

SPECIAL REPORT

How State-Sanctioned Terrorism by Israeli Settlers Affects the Two-State Solution





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Contents

Executive Summary	3
Introduction	4
The History of U.S. Policy on Settlements and Violence	5
Occupied Territories and International Law	6
Israeli Settlements Explained.	7
Why Classification of ‘Settler Violence’ Matters	9
State-Sanctioned Terrorism	10
Designating Israeli ‘Settler Violence’ as Terrorism	11
Policy Recommendations	14
Conclusion	16
Biography & Endnotes	16

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COVER: An Israeli military excavator demolishes a building a week after a raid in the West Bank city of Janin. (Wahaj Bani Moufleh / Middle East Images via AFP via Getty Images)

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Executive Summary

Israeli settler terrorism, often referred to as “settler violence,” consists of actions targeting Palestinian civilians and property, often involving agricultural destruction, physical assaults, and the incitement of communal violence systematically aimed at intimidating and displacing Palestinians, with the intent to assert Israeli control over the land. Incidents of acts of terrorism committed by Israeli settlers have dramatically increased in the West Bank and East Jerusalem over the last decade, contributing to an already violent environment where peace seems farther away than ever.

The United States has long been invested in brokering a political solution to the Israeli-Palestinian conflict, favoring a two-state solution that results in increased security for Israel and self-determination and autonomy for a Palestinian state. However, the establishment and expansion of Israeli settlements in the occupied West Bank and East Jerusalem have exacerbated the conflict, bringing violent Israeli settlers into closer contact with Palestinian civilians. Instead of countering settler-perpetuated terrorism in the Occupied Palestinian Territory (OPT), the Israeli government has largely turned a blind eye to the violence, in effect sanctioning settler-perpetuated terrorism in favor of advancing Israeli goals for the territory, including potential annexation. Israeli settler terrorism must be taken seriously and effectively countered if the United States wishes to remain committed to prospects of a two-state solution to the Israeli-Palestinian conflict.

The following recommendations are offered to policymakers in government to counter Israeli settler terrorism, mitigate violence in the OPT, and restore the necessary environment for achieving a U.S.-brokered two-state solution to the Israeli-Palestinian conflict:

1. The U.S. State Department should designate Israeli settlers and settler organizations that perpetuate violence against Palestinian civilians in the OPT as terrorists and Foreign Terrorist Organizations.
2. The U.S. Treasury Department should, to its fullest extent, enforce sanctions against settlers, settlements, and settler organizations that promote and perpetrate terrorism against Palestinian civilians in the OPT.
3. The State Department, in collaboration with the FBI, should create an interagency task force to better understand, identify, and combat the networks of Israeli settler terrorism in the OPT.
4. The Treasury Department, in coordination with the State Department, should sanction Israeli government officials who support Israeli settler terrorism in the OPT and/or promote rhetoric calling for the ethnic cleansing of Palestinians in the OPT.
5. The permanent U.S. representative to the U.N. Security Council, in coordination with relevant policymakers, should vote in favor of Security Council resolutions that affirm the illegality of Israeli settlements and condemn Israeli settlement expansion in the OPT.
6. The U.S. Congress should condition U.S. aid packages to Israel on certifiable Israeli government action against Israeli settler terrorism in the OPT.
7. The Treasury Department should enforce prosecution of U.S. organizations and individuals who finance and provide material support to Israeli settlements in the OPT that are home to Israeli settlers perpetuating acts of terrorism.



Introduction

The two-state solution to the Israeli-Palestinian conflict is thought by many to be dead.¹ Israeli settlement expansion² in the Occupied Palestinian Territory (OPT) has created a space that would, in its current form, be unviable³ as a secure and autonomous Palestinian state. As Israeli settlements continue to encroach on and surround⁴ Palestinian cities and villages in the West Bank, acts of terrorism committed by Israeli settlers targeting Palestinian civilians have dramatically increased.⁵ By failing to counter and prosecute Israeli settlers committing acts of terrorism in the OPT, Israel is sanctioning and, in many ways, supporting these actions, further emboldening settlers to expand settlements and ramp up violence against Palestinians in an effort to confiscate more land and cement their claims over the territory. These violent actions have become a critical and impending threat to the prospects of a U.S.-brokered two-state solution.

The United States has long committed itself to combating international terrorism. Given this responsibility, it has an obligation to accurately designate terrorists and terrorist organizations, regardless of whether the country in which they are operating and the state that sponsors them is a U.S. ally. The United States has legal and moral obligations

to call Israeli “settler violence” what it is: systemic, Israeli state-sponsored terrorism.

Israel’s military occupation of the West Bank, already heavily denounced⁶ by the international community for its prolonged cruelty and its hindrance to the Israeli-Palestinian peace process, has only become more extreme. Hamas’ large-scale attack on Oct. 7, 2023, which left 1,200 Israelis dead and over 200 taken hostage, triggered not only a full-out war with Israel in Gaza that has resulted in over 45,000 Palestinian casualties⁷ but also a complete lockdown for the West Bank.⁸ Mass displacement and freedom of movement restrictions,⁹ among other issues Palestinians have long faced under Israel’s military occupation of the territory, have been exacerbated.

Currently, the West Bank and East Jerusalem have been made home to over 700,000 Israeli citizens,¹⁰ often referred to as settlers, spread among almost 300 settlement communities across the territories. The international community has overwhelmingly condemned Israel for its settlement activity in the OPT, citing its illegality under international law¹¹ and the harm that it inflicts upon Palestinians living in the territory.

Since the first settlement was established in the OPT in 1967, Israeli settlers have engaged in systemic



People check burnt vehicles at the site of a reported attack by Israeli settlers on the outskirts of Ramallah in the occupied West Bank. (Zain Jaafar/AFP via Getty Images)



acts of violence¹² meant to dispossess Palestinians of land and incite forced mass displacement so Israel could absorb the land without sacrificing its ethnic Jewish majority.¹³ The West Bank has a population of over 3 million Palestinians, which if absorbed by Israel would greatly disrupt its approximate 73.5% Jewish majority.¹⁴ The idea¹⁵ that Israel must have a significant ethnic Jewish majority has existed since its founding. Moreover, it has become central to the Israeli government's policies in the West Bank, including but not limited to the establishment of settlements,¹⁶ which seek to counter the Palestinian majority. These acts of violence and intimidation perpetrated by Israeli settlers against Palestinian civilians have been widely referred to as "settler violence," downplaying their severity by refusing to call them as they are: acts of terrorism.

According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Israeli settler violence in the West Bank reached an all-time high in 2024, with the agency reporting¹⁷ 1,492 acts of Israeli settler-violence in the year following Oct. 7, 2023. At least 149 of those incidents resulted in Palestinian fatalities. Furthermore, Israeli NGO Kerem Navot reported¹⁸ that since the Oct. 7 attack, more than 1,600 people in 50 Palestinian communities in the West Bank¹⁹ have been wholly displaced by violence and threats of violence perpetrated by Israeli settlers. In many cases, Israeli soldiers have prevented displaced Palestinians from returning,²⁰ further enabling Israeli settlers in their goal of ethnic cleansing.

Israel has, to a great extent, been able to avoid international legal action when it comes to its illegal settlement building in the OPT, in large part because the United States has often blocked U.N. Security Council resolutions condemning settlement activity.²¹ Furthermore, Israeli settlers engaged in terrorist activity in the West Bank have also been able to, in most cases, avoid prosecution in Israeli courts, as investigations into reports of attacks have been rare.²² This has emboldened some Israeli settlers to increase and escalate their attacks targeting Palestinian villages.

Israeli settler terrorism furthers the long-term goals of the Israeli government in the OPT, which ultimately

would result in annexation of the West Bank,²³ demolishing any prospect for a two-state solution. By allowing the settler population to grow, increasingly confiscate private Palestinian land, and incite mass displacement of Palestinians from West Bank villages, Israel is better positioned to exert its control over the territory.

Violence committed by Israeli settlers has not, until very recently, been an area of priority for the U.S. government. However, it not only complicates U.S. foreign policy objectives in the Middle East but also actively makes the region more hostile to U.S. influence and interests. It has pushed a U.S.-facilitated two-state solution far out of reach, has made diplomatic relations with other Middle Eastern governments more strenuous,²⁴ and has created a perception of bias over its selective condemnation of terrorist acts. If the United States seeks to claim a commitment to fighting terrorism, it must treat Israeli and Palestinian terrorism equally by designating Israeli "settler violence" as terrorism in accordance with State and Treasury department guidelines.

The History of U.S. Policy on Settlements and Violence

The United States has held various policy opinions regarding Israeli settlement activity in the OPT. Before 2016, the United States held a firm and clear position that Israeli settlements in the OPT were inconsistent with international law. George H.W. Bush is the only U.S. president to "actually use the threat of withheld aid to change Israeli policy"²⁵ regarding Israeli settlement activity in 1991. The administration of President Barak Obama, in a move away from regular U.S. policy at the U.N. Security Council, abstained from a vote on UNSC Resolution 2334, which demanded that Israel "immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem."²⁶ The abstention allowed the resolution to pass.

During President Donald Trump's first term in office, he changed U.S. policy on the OPT, announcing that the United States recognized Israeli annexation of the Syrian Golan Heights and a united Jerusalem as Israel's capital,²⁷ as well as finding that Israeli settlement establishment in the West Bank is "not



inconsistent with international law.”²⁸ President Joe Biden’s administration reversed the OPT policy change three years after taking office.²⁹ Most recently, the Biden administration, because of the massive uptick in Israeli settler attacks against Palestinian civilians in the West Bank after Hamas’ Oct. 7 attack, had begun to sanction Israeli settlers, settlement outposts, and settler organizations involved in perpetuating settler terrorism.³⁰ Notably, the sanctions still referred to these acts of terrorism as “settler violence”³¹ while still referring to Palestinian violence against Israelis as “terrorism.” These were the first actions taken by the U.S. government against entire Israeli settlement outposts and settlement-specific organizations, which put the United States at greater odds with right-wing elements of the Israeli government as the second Trump administration prepared to take office.

Occupied Territories and International Law

The OPT refers to the West Bank, Gaza, and East Jerusalem. These territories are controlled under a system of military occupation³² enacted by Israel, which began in 1967 following the Six-Day War³³ in which Israel defeated Egypt, Syria, and Jordan. The West Bank and East Jerusalem had been under official Jordanian control since 1950. Jordan’s annexation³⁴ of the territory was internationally accepted by only the United Kingdom, Iraq, and Pakistan, although the United States tacitly accepted³⁵ indefinite Jordanian

control of the territory, in keeping with the 1949 armistice agreement³⁶ between Israel and then Transjordan (later the Hashemite Kingdom of Jordan), until there was a permanent solution to Palestinian statehood. Furthermore, Jordan’s annexation stipulated that it would “in no way be connected with the final settlement of Palestine’s just case within the limits of national hopes.”³⁷ On the other hand, Egypt administered³⁸ but never annexed Gaza after it took control of the Strip during the 1948 Arab-Israeli War.³⁹

Israel’s subsequent establishment of a military occupation over the millions of Palestinians living in the West Bank and Gaza has effectively allowed it to block the future establishment of a Palestinian state. The United Nations and much of the international community consider Israel’s 57-year occupation of these territories to be illegal under international law on account of its extended duration and its “de facto annexation policies,”⁴⁰ of which its establishment of Israeli civilian settlements in the territories is paramount.

The Israeli occupation of the OPT, Israeli settlements in the OPT, and annexation of all or part of the OPT are illegal under international law. The U.N. holds that Israel’s annexation of the Syrian Golan Heights and East Jerusalem are “null and void,”⁴¹ citing U.N. Resolution 242, which states that “the acquisition of territory by war”⁴² is unlawful. The only country that recognizes Israel’s sovereignty over the Golan Heights is the United States,⁴³ a decision made under Trump.



Palestinian men cross a barrier after it was closed by Israeli authorities at one of the entrances to the occupied West Bank city of Hebron. (Hazem Bader/AFP via Getty Images)

The United Nations has accused Israel of belligerent military occupation⁴⁴ of the West Bank, East Jerusalem, and Gaza with the apparent intent to perpetuate its permanence. In 2005, Israel unilaterally disengaged⁴⁵ from the Gaza Strip, removing all military forces and Israeli civilians in the territory. However, the Gaza Strip remains under a total blockade⁴⁶ enforced by Israel, which the international community considers de facto occupation. In contrast, Israel holds that the West Bank



is not occupied territory but “disputed territory.”⁴⁷ The United Nations and all member countries have repeatedly rejected⁴⁸ this claim, with the exception of the United States, which has consistently vetoed UNSC resolutions condemning Israel’s occupation of the OPT as illegal.⁴⁹

Since 1967, Israel has attempted to cement its presence in the OPT by growing an Israeli Jewish population in the West Bank⁵⁰ (referred to by its biblical names of Judea and Samaria) and Gaza to thwart the establishment of a Palestinian state in the territory.⁵¹ It has done this through the creation of exclusively Jewish civilian settlements across the West Bank (and previously in Gaza).⁵² These settlements have been internationally condemned for their illegality, pursuant to Article 49 of the 1949 Fourth Geneva Conventions, which states that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”⁵³

The Israeli government sees settlements as a win-win situation. Firstly, settlements serve as a security measure.⁵⁴ Complete control of the West Bank ensures a larger buffer between Israel proper and Jordan on the one hand⁵⁵ and, on the other, disrupts Palestinian contiguity,⁵⁶ effectively preventing a Palestinian state from ever being formed. For this reason, many Israeli settlements are located on the outskirts of major Palestinian cities, such as Ramallah, Bethlehem, and Nablus.⁵⁷

Secondly, the settlements appease certain segments of Israeli society for a variety of reasons. The Israeli government has marketed the West Bank to Israeli citizens as a place to live that will improve their quality of life.⁵⁸ Israelis, especially those in lower income brackets, are encouraged⁵⁹ to move to settlements by the lower cost of living, financial benefits awarded by the government for moving to “national priority areas”⁶⁰ in the West Bank, and amenities available in settlements that might otherwise be unavailable on account of a national housing shortage in Israel proper.⁶¹ Moreover, religious elements of Israeli society that want to settle in ancient Jewish religious sites within the West Bank are satisfied.⁶² This has been particularly helpful in keeping Prime Minister Benjamin Netanyahu in power, as he has solidified his governing coalition thanks to support from the religious

right.⁶³ Under the Netanyahu government, the Israeli settlement enterprise has grown rapidly with more land and housing continually slated to be approved for the expansion of Israeli settlements.⁶⁴

Israeli Settlements Explained

The first two official Israeli settlements in the OPT were established in 1967 and 1968, respectively,⁶⁵ near Hebron in the West Bank on account of the city’s religious significance to all Abrahamic faiths. While West Bank settlements were a priority for the more religious segments of Israeli society in the immediate aftermath of the 1967 war, Israeli government policy indicates that its priority was the creation of settlements in the Occupied Syrian Golan Heights because of its strategic military importance.⁶⁶

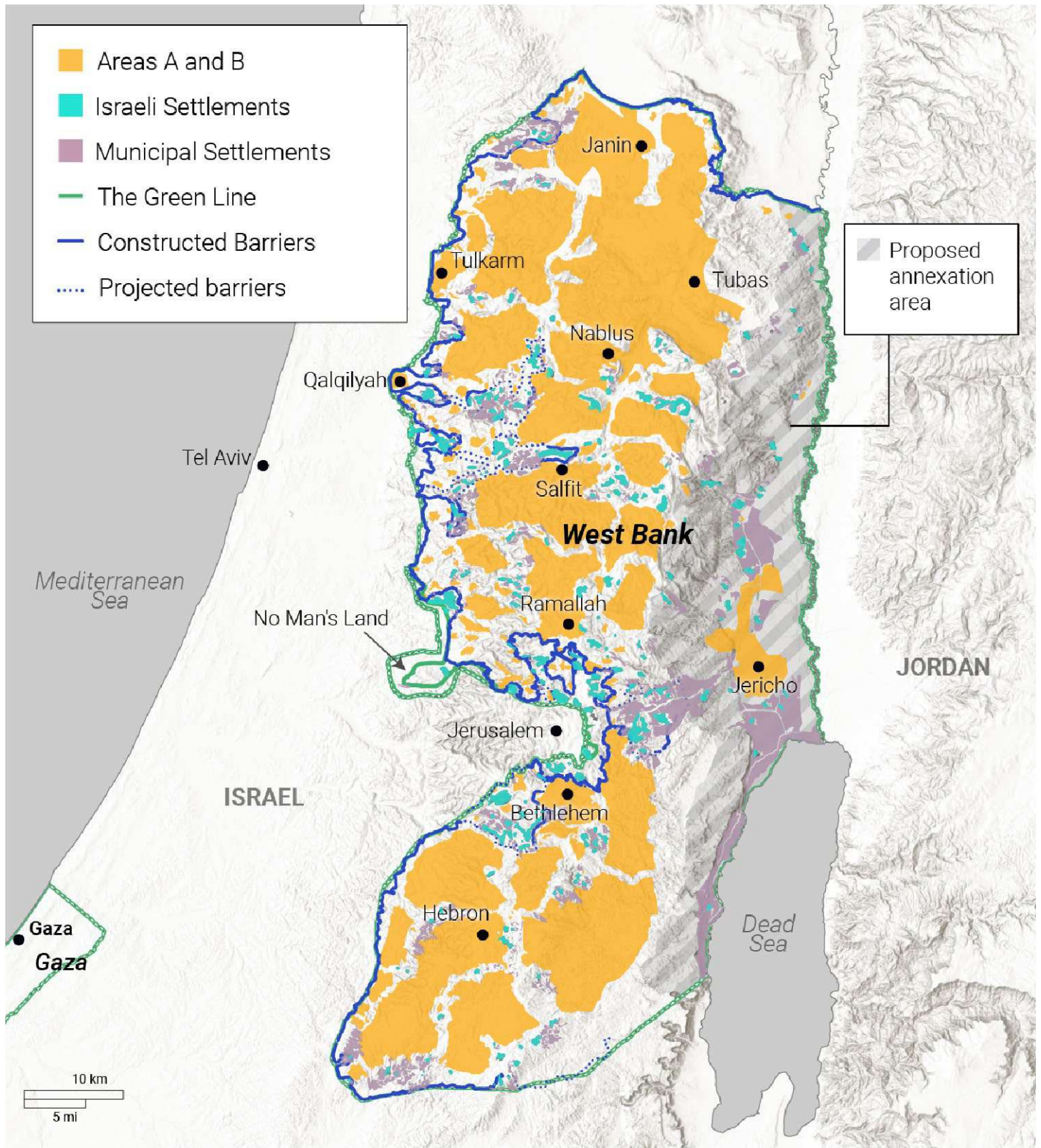
West Bank settlements, however, were also seen as important for achieving Israeli territorial and security goals. In accordance with the Allon Plan, settlements would be established in areas deemed by Israel to have strategic value.⁶⁷ These mainly consisted of areas that Israel would want to annex, particularly in the Jordan Valley, the Dead Sea area, and areas surrounding East Jerusalem.⁶⁸

West Bank settlements developed more rapidly following the Likud party’s coming to power in 1977.⁶⁹ Before then, it is estimated that 3,200 Israeli settlers in the West Bank were spread among a few settlements. By 1981, the settlement population had topped 17,400.⁷⁰ This demonstrates the priority placed on expanding and establishing settlements by the Likud government. Settlements were also established in the Gaza Strip, which at its height had over 9,000 settlers in 25 settlements before they were removed in 2005 as a part of former Israeli Prime Minister Ariel Sharon’s Gaza Disengagement Plan.⁷¹

By the early 1990s, the settler population of the West Bank was around 100,000, with about 137,000 in East Jerusalem settlements.⁷² Until 1995, the population in each territory grew by over 10,000 annually, highlighting the Israeli government’s success in incentivizing Israeli civilians to move to settlements in the OPT.⁷³



Settlements in the West Bank



Source: Americans for Peace Now, OCHA, OpenStreetMap

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The 1995 Oslo Accords⁷⁴ (also called Oslo II) divided the West Bank into three administrative zones. Area A, encompassing approximately 18% of the West Bank, is entirely administered by the Palestinian Authority. The Palestinian Authority also administers Area B, about 22% of the West Bank, but it shares security control with Israel. The remainder of the territory, Area C, is entirely administered by Israel.⁷⁵ As Oslo stipulated, land would gradually be transferred from Israeli to Palestinian Authority administration. Former Israeli Prime Minister Yitzhak Rabin also promised to slow settlement activity in the West Bank,⁷⁶ upsetting many religious and right-wing Israelis. However, Rabin's 1995 assassination by a right-wing settler⁷⁷ effectively scuttled the deal.

Since then, the number of settlements and the Israeli settler population have increased exponentially in Areas B and C under Israel's military occupation. The United Nations estimates that over 500,000 Israeli settlers now live in the West Bank in over 140 settlements deemed legal under Israeli law and in over 190 "outposts"⁷⁸ — settlements established without government approval. There are also now over 220,000 settlers in East Jerusalem.⁷⁹ Meanwhile, as these settlements expand more private Palestinian land is confiscated and violent Israeli settlers come into closer contact with Palestinian civilians.

The largest Israeli settlement blocs surround East Jerusalem on all sides, separating Palestinians living in East Jerusalem from other major Palestinian population centers. Intentionally placing illegal Israeli settlements on the outskirts of major Palestinian cities and Palestinian villages has had the effect of amplifying violence and diminishing hopes for a Palestinian state.

Why Classification of 'Settler Violence' Matters

Acts of terrorism and violence perpetrated by Israeli settlers in the OPT against Palestinian civilians have taken a variety of forms, including assaults,⁸⁰ arson,⁸¹ property damage,⁸² violent riots,⁸³ and even murder.⁸⁴

Destruction of Palestinian property perpetrated by Israeli settlers often targets homes, cars, and agriculture.⁸⁵ Oftentimes, settlers enlist the help of Israeli soldiers to prevent Palestinians from accessing

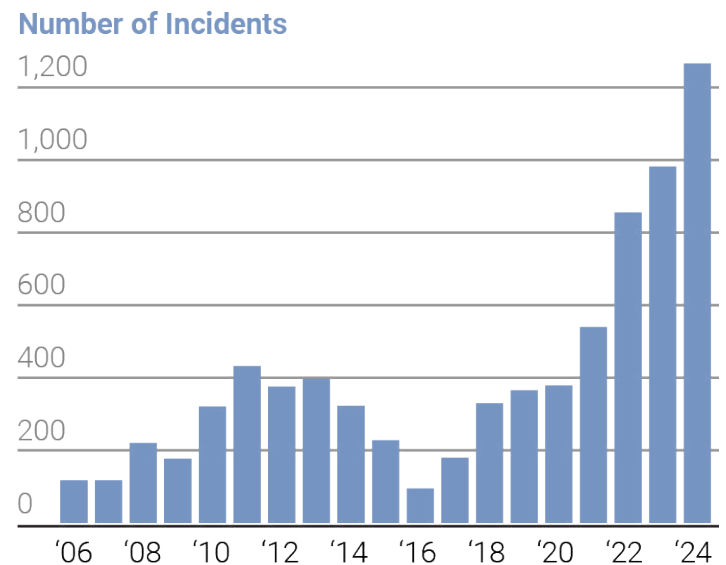
their own lands.⁸⁶ In Israeli settler riots, which have recently garnered international media attention, Palestinians' homes have been burned, and Palestinian civilians have been assaulted, with some fatalities recorded. One such incident occurred in the Palestinian village of Sawiya near Nablus in October 2023, where an Israeli settler shot and killed a Palestinian man harvesting olives.⁸⁷

Acts of violence committed by Israeli settlers against Palestinian civilians in the West Bank intended to cause harm or force mass displacement have risen at alarming rates over the last 18 years, according to data collected by OCHA.⁸⁸

This dramatic rise in such acts of Israeli settler violence, unsurprisingly, coincides with the rise of the increasingly right-wing and pro-settler Israeli government currently in power. Furthermore, the number of acts of violence committed by Israeli settlers against Palestinian civilians in the OPT is likely much higher than reported by OCHA,⁸⁹ as not all incidents can be documented. Furthermore, these reports do not include incidents of Israeli settler violence in East Jerusalem.

Settler Violence Has Increased in the West Bank

Incidents of settler violence, which the U.N. began tracking in 2006, have risen dramatically in recent years.



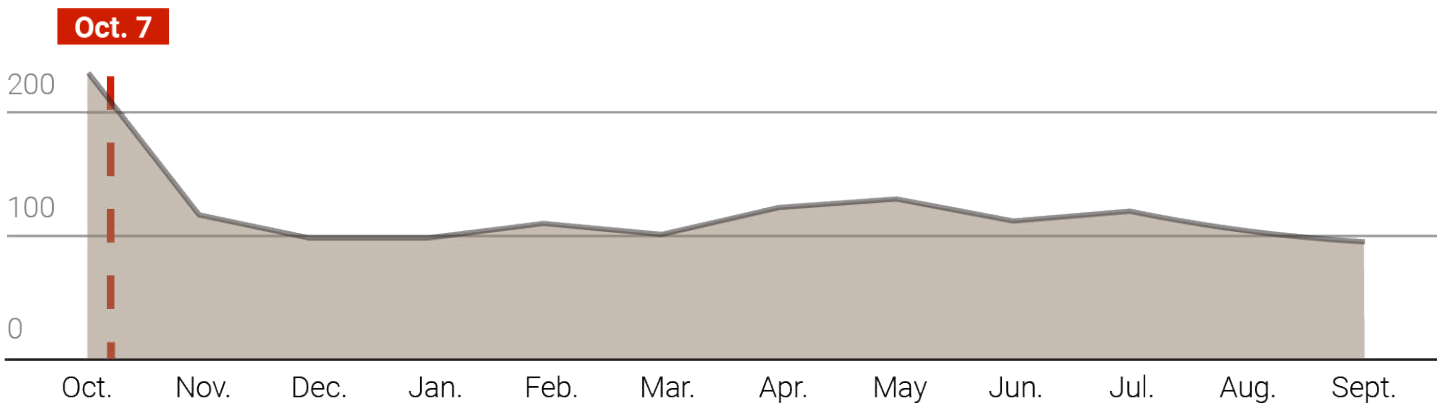
Source: OCHA

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Violent Israeli Settler Incidents in the West Bank

Over 1,400 incidents of settler violence resulting in death and/or property damage were recorded across the occupied West Bank during the 12 months starting in October 2023.



Source: Al Jazeera

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Following Hamas' Oct. 7 attack, violence in the West Bank reached new and unseen levels.⁹⁰ Yesh Din, an Israeli organization that monitors human rights abuses against Palestinians under Israeli occupation in the OPT, reported that it documented 225 incidents of Israeli settler violence targeting Palestinians and their land in the two months following Oct. 7.⁹¹

Many incidents of terrorism committed by Israeli settlers reported since Oct. 7 have aimed to displace entire Palestinian villages⁹² in areas close to existing Israeli settlements or where Israeli settlers want to establish outposts. At least 1,628 Palestinians have been displaced, with at least 50 villages reported empty, with residents unable to return.⁹³ Israeli settlers have also been documented storming Palestinian villages near their settlements in increasing numbers and setting homes, cars, and other property on fire, in some cases resulting in Palestinian fatalities.⁹⁴ The Israeli military commander of the West Bank described these riots as "pogroms."⁹⁵

In many of these cases, both before and after the Oct. 7 attacks, Israeli soldiers have done little to aid Palestinian victims of terrorism. On the contrary, it has been well documented that, in some cases, Israeli soldiers have aided settlers in their attacks.⁹⁶ In others, soldiers have been documented arresting or violently confronting Palestinian victims while letting Israeli perpetrators walk free.⁹⁷ Data collected by Yesh Din illustrates the rarity of Israeli police investigations into incidents of Israeli settler violence, highlighting a

clear pattern of failure in adequately countering settler attacks in areas under Israel's explicit control.⁹⁸

State-Sanctioned Terrorism

Settler terrorism advances long-held⁹⁹ Israeli state territorial goals in the OPT.¹⁰⁰ Israel's current government favors annexation of the West Bank.¹⁰¹ The problem, however, is that the Israeli government does not want to dilute the country's ethnic Jewish majority by offering full citizenship to the Palestinians living there. ¹⁰² When Israel annexed East Jerusalem, over 300,000 Palestinians were offered "permanent residency status,"¹⁰³ entitling them to live and work in Israel but denying them the other benefits of citizenship such as the right to vote or run for office.

Systemic acts of terrorism committed by Israeli settlers, and its success in inciting mass displacement of Palestinians from areas Israel deems strategic priorities, serves the Israeli government's objectives in the OPT. Therefore, it has done little to dissuade or combat the illegal expansion of settlements or acts of terrorism targeting Palestinian civilians. In contrast, the Israeli government has begun providing weapons to settlements with histories of violence against Palestinian civilians,¹⁰⁴ emboldening settlers to ramp up their attacks against Palestinians in the West Bank.

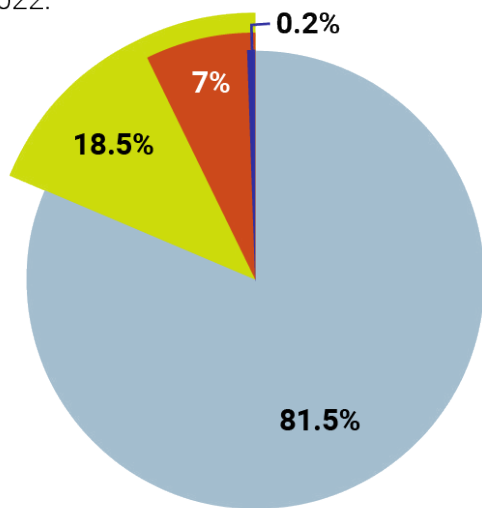
Violent settlers have received explicit support from Israeli government officials, who are often settlers themselves. Israeli Finance Minister Bezalel Smotrich



has cheered on the violence, in one instance calling for Israeli settlers to “wipe out” the village of Huwara in the West Bank following a February 2023 settler riot that led to the death of one Palestinian man and left over 100 injured.¹⁰⁵ Former Israeli National Security Minister Itamar Ben-Gvir has also supported violent Israeli settlers by personally arming¹⁰⁶ them with weapons they have used to carry out attacks against Palestinian civilians.¹⁰⁷ Moreover, the Israeli government has begun recognizing and making official several illegal outpost settlements,¹⁰⁸ which tend to be established by extremist settlers with violent intentions.¹⁰⁹ This demonstrates that Israeli settler terrorism is, in many ways, financed and supported by the Israeli government itself. In short, it could be argued that terrorism perpetuated by Israeli settlers in the OPT is state sponsored.

Settler Violence: Closed Cases

Israeli police, responsible for law enforcement in the West Bank, closed more than four in five reports of violence by Israeli citizens against Palestinians there without investigation during the period from 2005-2022.



1,531 Total Closed Reports

■ No Investigation: **1,137**
■ Indictments: **107**
■ Investigations: **284**
■ Convictions: **3**

Source: Yesh Din © 2025, The New Lines Institute for Strategy and Policy

Designating Israeli ‘Settler Violence’ as Terrorism

Several international conventions have different definitions of what constitutes terrorism. However,

according to UNSC Resolution 1566, “terrorism,” as defined by several international conventions and protocols, includes, at a minimum:

Criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act.¹¹⁰

The United States, similarly, has many distinct definitions of terrorism. However, the FBI has set definitions for domestic and international terrorism, which it uses to designate foreign and domestic terrorist groups. The FBI defines domestic terrorism as:

Activities that involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any state; appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by mass destruction, assassination, or kidnapping; and occur primarily within the territorial jurisdiction of the United States.¹¹¹

The above definition was, relevantly, used to define terrorism in the 2000/2001 FBI report¹¹² in which the Jewish Defense League (JDL),¹¹³ a violent and extremist Jewish organization founded in 1971 by American-Israeli Rabbi Meir Kahane based in both the United States and Canada (but later migrated to Israel under the name “Kahane Chai” and/or “Kach”), was designated a domestic terrorist organization. The FBI defines international terrorism as:

Violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state. These acts appear to be intended to intimidate or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect the conduct of a government by mass destruction, assassination or

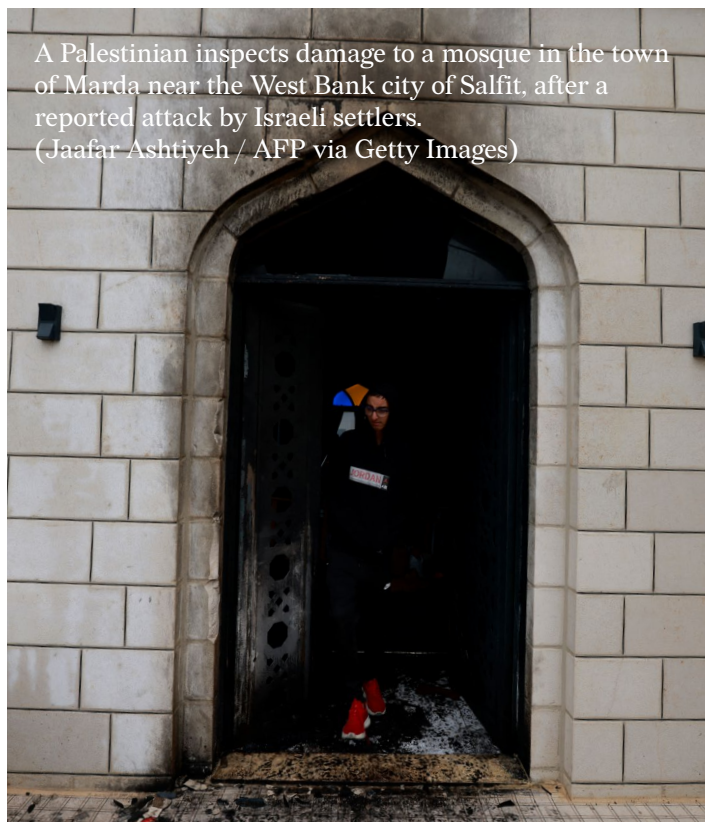


kidnapping and occur primarily outside the territorial jurisdiction of the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.¹¹⁴

The designation of an individual or an organization as a FTO (foreign terrorist organization)¹¹⁵ by the United States has several legal implications that affect the individual and/or organization and those who provide material support to the individual and/or organization residing in the United States.¹¹⁶ An individual or organization designated by the U.S. as a terrorist will have any assets held by institutions in the United States frozen. A terrorist designation allows the U.S. government to criminally prosecute individuals who provide material support for designated individuals and organizations. U.S. designation of an individual or an organization as involved in terrorist activity “imposes immigration restrictions upon members of the organization and individuals that knowingly provide material support or resources to the designated organization.”¹¹⁷ Furthermore, the U.S. designation



A Palestinian man inspects his damaged house following a reported attack by Israeli settlers in Huwara, a town south of Nablus in the occupied West Bank. (Zain Jaafar / AFP via Getty Images)



A Palestinian inspects damage to a mosque in the town of Marda near the West Bank city of Salfit, after a reported attack by Israeli settlers. (Jaafar Ashtiyeh / AFP via Getty Images)

of an organization as an FTO or an individual as a Specially Designated Global Terrorist (SDGT)¹¹⁸ can deter foreign institutions from engaging in business with or providing assets to them, and encourage other governments to follow suit.

These actions all operate with the intended aim of financially crippling terrorist activities, impeding these groups and individuals from committing more acts of violence. Israel designated Kach, and its splinter group and alias Kahane Chai, as a terrorist organization in 1994,¹¹⁹ three years before the United States designated it an FTO in response to its terrorist activity in the West Bank, East Jerusalem, and Israel¹²⁰ intended to displace, expel, and murder Palestinian civilians.¹²¹ The group has also threatened members of the Israeli government with violence, including Sharon on account of his Gaza disengagement plan, which it vehemently opposed.¹²² The most notorious act of terrorism committed by a member of Kach was the Cave of the Patriarch's Massacre,¹²³ an attack by American-Israeli Baruch Goldstein, a resident of the Kiryat Arba settlement on the outskirts of Hebron, that killed 29 Palestinian Muslim worshippers. Kach's ideology, inspired by a philosophy dubbed “Kahanism” following Kahane's ultranationalist and anti-Arab



teachings, permeates the current Israeli settler terrorist militias and their supporters.¹²⁴

The JDL and Kach/Kahane Chai had been designated terrorist organizations by the FBI and the U.S. government, although the State Department revoked Kach/Kahane Chai's designation as an FTO in 2022, reasoning that the organization was no longer engaged in terrorist activity.¹²⁵ The organization remains designated as a SDGT entity¹²⁶. However violent and extremist Israeli settlers in the OPT have been able to avoid international and domestic legal action for their acts of terrorism targeting Palestinian civilians. This is primarily because their actions have historically been categorized as "settler violence," while, in contrast, violent acts perpetrated by Palestinians against Israelis are labeled "terrorism." For example, the U.S. State Department's travel advisory for the West Bank explicitly differentiates between "settler violence" and "terrorist attacks,"¹²⁷ indicating that U.S. policy holds Palestinians to a different and harsher standard than Israeli settlers when it comes to perpetuating violence and unrest.

According to the U.S.-recognized definition of international terrorism,¹²⁸ extremist Israeli settlers in the OPT have perpetuated violent terrorist attacks against Palestinian civilians. Israeli settlers have engaged in systemic acts of terrorism with the intended aim of inciting forced mass displacement and ethnic cleansing of Palestinians from the OPT. The acts of terrorism committed by Israeli settlers, including but not limited to the destruction of agriculture, personal property, and necessary resources; threats of violence and intimidation; and assault and murder, are clearly "intended to intimidate or coerce a civilian population," as stated in the U.S.-standard definition of international terrorism. Therefore, calling those acts "settler violence" is incorrect, and the individuals

and their actions should be designated terrorists and terrorism as such.

Israeli settlers engaged in perpetuating violence operate on an individual basis but have also formed organizations. One such example is Hilltop Youth,¹²⁹ an Israeli settler organization in the West Bank that had recently become a designated organization by the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) under Executive Order (EO) 13224.¹³⁰ Over the last year, the Biden administration and OFAC have designated and imposed sanctions on several Israeli settlers and settler organizations involved in terrorist activity in the West Bank.¹³¹ These designations, however, stopped short of calling these individuals and organizations terrorists, instead following the status quo by referring to their actions as "settler violence."¹³² The consequences of these sanctions include freezing assets connected to the United States, imposing travel restrictions to the United States, and prohibiting U.S. citizens from providing material or financial support to the individuals and organizations. Immediately following his inauguration, Trump revoked these sanctions.

Within the United States, hundreds of U.S.- registered 501(c)(3) organizations and thousands of private foundations raise funds and provide material support to Israeli settlements in the OPT, including many that have perpetuated terrorist attacks and riots against Palestinian villages there.¹³³ Operating in a "legal grey area,"¹³⁴ 501(c)(3)s supporting illegal Israeli settlements have gone unregulated and unnoticed by the Internal Revenue Service. In some cases, organizations have been transparent about their financing of extremist settlement outposts and providing materials described as being used "to both protect and defend themselves."¹³⁵ These materials include, but are not limited to, unmanned aerial vehicles, dogs, and security vehicles,¹³⁶ which have been documented¹³⁷ as being

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used to surveil, target, and intimidate Palestinian villages¹³⁸ in close proximity to settlements.

U.S. 501(c)(3) organizations such as the One Israel Fund have financed expansion and security projects¹³⁹ in settlements known to perpetuate terrorism against Palestinian villages, including the Israeli settlement of Yitzhar which is notorious for its violent extremism.¹⁴⁰ The settlement is a hub for Hilltop Youth terrorist activity, and residents have been documented on dozens of occasions storming nearby Palestinian villages and committing mass arson attacks.¹⁴¹ Most recently, Biden sanctioned an Israeli settler named Yitzhak Levi Filant,¹⁴² who is the chief security officer for the settlement of Yitzhar.¹⁴³ Therefore, U.S. 501(c)(3) organizations that continued to provide financial and material support to this settlement could have been in violation of OFAC sanctions. Overall, these 501(c)(3) organizations have sent hundreds of millions of dollars to Israeli settlements and settlers,¹⁴⁴ directly contributing to a more violent reality in the OPT, and they are able to do it while maintaining federal tax-exempt status.

The United States currently provides \$3.8 billion in military and weapons aid to Israel each year, although since the beginning of the 2023 Israel-Hamas war the United States has sent over \$17.9 billion to Israel.¹⁴⁵ Given Israel's support and financing of violent settlers, making the acts of violence committed by settlers systemic and state-sponsored, the United States is even more obligated to label the actions terrorism. By financing Israel and providing it weapons while it in turn sponsors terrorism in the OPT, allies and adversaries alike have accused the United States of being legally complicit in financing Israeli settlements, and therefore settler terrorism.¹⁴⁶

If the United States does not take action to counter Israeli settler terrorism in the OPT, complications that affect U.S. foreign policy goals in the region could arise, including increased diplomatic hostility with regional partners and adversaries, as well as the future unviability of a Palestinian state in the OPT. Furthermore, failure to act will continue to damage the United States' reputation of standing against international terrorism. In short, terrorism committed by Israeli settlers in the OPT presents a significant obstacle to achieving a U.S.-brokered political solution

to the Israeli-Palestinian conflict that would result in a mutually secure and beneficial two-state solution.

Policy Recommendations

Currently, rampant acts of terrorism committed by Israeli settlers makes achieving U.S. foreign policy goals related to Israel and the Palestinians more difficult, if not unattainable. U.S. government policy has historically stressed the need for a two-state solution to the Israeli-Palestinian conflict, which would support Palestinian self-determination while ensuring Israel's security. Settlements and terrorism committed by settlers make this policy next to impossible to achieve, as the space for a Palestinian state shrinks each time a new settlement is established or another Palestinian village is incited to flee by a mob of Israeli settlers. If the United States wants to be meaningfully invested in Israeli-Palestinian peacebuilding efforts, significant action must be taken to counter Israeli settler terrorism in the OPT.

1. The U.S. State Department should designate Israeli settlers and settler organizations that perpetuate violence against Palestinian civilians in the OPT as terrorists and Foreign Terrorist Organizations

Designating Israeli "settler violence" as terrorism and accurately labeling violent Israeli settlement organizations as FTOs and individual violent Israeli settlers as SDGTs¹⁴⁷ would be an effective means to decrease Israeli settler attacks against Palestinians in the OPT by making broad sanctioning of Israeli settlers involved in terrorist activity further reaching and more effective. Recognition that Israelis are committing acts of terrorism in areas controlled by Israel could put essential pressure on Israel that would force it to take more serious actions against Israeli settler terrorism in the OPT, including increased investigations and prosecutions of known Israeli settler engaged in these acts. This would be a major Israeli policy shift that could result in a more peaceful environment and could revive hope for a political solution to the Israeli-Palestinian conflict.

2. U.S. Treasury Department should, to its fullest extent, enforce sanctions against settlers,



settlements, and settler organizations that promote and perpetrate terrorism against Palestinian civilians in the OPT.

The limited sanctions enacted by Biden, pursuant to Executive Order 14115, had been effective at blocking access to funds and restricting travel to the United States for those settlers and settler organizations designated by OFAC. However, the limited nature of those sanctions had little effect on mitigating violent attacks by Israeli settlers in the OPT. Broader and more expansive sanctions targeting larger organizations and more prominent figures in larger Israeli settlements are needed to cut off and isolate extremist Israeli settlers and violent settlement communities from financial networks. Furthermore, U.S. sanctions would encourage other countries and entities to enact similar measures and sanctions on Israeli settlers engaged in terrorist activity.

3. The State Department, in collaboration with the FBI, should create an interagency task force to better understand, identify, and combat the networks of Israeli settler terrorism in the OPT.

Currently, many of the networks of violent Israeli settler organizations are unknown, as they operate underground and have loose membership. A task force to identify underground extremist settler groups in the OPT would make designating and issuing sanctions for key figures involved in plotting or promoting terrorist attacks targeting Palestinian civilians in the OPT more successful. This would result in more effective sanctions that would target major financial flows to violent settlers in the OPT.

4. The Treasury Department, in coordination with the State Department, should sanction Israeli government officials who support Israeli settler terrorism in the OPT and promote rhetoric calling for the ethnic cleansing of Palestinians there.

Both Ben-Gvir and Smotrich have used their government positions to support, both ideologically and materially, Israeli settler terrorism in the OPT and therefore should be sanctioned pursuant to Executive Order 14115, recently reversed by Trump.

This would send a strong message to Netanyahu and his coalition that the United States will not work with, and therefore will not legitimize, Israeli government members who promote violence against Palestinian civilians. This could also pressure Netanyahu to remove Smotrich from his coalition (Ben-Gvir recently resigned), as U.S. government sanctions against acting members of the Israeli government could further damage U.S.-Israeli diplomatic relations.

5. The permanent U.S. representative to the U.N. Security Council, in coordination with relevant policymakers, should vote in favor of Security Council resolutions that affirm the illegality of Israeli settlements and condemn Israeli settlement expansion in the OPT.

A unanimous Security Council vote affirming the illegality of settlements in the OPT could pressure Israel to halt or slow settlement activity there. The consequences of this unanimous vote could result in U.N.-wide sanctions, if that is what the Security Council recommends, and heightened international condemnation on the already controversial issue of Israeli settlement activity in the OPT. Furthermore, it could trigger some countries to make international aid packages to Israel conditional on certifiable halting of settlement building, as those packages could be used for settlement activity in the OPT. This international legal pressure on Israel by the United States and other Security Council countries could create a greater opening for peace negotiations on the basis of a two-state solution.

6. The U.S. Congress should condition aid packages to Israel on certifiable Israeli government action against Israeli settler terrorism in the OPT.

This would pressure the Israeli government and police to take stronger and more genuine action against Israeli settlers engaged in terrorist activity in the OPT, as the Israeli government is dependent on U.S. military aid. This could lead to increased investigations, prosecutions, and indictments of Israeli settlers who promote, incite, and perpetuate acts of terrorism, including both violence and intimidation, against Palestinian civilians in the OPT. This policy action is necessary because



the Israeli military and police have not credibly countered Israeli settler terrorism in the OPT and have, in some cases, been documented aiding Israeli settlers in acts of violence and destruction of private Palestinian land.

7. The Treasury Department should enforce prosecution of U.S. organizations and individuals who finance and provide material support to Israeli settlements in the OPT that are home to those perpetuating acts of terrorist violence.

U.S.-based 501(c)(3) organizations and private donors distributing money and material aid to Israeli settlements and outposts engaged in repeated acts of terrorism targeting Palestinian civilians in the OPT are in violation of IRS rules by misrepresenting their exempt purpose by financing illegal activities. Furthermore, these organizations could be in violation of already existing and potential future OFAC sanctions on Israeli settlements and outposts engaged in acts of terrorism against Palestinian civilians in the OPT. Potential consequences for U.S. 501(c)(3)

organizations found to have been financing and providing material support to violent settlements and settlers in violation of OFAC sanctions include fines and imprisonment. This recommendation would serve to further financially starve Israeli settler terrorist activity in the OPT and ensure that OFAC sanctions and IRS laws are upheld and are upheld and enforced.

Conclusion

Palestinians living under Israeli military occupation in the OPT have faced increasing rates of terrorism committed by Israeli settlers, with record activity in 2024. The Israeli government has not taken meaningful and effective actions to mitigate the violence against Palestinian civilians in the West Bank, instead opting to protect and assist settlers in favor of advancing Israeli strategic and territorial objectives for the territory. The United States has an obligation, in the name of morality, peace, and fighting international terrorism, to designate Israeli settlers and settler organizations committing acts of systemic violence as terrorists.



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