Al-Watan withdrew its lawsuit.

With this avenue closed, Al-Watan went to Plan B. In an urgent, secret request to the Supreme Court, its officials cited two new land purchases in Migron. Absurdly, one of them concerned a plot of land that the company had already claimed to have purchased in 2004. The second transaction screamed forgery: The seller was a 100-year-old man who had died at an advanced age six months before the sale was reported to the Civil Administration. The man spent his final years bedridden in his son’s home, out of contact with the outside world. Still, the Civil Administration approved the transaction.

Although the residents of Migron were evicted in 2012, the buildings remained standing until the end of the police investigation of the case. When the probe ended last week and its findings were presented, attorney Aner Helman of the State Prosecutor’s Office notified Al-Watan’s attorney that the document they had offered as proof of the transaction’s validity was fake and that the buildings would be evacuated this week. When *Haaretz* asked the Justice Ministry whether it had opened a criminal investigation into who had faked the document, a ministry spoke[s]man said, “Regarding the new information, a police investigation was started that found the document to be forged. We can give no details beyond that for understandable reasons.”

The Death Penalty for Selling to Jews

Al-Watan used a similar method in the case of the Ulpana Hill neighborhood of the Beit El settlement, and received cooperation from the State Prosecutor’s Office. In the summer of 2012, five buildings that had been constructed illegally on land privately owned by Palestinians threatened the coalition’s stability. After the state promised to evacuate them, Al-Watan officials claimed that Al-Watan owned the land and provided a purchase contract as proof. The police

probe found that the name of the seller was not the name of the owner and that the seller had been seven years old at the time the sale was registered in his name—which is not permitted under Jordanian law.

Not even Amana’s officials believed this fictitious purchase. MK David Rotem, who was then the company’s attorney, added a clause to the purchase contract stipulating that the contract would be completed when the fictitious seller showed proof that he was the owner of the land. This was never done. The scenario was repeated: Several days before a crucial hearing in the High Court, a petition was submitted to the Jerusalem District court asking that the land be registered in Al-Watan’s name. Several days later, the state claimed in the High Court that it needed to wait until the lawsuit was decided to demolish the buildings. But the judges denied the request. After Ulpana was evacuated, Al-Watan withdrew its lawsuit.

Al-Watan officials claim that the company purchased land in Amona as well, 17 years after the outpost was established. Following this claim, the state told the High Court it not [sic] longer intended to demolish the outpost. Two lawsuits brought by the original landowners, which claim forgery, are pending in Jerusalem District Court.

In another case, which was not discussed in the High Court, the district court ruled that the documents the company produced in 2003 as evidence of the purchase of a Palestinian home in the village of Deir Dibwan, near Ofra, were not authentic. Members of the Mishpetei Eretz Institute for Halacha and Law took possession of the building on the basis of those documents and are still there despite the court’s ruling.

Land transactions in the West Bank are susceptible to trouble and to forgery. According to Palestinian Authority law, any Palestinian who sells land to Jews is subject to the death penalty (although this law has never been invoked during Mahmoud Abbas’ term as president). For this reason, even real transactions are carried out via a series of straw men. In an off-the-record conversation, a former high-ranking official of Al-Watan claimed that the company was actually a victim rather than a perpetrator: Crooked people were taking advantage of its eagerness to buy land in disputed areas and selling it a pig in a poke. But it seems this claim is disingenuous. Al-Watan has no problem falling victim to stings of this sort, which allow it to present purchased documents to the court. Experience shows that the Civil Administration and the State Prosecutor’s Office tend to cooperate.

A spokesperson for the Coordinator of Government Activities in the Territories commented, “In approving the registration of land transactions in the region, the Civil Administration acts according to the criteria required of it in this matter. If a suspicion arises regarding the credibility of a request, the matter is brought for clarification before the registration is completed. In the case under discussion, the required measures were taken when suspicions arose.”

QUIET IMPLEMENTATION OF A PLAN FOR EXPANDED SETTLEMENT

“STATE TO HINDER REMOVAL OF SETTLERS FROM PRIVATE LAND”

This article was published by Haaretz on 27 May 2014. It was authored by Chaim Levinson, the paper’s correspondent for Jewish settlements in the West Bank. The text is available at www.haaretz.com.

Despite the Netanyahu government's public [reluctance](#) to adopt the controversial 2012 Levy Committee Report, which recommended ways to ease the settlement of Jews in the West Bank, some of these recommendations are being put into practice, *Haaretz* has learned.

The [report](#), written under the supervision of the late Supreme Court Justice Edmond Levy, examined various legal issues relating to land in the West Bank, and was submitted to the government in July 2012. The report made headlines by concluding that in principle the West Bank is not occupied territory, and it made a number of recommendations for removing obstacles to Jewish settlement there.

At first it seemed as if the government planned to adopt the operative parts of the report and even prepared a draft resolution to this effect, but in the end Prime Minister Benjamin Netanyahu feared the response of the international community and backed off.

But unofficially, parts of the Levy report are being carried out. A reduction in the use of the "order for interfering use," is one example. This order allows the head of the Civil Administration to remove settlers squatting on private land even if no Palestinian complains. It is anathema to the right because it prevents the takeover of land. The Levy report refers to it as a draconian order. The Supreme Court, however, has called it crucial to maintaining order in the region.

While Defense Minister Moshe Ya'alon has not officially declared that he is doing away with such orders, in practice he has accorded himself the sole authority to issue them—and he isn't using them (with one exception, because of a petition to the High Court of Justice).

In recent months there has also been staff work conducted on adopting another conclusion of the report—establishment of a court for land issues in the West Bank. The right has long pushed to establish such a court, which would remove the Civil Administration and military lawyers from dealing with land issues, on the baseless claim that they favor the Palestinians. If such a court were established, Palestinians would have to seek legal remedies through it, and the army would not be able to help protect their property, similar to the situation in Israel proper. Needless to say, all the judges on this court would be Israelis.

The report mentions a number of issues to be decided by this court. One is the order on the above-mentioned interfering use, for which a Palestinian land owner would have to petition the land issues court. It should be noted that due to travel restrictions and the ban on Palestinians entering settlements, many of them find it difficult to monitor the status of their lands.

Another issue to be handled by the court would be the procedure for dealing with disputes over private land. This procedure was instituted so soldiers and policemen in the field could know who is permitted to enter a specific area. This procedure is aimed at areas where there are conflicting claims of ownership, as in the south Hebron hills. Under the future situation envisioned, the Military Prosecution would not be able to issue such guidelines and people would be able to come and go as they please.

A third issue to be addressed by the court concerns proceedings before the High Court of Justice in which the state argues that Palestinians are indeed the owners of a piece of land in dispute. The Levy Report argues, for example, that in the case of Ulpana Hill, the state basically "jumped the gun" with its assertion to this effect. In that case the settlers went to district court and claimed they had purchased the land, but in the end it turned out that the purchase documents had been forged and the settlement housing company Amana withdrew its petition.

“In such cases, all that’s needed is to decide the dispute,” according to the Levy report. “And in cases where it exists, we believe it would be proper to adopt a policy whereby prior to any determination by the state regarding petitions for eviction or demolition, a thorough examination of conflicting claims be conducted by a judicial tribunal dealing with land issues. Pending such determination, state authorities should be instructed to avoid taking any position in land conflicts.”

Since Levy died in March, there have been calls to adopt the report as part of his legacy. Conversely, attorneys Anu Deuelle-Luski of Yesh Din, and Keren Michaeli of the College of Administration’s Emile Zola Chair for Human Rights, compiled a study analyzing the report, arguing that it is a purely political document.

“The committee totally ignored hundreds of legal rulings by the Supreme Court, dozens of decisions by the United Nations and international tribunals and thousands of articles by experts on international law, which constitute a rare consensus in the legal community regarding the status of the West Bank,” they wrote.

SETTLING ALL OF HISTORIC PALESTINE

“SETTLERS LEAVE WEST BANK FOR ISRAEL’S MIXED ARAB-JEWISH TOWNS”

This article was published by the Jewish Daily Forward on 24 May 2014. It was authored by Nathan Jeffay and it is available at www.forward.com.

Ariel Greenbaum insists he’s a settler. But he lives many miles from the West Bank.

“Settling the land also applies here,” he said in the Galilee synagogue where he spends his days studying Talmud.

This synagogue tells the story better than most places of the “settlement” activity Greenbaum and other young Jews are bringing to the city of Akko (also known as Acre) within Israel’s internationally recognized pre-1967 boundaries.

It is in the Akko’s Wolfson neighborhood, which has morphed in the past two decades from a predominantly Jewish area to one where about 70% of residents are now Arab. And with that demographic change, a few years ago the synagogue closed.

But Greenbaum is part of a group of 150 ideologically minded Orthodox Zionist families who have moved to the city in a bid to strengthen its economy, its Jewish life and, they hope, its demography. Two years ago they reopened the synagogue as a *kollel*, a study center where traditionally observant, married Jewish men study Talmud for a stipend they receive from the local community.

“Every Jewish family that comes here is settling the land no less than a family in Samaria,” Greenbaum said, using the Hebrew name for a region of the Israeli-occupied West Bank.

This logic has inspired some people to move from the West Bank, normally considered the focus of religious Zionist aspirations, to Akko. Uriel Ofir, 31, arrived in the city last year after eight years living in the Shvut Rachel settlement. Ofir’s move reflected his realization that religious Zionists should be more outward looking than they are able to be in all-religious settlements. “I lived in a

place where everyone is religious, but [I] went to a mixed university, and so I decided to join a *garin*,” he said.

Garinim, literally “seeds,” are groups of ideological Israelis who unite to build a particular type of community. Traditionally the term was used by youth movements or kibbutz groups who built farms on inhospitable land, but in the past decade, Israelis like Ofir have been joining religious Zionist *garinim* in droves that, like the Akko group, work in their chosen town or city to strengthen Jewish life and the economic reality of those around them. In that time the number of religious *garinim* has quadrupled to 80, and most run a wide range of programs from after-school clubs to charity food runs and religious services.

Daniel Tropper, head of the Fund for the Renewal of Communities in Israel, the main umbrella organization for *garinim*, said that the movement reflects a realization on the part of the Orthodox Zionist community that it was becoming too disconnected from mainstream Israel. The wake-up, he said, came after the Gaza disengagement in 2005, when Orthodox Zionists realized that their protests against the withdrawal had little resonance among non-Orthodox Israelis.

Tropper, an Orthodox rabbi who used to head the Gesher organization for secular-religious reconciliation and who helped to found the defunct left-wing religious party Meimad, said that the religious-Zionist community had been “absolutely fixated” on settling the West Bank and Gaza for three decades, and remembered in 2005 that it had “ignored the rest of the country.”

But while the *garinim* represent a dilution of the single-minded religious Zionist interest in West Bank settlement, when they locate in mixed Jewish-Arab cities their presence raises a difficult question. Are they injecting, to constructive end, the passion that religious Zionists often invest beyond the Green Line, or are they replicating the Arab-Jewish divisions that exist in the West Bank? The answer seems to be a bit of both.

Most of what the *garin* does in Akko, where about a quarter of the residents are Arab, would be considered, uncontroversial *tikkun olam* or world repair in America’s Jewish communities—though all specifically target Akko’s Jewish community rather than those in need at large. There are educational programs to help struggling schoolchildren, economic coaching programs for poor families, after-school centers for at-risk kids and clubs for “vulnerable” women.

In an Akko warehouse, a retired soldier, Dudu Abadi, oversees a dozen schoolchildren who are packing up crates of reject-grade onions and other vegetables for poor families. Some 400 food parcels leave this warehouse weekly. “The *garin* has changed the quality of life in Acre,” said Abadi, who has lived in the city all his life. A few hours earlier, different volunteers made 700 sandwiches, as they do every school day, for children whose families cannot afford to make their own.

The Akko *garin*, which was one of the first, opening 16 years ago, was prompted not only by the traditional Zionist ideal of boosting the Jewish population of the heavily Arab Galilee region, but also by the fact that many Jews were leaving Akko. “People didn’t understand—everyone was leaving Acre, and people were arriving,” said Amichai Cohen, head of the *garin*’s projects. There was concern that the Jewish population of Akko may drop significantly and that the proportion of the population that is Arab would grow significantly.

The *garin* insists that there is nothing untoward about its desire to boost Jewish life in Akko. “We’re not against anyone; we’re just helping the [Jewish] community not to feel alone,” said its

rabbi, Yaakov Dano. Cohen commented: “I don’t want there to be fewer Arabs, but I want Acre to remain Jewish.” He insisted that the *garin*’s programs and activities don’t impinge on the Arab population, and a leading coexistence activist in the city agreed. Muhammad Fahili, director of Akko’s Sir Charles Clore Jewish-Arab Community Centre, said, “Until now, they don’t bother anyone.”

In the predominantly Arab Wolfson neighborhood where the *kollel* opened, a group of Arab women sitting in a courtyard drinking coffee said that they had no problem with the *garin*—apart from a general feeling that its members lack regard for them. “We respect them, but they don’t respect us,” said Nada Musa, 30.

Gil Gan-Mor, attorney for the Association for Civil Rights in Israel, said that if the *garin* operates without causing friction, he, too, has no objection to its desire to strengthen Jewish life. “If they say they want to make Acre a nicer city so more Jews will live there, that’s fine,” he said.

Those who voice opposition to mixed-city *garinim* often offer only vague conjecture to explain themselves. Noga Eitan, a documentary filmmaker who plans to release a report on the subject through the Molad think tank, said that she considers the *garinim*’s social and educational concerns to be a “façade.” She thinks that there is a more radical agenda, but she was not specific on how this manifests itself, given that she said their members are “tactful” and “careful” not to appear extreme. Asked to further explain her negative view, she objected to the fact that the members are fervently nationalist and traditionally observant, saying that what she finds “dangerous” is “that they are not coming from a civic point of view but from a religious Orthodox point of view.”

But away from the noise often surrounding the subject of mixed-city *garinim*, what is clear is that the zeal to strengthen the Jewish population can lead to a disregard for Israel’s equal opportunities law. Ten minutes away from the Akko *kollel*, a sign marks “Acre’s Religious Neighborhood,” and the 153 homes that are under construction there have been marketed and sold exclusively to traditionally observant Orthodox Jews.

The *garin* was the initiator of the project, and Cohen said that it has interviewed buyers to check that they are, indeed, Orthodox and observant. He said that this is fair, as a neighborhood of economically able residents who will strengthen the city’s Jewish character will be good for Akko. But the only way the *garin* got away with the screening was by keeping it under the radar of the law, which requires open sale of homes except in the case of certain groups deemed to have special housing needs. These include Bedouins and Haredim, but there is no precedent for including religious-Zionists.

When ACRI challenged the screening in 2012, after the process was complete and all units were sold off plan, a court agreed that the units should not have been limited to religious Jews. However, it said that it could act only if there was a complainant who was turned down as a buyer, which there was not.

Gan-Mor believes that the Israel Land Authority, the state body that released the land for building, should have been forced to remove the tender from the development group that involved the *garin* and reallocate it—a request that the court rejected. “It should be prohibited to discriminate in housing as in other areas of life,” he said.

PALESTINIANS DEFEND AGAINST SETTLER VIOLENCE TOGETHER

“CAPTURING SETTLERS: PALESTINIANS ON GUARD AGAINST ISRAELI EXTREMISM”

This article was published by Ma’an News Agency on 28 May 2014. It was authored by Graham Liddell and is available at www.maannews.net.

Despite mentions in a recent U.S. report on terrorism, Israeli extremist attacks against Palestinians and their property continue unabated, especially in the West Bank.

With little to no protection from the Israeli army that occupies their territory, Palestinians have on several occasions in 2014 taken matters into their own hands, taking a kind of neighborhood-watch approach to prevent injuries and damage to their property.

On March 28, residents of the village of Lubban al-Sharqiyya **caught** an Israeli settler trying to steal a mule. A large group of villagers surrounded the settler, and soon negotiated his delivery to Israeli soldiers via Palestinian liaison officers.

Just a few weeks earlier, Palestinians **captured** a settler as he was destroying olive trees in the village of Talfit, and responded in the same way. These are just two of at least five such incidents reported so far in 2014.

“Palestinians are probably taking matters into their own hands because of the sheer lack of (Israeli) law enforcement,” a spokeswoman for the Palestinian human rights organization al-Haq told Ma’an.

She said that Palestinians and Israeli settlers in the West Bank were under two different legal systems—settlers under Israeli civil law and Palestinians under military law.

When settlers attack, Palestinians have to go to an Israeli police station in the nearest settlement or inside Israel to file a complaint, said the spokeswoman, who asked to remain anonymous.

They first need to apply for a permit to do so, she said, citing this as one reason Israeli settler violence often goes unpunished.

Additionally, “if you’ve just been attacked (by settlers from a given settlement), you probably don’t want to then enter that settlement.”

According to UN figures, settler attacks have quadrupled over the past eight years.

“Accidental” Entry

In the most recent incident of its kind, Palestinians **apprehended** three armed settlers who rode “provocatively” into the village of Burin on ATVs. After they were detained and delivered to Israeli liaison officers, a Civil Administration spokesperson told Ma’an they had entered the village “accidentally.”

“It was agreed to rescue the settlers and take them out,” Sapir Mizrahi told Ma’an at the time, confirming that it was considered illegal for them to be there and that they were armed.

Police spokesman Micky Rosenfeld also told Ma’an that the settlers entered the village accidentally, adding that there was no criminal investigation open regarding the incident.

It is doubtful the officials would have made the same remarks had the scenario unfolded in reverse—if three Palestinian villagers happened to “accidentally” enter Israeli territory.

In numerous cases throughout the past year, Palestinians have been shot and sometimes killed upon entering or attempting to enter Israel without a permit.

On March 19, a teenager named Yousef Shawamreh was [shot dead](#) by Israeli forces as he passed through a breach in the separation wall. In October, a volunteer policeman [shot and killed](#) an undocumented Palestinian worker in central Israel.

Additionally, Palestinians in Gaza are regularly shot on grounds that they approached the border. “The threat is trying to enter Israel,” an Israeli army spokeswoman told Ma’an regarding [one such case](#) in May.

“Largely Unprosecuted”

The latest U.S. State Department’s Country Reports on Terrorism said that in 2013, “attacks by extremist Israeli settlers against Palestinian residents, property, and places of worship in the West Bank continued and were largely unprosecuted.”

Yesh Din, an Israeli nonprofit organization that monitors Israel’s law enforcement in the occupied territories, came to similar [conclusions](#) in October.

The organization followed up on 211 cases of settler attacks on agricultural property that were reported to Israeli police between 2005 and 2013.

Of those cases, only four led to an indictment, Yesh Din said.

Yousef Munayyer, executive director of the Washington-based Jerusalem Fund and Palestine Center, told Ma’an that Israeli authorities let settler violence go unpunished because the attacks were aligned with the occupation’s goals.

“Armed and violent settlers act as the front line of the occupation,” Munayyer said.

“Their violence against Palestinians fill gaps in security jurisdictions and intimidates Palestinians in areas where Palestinian security is unable to aid them.”

“This acts as yet another concentrating effect on the Palestinian population which continues to be limited to Bantustan-like pockets due to the infrastructure of occupation and the specter of violence from soldiers and settlers alike,” he added.

Though police and Israeli officials have pledged to crack down on hate crimes in Israel and Jerusalem in the month leading up to Pope Francis’ visit to the region, Munayyer said stopping settler violence would require a fundamental change in policy.

“I think the Israelis would like to avoid a very damaging public relations outcome which would come from a settler attack on a church, of which there have been many for example, while the pope and the eyes of those who follow him are on the Holy Land,” Munayyer said.

“Any real crackdown on settler terrorism would require a fundamental change in the Apartheid nature of the security situation in the West Bank created by the Israeli military occupation which privileges one group of people (the settlers) while treating the others (Palestinians) as a lesser people all together.”

Rosenfeld, the Israeli police spokesman, told Ma’an that the U.S. report’s assertion that Israeli-on-Palestinian violence in the West Bank went mostly unpunished in 2013 “sounds not accurate enough.”

Claims that police investigations into incidents of settler violence only lead to an indictment one or two percent of the time are “absolutely incorrect,” Rosenfeld said.

He added that in 2013, there were 271 investigations into nationalistically motivated crimes in both Israel and the West Bank.

Some 111 people were arrested and 51 cases led to indictments, Rosenfeld said.

He added that there were “several cases” currently open regarding these kinds of incidents in the West Bank, but did not provide specifics.

INTERNATIONAL RESPONSE TO SETTLEMENT GROWTH

“FRENCH WARNING OVER BUSINESS WITH SETTLEMENTS MAY HAVE BROADER IMPACT ON ISRAELI ECONOMY”

This article was published by Electronic Intifada on 25 June 2014. The brief report, authored by the site’s cofounder Ali Abunimah, covers the French government’s decision to warn French firms against doing business with Israeli settlements. As Abunimah predicted, the Spanish and Italian governments made similar moves on 26 and 27 June, respectively. The article is available at www.electronicintifada.net.

France today advised its citizens and companies against doing business with Israeli settlements in occupied territories.

The government warned that firms could face legal action tied to “land, water, mineral and other natural resources” as well as “reputational risks.”

The step could have implications for the Israeli economy far beyond activities limited to Israeli settlements themselves.

The Palestinian Boycott, Divestment and Sanctions National Committee (BNC) welcomed the move.

Spain, Germany, Italy, Sweden and Luxembourg are expected to publish similar guidance in coming days in what appears to be a coordinated move by European states.

The French warning follows similar steps by the UK and Netherlands, prompted by an advocacy effort by civil society groups and members of the European Parliament.

“Risks”

The new guidance published by the French foreign ministry states that “The West Bank, including East Jerusalem, Gaza and the Golan Heights are territories occupied by Israeli since 1967. The settlements are illegal under international law.”

As a consequence, “there exist risks tied to economic and financial activities in the settlements. Financial transactions, investments, purchases, procurements as well as other economic activities in the settlements or benefitting the settlements, entail legal and economic risks tied to the fact that the Israeli settlements, according to international law, are built on occupied territories and are not recognized as being part of the territory of Israel.”

The French warning is worded in language almost identical to that issued by the UK last December, suggesting a high degree of intergovernmental coordination.

Broad Implications

While some may spin the warning as affecting only the settlements and not the Israeli economy more broadly, the phrase “benefitting the settlements”—which appears in both the UK and French statements—could be significant.

It signals that firms may also be wise to steer clear of business transactions or activities that may not necessarily be located within settlements themselves.

An example of this in practice was the decision of Dutch pension giant PGGM earlier this year to divest from all five of Israel’s main commercial banks.

While the move was prompted specifically by the banks’ “unethical” involvement in settlement activities, PGGM concluded that it was impossible to separate out the banks’ settlement-related and non-settlement-related business activities.

At the time, Palestinian activist Omar Barghouti called the PGGM decision “unprecedented” in its scope since the pensions giant divested from all Israeli banks, not just their operations within the occupied West Bank.

Given that the economy of the settlements is deeply intertwined in the rest of the Israeli economy, the “benefitting the settlements” clause may encourage cautious firms to follow the precedent set by PGGM and avoid involvement with any Israeli firms with substantial business interests in the colonization of Palestinian land.

This has been a point made by the European Coordination of Committees and Associations for Palestine (ECCP) coalition, which has called on the EU to urge firms to “cease all trade with Israeli export companies that operate inside illegal Israeli settlements, since trade with such companies provides capital to businesses involved in the maintenance and expansion of Israeli settlements.”

Palestinian Welcome

Zaid Shuabi, a spokesperson for the BNC, the Palestinian civil society coalition that leads the boycott, divestment and sanctions movement, welcomed the news in an emailed statement.

“European governments are continuing to react to Israel’s intransigence and the groundswell of public support for Palestinian rights by taking action against Israel’s settlement regime,” Shuabi said.

“European businesses such as G4S, Veolia, JCB and Alstom play a key role in Israel’s settlement enterprise. We urge other European countries to follow the example set by France, the UK and the Netherlands and take similar action.”

While he hoped that today’s announcement would “encourage French businesses to abandon their complicity in Israel’s illegal settlement enterprise,” Shuabi added that “France, the EU and all European states must do much more to end the involvement of European businesses in Israeli human rights abuses, including by explicitly prohibiting business relations with Israeli public and private entities in the occupied Palestinian territory, and by ensuring that companies involved in war crimes are brought to justice.”
