



Arab American University
Faculty of Graduate Studies

**Israeli Settlement and State Terrorism from an
International Law Perspective**

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**This thesis was submitted in partial fulfillment of the
requirements for the Master's degree in International
Law and Diplomacy**

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Thesis Approval

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This thesis was defended successfully on 6 / 7 /2024 and approved by:

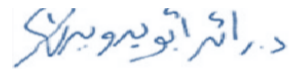
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Declaration

I declare that, except where explicit reference is made to the contribution of others, this thesis is substantially my own work and has not been submitted for any other degree at the Arab American University or any other institution.

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Dedication

I would like to express my gratitude to Dr. Sania El-Hussieni, my distinguished supervisor, who helped me to finish this thesis.

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Mai Ismail Mohammad Bodair

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To my beloved spouse, to my cherished girls, the epitome of my existence and essence,
Lilian, Ghazal, and Talia.

To my beloved mother and the departed soul of my father, may he rest in peace.

To my elevated homeland, Palestine.

To students and researchers, I provide you the result of my hard work to help you acquire
information and understand.

Abstract

Since 1948, Zionist organizations have been involved in acts of violence and orchestrated acts of terrorism. These activities were codified and granted legal legitimacy after the proclamation of the foundation of the State of Israel. Over time, these activities have been incorporated into the official structures of the governing authorities of the occupying power, with varying degrees of authority allocated to each. The integration of former members of terrorist organizations into the state apparatus and political parties has played a role in the formation of The Israeli occupation army.

Additionally, some of these individuals have become prime ministers of Israel, including Menachem Begin, Yitzhak Shamir, and Sharon. Israel has actively sought to increase its control over the occupied territories since the June 1967 war. It has utilized various methods, mainly by adapting existing laws and enacting numerous military orders. These actions have allowed Israel to justify its control and confiscation of Palestinian land, which is then used for settlement projects. These projects, proposed by successive Israeli governments, aim to encircle the lands in the West Bank and the Gaza Strip, effectively isolating Palestinians within geographically separate areas.

The Israeli governments have designated a portion of their overall budget to fund the building of settlements and provide assistance to settler gangs. These settler militias have been given various incentives to create a favourable environment for them to live in the settlements constructed on Palestinian territory. The living conditions in these settlements are luxurious, ensuring that the settler militias are strongly connected to residing there. Over time, these settlements have evolved from kibbutzim to integrated settlement cities.

The Israeli Government also provided weapons to the settler militias living in these settlements despite their aggressive and violent actions against the Palestinian civilian population. These actions have resulted in the loss of life, the destruction of property, and the burning of towns. The Israeli security and judicial services are aware of and support these actions, ensuring that the settler militias face no consequences for their criminal behaviour and providing them with protection during their escalating violence against Palestinians.

Israel has incorporated violence into its system of governance, with the legislative, judicial, and executive branches collaborating to promote the growth of settlements in the occupied Palestinian territory and to support the settler militias, thereby encouraging them to harm the lives of Palestinians. This has had a detrimental effect on Palestinians' ability to access employment, healthcare, freedom of movement, education, and other rights safeguarded by international conventions, as affirmed by the International Court of Justice (ICJ) in its 2004 advisory opinion on the construction of the apartheid wall in the Palestinian territory that has led to the seizure of extensive land areas.

These settlements provide a haven for settlers who are affiliated with numerous Zionist organizations, some of which are classified as terrorist groups within Israel. This enables them to carry out acts of aggression against unarmed Palestinians while being encouraged, supported, financed, and provided with a comfortable lifestyle. Due to the settlers' aggressive actions, numerous Palestinians were forcefully displaced from their territories, instilling fear, intimidation, and terror within the Palestinian community.

The crimes of the settlers, which are endorsed by the Israeli legislative, security, and judicial institutions to enable them and ensure their immunity for the acts of terrorism

they carry out on behalf of Israel, contravene international law, particularly the international agreements that prohibit terrorism, its financing, and the imperative to combat it. Consequently, Israel is implicated in state terrorism of an organized nature.

Keywords: Israeli Settlement, Terrorism, International Law

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Introduction

The Palestinian territory has been under Israeli occupation for about 75 years, surpassing the scope of international treaties, particularly the Hague Statute of 1907, which defines territory as occupied when they are brought under the control of a hostile power (CROSS, 2004), considering the occupation a strategy of warfare (Azarova, 2017).

The occupying authorities must fulfill their obligations towards the occupied territory and their original inhabitants, as outlined in international law, including the Hague Convention, the Fourth Geneva Convention of 1949, and the human rights system. Failure to do so renders the occupation illegal. This applies to the Israeli occupation of Palestinian territory, which is considered inherently illegal due to its violation of the provisions of international law (Lynk, 2018).

Throughout its occupation of the Palestinian territory since 1967, the Israeli occupation authorities have sought to expand their permanent dominion over all Palestinian lands by effective annexation and acquisition by force (United Nations, 2017).

Israel justifies its appropriation of land by adapting the existing laws that were in effect before the occupation and by implementing legislation and regulations that facilitate its expansionist objectives (Abdullah, 2018) to fulfill their colonial aspirations of annexing the entire Palestinian territory and realizing the Zionist vision of a "Greater Land of Israel"(Wafa, Settlement projects, 2024).

This action represents a breach of the regulations outlined in international law and the human rights framework, which encompasses a range of fundamental rights that cannot be given up unless in exceptional circumstances (USCIS, 2019).

Furthermore, it contravenes the pertinent international norms discussed in this thesis.

Israel has forcefully taken control of significant portions of Palestinian land to carry out its settlement initiatives, which it views as a top national objective. This has profoundly affected the Palestinian population regarding demographics and strategic considerations. Consequently, Palestinians have been compelled to leave their homes, their properties have been demolished, their freedom has been curtailed, and their rights to employment, mobility, security, and the utilization of their natural resources have been denied (Nations, 2023).

Israel has also worked to entice settler militias to encourage them to live in settlements established in the occupied Palestinian territory by allocating financial support to settlements within public budgets, providing financial facilities to settler militias, soft loans, scholarships, health and others to urge them to settle in the Palestinian territory (BTSELEM, 2002)

The Israeli government also actively supports the settler militias by passing laws that align with their interests as Israeli citizens, even though they dwell in settlements constructed on Palestinian territory (BTSELEM, Settlements, 2019)

Despite the increasing aggression towards Palestinians and the damage to their lives and property, Israeli security authorities choose not to intervene or take any measures to decrease this violence. This fosters a conducive atmosphere for settler militias' organizations to carry out belligerent actions against Palestinians, with the guarantee of safeguarding and exemption from punishment (Wafa, 2023).

Furthermore, these authorities direct their fury at Palestinians and mandate their displacement from their territory in response to the acts of aggression by settler militias (Nations, United, 2021).

The impact of Israeli settlement policies and the security and judicial protection provided by Israel to cover up the criminality of settler gangs that spread terror and fear among unarmed Palestinians and undermine their fundamental freedoms and rights reflect Israel's involvement in the systematic terrorism committed to preserve its existence and achieve its expansionist ambitions at the expense of the Palestinians.

The Importance of this Research

The significance of this thesis resides in its examination of the correlation between the Israeli settlement in the Palestinian territory and organized state terrorism, as defined by international law.

This thesis investigates Israel's participation in organized state terrorism under international law through its endorsement of settlements that infringe upon the rights of Palestinian citizens and through its backing of settler gangs that engage in systematic assaults on Palestinian lives and property without any form of government accountability or oversight.

This study's significance stems from its topic, which was not previously the subject of international research. Specifically, the researchers concentrated on how settlement practices violate international humanitarian law, human rights provisions, the UN Charter, the Hague Regulations, and the Rome Statute. They did not address the connection between organized state terrorism and ongoing Israeli settlement practices since Israel's

1967 occupation of Palestinian land and the resulting discrimination against Palestinians' fundamental rights and freedoms guaranteed by international law.

In order to support the Palestinian situation and provide the legal foundation for Israel to be held accountable before the appropriate international judicial authorities, the legal analysis hinted at in this thesis regarding the connection between Israeli settlement and state terrorism can be used in international diplomatic and judicial forums.

Additionally, there is a chance to develop and amend international laws to guarantee that states are held accountable for the terrorist acts carried out by their subordinate bodies, whether individuals or legal entities, to promote international peace and security in international relations. In order to fulfill the obligations of the United Nations Charter, international cooperation, the cornerstone of international relations, must be strengthened.

Research Objectives

The objectives of this research encompass multiple dimensions:

1. Assessing the legality of the Israeli occupation based on the principles outlined in international law.
2. Examining the legal status of settlements under international law.
3. Examining the mechanisms by which Israel acquired the territory.
4. Analyze the criminal activities carried out by settler militias and examine the extent of official assistance supplied to them.
5. Analysis of the consequences and potential dangers of settlements that infringe upon the economic, social, and political rights of Palestinian people, as well as their entitlement to security and protection within their territory.

6. The legal connection between the impact of settlement and the involvement of settlers in acts of terrorism with illegal terrorism from the international law perspective.
7. Describe Israel's involvement in state-sponsored terrorism through the settlement that violates international law concerning condemning supporting terrorism.

Research Questions

The crux of this thesis centres on addressing a pivotal inquiry:

Does an international legal perspective establish a connection between Israeli settlement in the occupied Palestinian area and organized state terrorism?

To address this inquiry, it is imperative to address a series of subsidiary inquiries, specifically:

- What is state terrorism, and is there a comprehensive definition?
- What is the position of the United Nations on the concept of state terrorism?
- What is the concept of occupation according to international law?
- Do the provisions of international law contain criteria to determine its legality?
- Is Israel's prolonged occupation of Palestinian land per international law?
- What legislative mechanisms did Israel use to seize Palestinian land?
- What are the most important settlement projects?
- What are the effects of settlement?
- How does Israel support settlement projects, and what support does it provide to settler militias?
- What is the position of Israeli governments and agencies on settler criminality?
- What is the position of international law on terrorism?

- What are the violations of settlement and settler criminality of the provisions of international law related to terrorism?

Hypothesis

Since Israel's occupation of the Palestinian territory in 1967, it has aimed to expand its dominance over the entire area by implementing settlement practices that defy international law, which forbids the occupying state from annexing the land it controls.

The horror experienced by the Palestinians is particularly due to the increasing criminal activities of the settler militias, which the Israeli government backs at all levels of legislation, security, and judiciary. This is further exacerbated by Israel's policy of arming these settler gangs, enabling them to commit crimes against unarmed Palestinian citizens.

As a result, the lives, personal security, and property of Palestinians have been severely impacted. These crimes can be characterized as a policy of intimidation, terror, and systematic killing, which violates international conventions that aim to criminalize and combat terrorism.

Literature Review

The literature that came before it focused on stating the historical roots of the Jewish presence in Palestine to shed light on the religious Zionist beliefs that drove Jews to migrate to the country in a series of successive migrations between 1881 and May 1948,

when Israel declared its statehood. These beliefs, which were centred around biblical ideas, helped to solidify the belief among Jews living abroad that they needed to be saved and establish a national home in "Judea and Samaria" through a series of Zionist conferences, which Zionist officials have had in order to realize the "Greater Land of Israel" Zionist aspiration.

Within a historical context, this literature also clarified the existential expansion of the Jews in Palestine during the mentioned period and the construction of the first settlements in Jerusalem. These events resulted in the doubling of the Jewish population in Palestine until the establishment of Israel was declared in 1948. It also concluded a thorough accounting of the number of Jews who migrate regularly and the number of settlements built in Palestine to accommodate Jewish immigrants and help them get ready for integration into society within detailed periods (Fakhr, 2016), (MADAR, 2024), (Hegazy, Akram, 2015), (Grace, 1977), (WAFA, 2024).

The historical rooting contained in this literature contributed significantly to enriching this thesis regarding the history of the Jewish presence on the land of Palestine and its motives and mechanisms that the various Zionist organizations and influential Zionist figures worked on through the Zionist conferences that they have been holding in order to consolidate the establishment of the Jewish state.

More literature, in a related context, addressed the situation of Jewish settlement presence in Palestine following the 1948 Nakba and the period of occupation following the 1967 "Naksa". It provided a detailed account of the number of settlements established on the occupied Palestinian territory as well as a statement of the growing number of settlers, which doubled even after the 1993 and 1995 Oslo Accords were signed.

throughout several settlement initiatives that the Israeli administrations adopted during several periods, leading to the annexation of substantial sections of the occupied Palestinian territory is a component of a convoluted legal and legislative process used to justify and sanction land grabs and annexations that blatantly violate international law (Eye On Palestine, 2005), (BTSELEM, 2016), (Al-Murr, 1923), (Saffarini, 1994), (Abdullah, 2018), (Center, 2018), (Al-Tafakji, 2004), (Asaad A. E.-D. & Mounir, 2020).

This literature played a significant role in enhancing this thesis, particularly in the legal aspect of the legislation used by the occupation authorities to control the occupied territory.

The legal study of the most significant laws cited in earlier literature was the focus of this thesis, particularly the most significant legal articles included in the most prominent legislation related to land and absentee property, to accurately shed light on the methods used by Israel to plunder the land within a legislative framework that is based on combining military orders issued by Israel to amend the laws that were in effect on the eve of the occupation.

However, additional research on the lengthy Israeli occupation of Palestinian territory since 1967 was conducted by other literature that clarified the legal standards that Israel had broken, making the Israeli occupation illegal in and of itself because it has turned into an annexation of the Palestinian- occupied land in violation of the requirements of the legal standards centred on the proscription against annexation, the temporary nature of the occupation, the best interest principle, and the principle of good faith (Lynk, 2018).

The International Court of Justice's July 2024 advisory opinion on the legitimacy of the Israeli occupation strengthened this position by declaring and defining annexation as the occupying Power's forcible takeover of the occupied area and its eventual incorporation, whole or in part, into its territory (Nations, 2024).

The conclusion drawn in earlier literature on the illegality of the long Israeli occupation of Palestinian territory, which is supported by the International Court of Justice's advisory opinion, is strongly related to the topic of this thesis because of the illegal and illegitimate nature of the settlement policies carried out by the illegal occupying force, which have had disastrous consequences for the Palestinian people and their way of life and even contributed to terrorist acts carried out by settler gangs with the help of the illegal occupying power.

Concerning the essence of the subject of this thesis, the previous literature has dealt with the effects on all aspects of the lives of the Palestinian people as a result of the settlement policy in the occupied Palestinian territory and the resulting criminality of settler gangs of taking Palestinian lives, causing severe harm to them, and destroying their property, from the perspective of international humanitarian law, the human rights system, the Charter of the United Nations, the Hague Regulations and the Rome Statute, where this literature dealt with the legal analysis of Israeli policies related to settlement from the perspective of the aforementioned international laws, in terms of considering settlements as a war crime and a crime against humanity (United Nations, 1973), (Bahouli, 2022), (Amnesty International, 2021), (Berman, 2023), (International Humanitarian Law, 2023), (United Nations, 1948).

Despite the valuable legal analysis that this literature dealt with within the

framework referred to, it did not address the legal analysis of the settlement policies referred to from the perspective of international law in the aspect related to organized state terrorism practiced by Israel within a systematic mechanism.

This thesis dealt with legal research and analysis to shed light on Israel's settlement policies and the resulting dire effects on the Palestinian people, including supporting the criminality of settlers with money and weapons to facilitate their crime against unarmed Palestinians in contrast to the provisions of international law specifically the provisions related to state terrorism due to the intimidation of Palestinians, and looting of their land to replace them with Jewish citizens in a systematic framework that amounts to prohibited terrorism, as this topic is of additional value to Previous Literature in the context of the legal analysis of the Israeli settlement.

Methodology

This study utilizes a historical approach that traces the Jewish presence in Palestinian land since the nineteenth century, specifically focusing on the early Zionist movements and subsequent migrations that led to establishing the Jewish state through Zionist conferences. It also examines the chronological development of settlement projects undertaken by various Israeli governments throughout different periods.

It also examines the development of radical Zionist gangs, which have existed since before 1948 and continue to exist today, that were actively engaged in perpetrating acts of terrorism across different periods.

This thesis also utilizes a descriptive and analytical methodology to investigate the actuality of Israeli settlement in the Palestinian land, explicitly focusing on the period

from 1967 to the present.

In addition to the analyses of the methods by which settlements expand by stealing the land, evaluates the effects of settlements on the rights of Palestinians and analyses the crimes carried out by settler gangs against unarmed Palestinians by analyzing the international law concerning international legal frameworks that delineate terrorist activities, their aims, the prohibition of their funding and support, and the UN resolutions concerning terrorism.

Structure of the Study

This study comprises three chapters.

The initial chapter provided an exposition on the essence of the occupation as viewed through the lens of international law, its overall regulations, and the current legal status of the protracted Israeli occupation of the Palestinians.

The second chapter focused on the initiation of Zionist presence in the occupied Palestinian territory, the legislative methods employed to acquire Palestinian land, the significant settlement initiatives, and the impact of settlement on the rights of Palestinians.

The third chapter comprehensively examines terrorism from an international law standpoint, encompassing its general concept and the specific focus on state terrorism. It delves into the significant Zionist terrorist organizations, their illicit actions, and the Israeli government's facilitation of settler militias. Furthermore, it explores the connection between Israel and organized state terrorism, all within the framework of international law.

Chapter One: The Israeli Long Occupation of the Palestinian Territory from the International Law Perspective

International conventions, such as the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949, address the occupation issue and the occupying state's responsibilities.

These conventions establish rules for how the occupying state should behave in the occupied territory and how the population in the occupied country should be treated. They provide guidelines for the actions and conduct of the occupying state within the defined occupation area during times of war.

This chapter elucidates the legal rules formulated by international law scholars that govern the legal status of an occupying presence. If an occupying power violates these conditions, its occupation is considered inherently illegal by itself and must be ended.

1.1 First Requirement: The Long Occupation

1.1.1 The Definition of Occupation, As Per the Norms of International Law

According to international law, military occupation is a recognized method of warfare (Azarova, 2017), as the provisions of the Hague Regulations of 1907 dealt with the subject of occupation when it stipulated in **Article 42** that "territory shall be considered occupied when it is effectively placed under the authority of the hostile army, and the occupation extends only to the territories in which this authority is established and can be exercised" (CROSS, 2004),

Therefore, to justify these regulations, occupation can be defined as the temporary situation where an area or a part of it is under the control of a foreign authority during an

armed conflict, but not as a result of invasion or annexation. Invasion or annexation are subject to their provisions under international law. However, whether it is military occupation, invasion, or annexation, such cases are illegal according to international law (Diakonia).

It is concluded from these provisions that the laws of occupation only apply to areas under foreign authority (CROSS, 2015).

In numerous instances, the International Court of Justice (ICJ) has utilized Article 42 of the Hague Regulations about the occupation's legitimacy, commencement, and conclusion. The legal foundation provided by this article is exemplified in various ICJ decisions, such as the advisory opinion rendered in 2004 concerning the "Legal Consequences Arising from the Construction of a Wall in the Occupied Palestinian Territories," as well as the 2005 resolution issued on armed activities in the Republic of the Congo against Uganda (Ferraro, Dr Tristan, 2013).

International humanitarian law, or the law of war, applies to occupying powers (Azarova, 2017).

Areas that have been occupied due to hostilities are subject to the regulations outlined in the four Geneva Conventions of 1949 and the Charter of the UN, following the practical circumstances on the ground that reflect the occupation of land, regardless of the names, such as administration, liberation, invasion (CROSS, 2004).

The temporal application of the occupation law depends on foreign authority's continued control and domination over occupied areas (Ferraro, 2012).

According to Article 3, paragraph 6 of the Fourth Geneva Convention, the Convention's application in occupied territories will conclude one year after the conclusion of general military operations. Nonetheless, the Occupying Power is required to adhere to specific articles of the Convention (articles 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, and 143) during the occupation as long as the State carries out its governing duties in the occupied territory (International Humanitarian Law Databases, 1949).

In other words, as long as the occupying power continues to exercise control over occupied territories, the law of occupation remains applicable to those territories according to the principle of "changing theoretical structure" (Human Rights Watch, 2008).

Under international law, the mere presence of an occupying force in a country does not provide them absolute authority. It must follow international law, which encompasses legal norms and concepts that govern the legitimacy and justifiability of occupation. These standards can be clarified in several axes.

1.1.2 Occupation Controls

Although international law does not provide a clear definition of when an occupation becomes illegal, we can assess its legality by examining the legal principles outlined in the Hague Convention of 1907, the Fourth Geneva Convention of 1949, human rights law, and the Additional Protocol to the Geneva Convention of 1977 (Lynk, 2018).

Under these provisions, the legality of the Israeli occupation in the Palestinian territory can be determined, as outlined by Professor Michael Lynk in his report submitted

to the United Nations General Assembly. Professor Lynk, the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, thoroughly examines the international legal framework for the occupation after its fiftieth year following Human Rights Council resolution 5/1 (United Nations, 2017).

From this, it is possible to determine the legal framework that determines the legality of the occupation and when it becomes illegal in itself, especially in cases where the long occupation constitutes a cover for colonial practices that contradict the temporary nature of the occupation (Dipublico.org, 2018).

The principles are founded on four key pillars: the proscription of annexation, the limitation of temporary occupancy expansion, the prioritization of the best interest, and the adherence to good faith.

1.1.2.1 The Principle of Prohibition of Annexation

Annexation occurs when a state imposes sovereignty over another state without consent, often through force or the threat of force. A legal annexation involves a state declaring its claim to permanent sovereignty over acquired land. However, actual annexation occurs when a state establishes political, institutional, and demographic realities supporting its future claim to sovereignty over acquired land. Actual annexation is often illegal and does not involve a formal declaration to avoid international political and diplomatic reactions. When state representatives express their intentions to annex occupied territories through force, imposing local legislation, demographic transition, transfer of population, or granting citizenship, it is considered illegal (United Nations, 2017).

Following the conclusion of World War II in 1945 and the establishment of the UN, member states collectively agreed to forbid invasions and annexations. This decision was informed by Article 2 of the UN Charter, which mandated that peaceful methods be used to settle disputes. As a result, the incidence of invasions was markedly reduced compared to the era spanning from 1816 to 1928, during which the "Kellogg-Briand Pact for the Renunciation of War" was ratified (United Nations, 2017).

The Declaration on Friendly Relations was unanimously adopted by the United Nations General Assembly in 1970. This significant decree stipulates that any territorial acquisition or particular advantage obtained through the use or threat of force is not recognized as lawful. The principle of "inadmissibility" has been supported by the General Assembly and the Human Rights Council. At the same time, the Security Council has repeatedly affirmed that the acquisition of territory by force during war is illegal and prohibited. This act is deemed contrary to the laws of Occupation, which recognize occupation as temporary and non-permanent in nature (United Nations, 2017).

According to this Declaration, the occupying power has no legal right to claim ownership of its territories. This declaration was unanimously adopted by the General Assembly. The rule of prohibition of annexation is absolute, meaning it applies in all land seizure cases, including aggressive invasion, self-defence, or annexation. This rule is derived from the customary international law resulting from Article 2/4 of the UN Charter, which prohibits using or threatening force in international relations (United Nations, 2017).

Therefore, the occupying Power's temporary control over the territories precludes it from exercising complete sovereignty by enacting domestic legislation or implementing

measures on the ground. This includes any actions that may result in demographic or political changes that could facilitate the annexation of the occupied territories.

1.1.2.2 The Occupation is Temporary and Exceptional

The principle of occupation is temporary and exceptional, deviating from the norms of sovereignty and self-determination (Lynk, 2018).

As mentioned, the report establishes clear parameters for the occupying party's jurisdiction over the occupied region, requiring them to carry out their duties with integrity and accountability on behalf of the rightful proprietors. This obligation necessitates the occupying party to serve as custodians, emphasizing the importance of preserving the existing condition of the land and refraining from any alterations to its populace, geography, or political climate (Diakonia),

According to Article 43 of the Hague Convention of 1907, necessary measures must be taken to maintain public security, respect the laws in the territory and ensure safety (United Nations, 2017), (Board, 2023).

This means prohibiting any amendments to the laws in the occupied territories except for the necessity to fulfill the occupying power's obligations to maintain the security and safety of the occupied territory (Diakonia), (Thürer, 2005).

That also exhausts the justifications for its remaining in the occupied territory, which means that it must be returned to its owners within a reasonable period and as soon as possible, based on the principle of prohibiting the acquisition of territory by force and thus prohibiting the continuation of absolute control over it (United Nations, 2017), (Lynk, 2018).

When occupying a territory, the occupying power cannot simply act like it owns the land.

Instead, it must responsibly manage the territory to promote the safety of its citizens and serve the public interest. This must be done without imposing laws or changing existing ones for its benefit or ambitions.

As the guardian of the territory, the occupying power is expected to act with honesty, trustworthiness, and a commitment to justice.

1.1.2.3 The Best Interest Principle

As per international law, the well-being of the individuals residing under occupation is a primary concern for the occupying power, and it is a crucial factor in determining the legitimacy of the occupation. The occupying power is obligated only to employ security measures necessary for administering the occupied territory and comply with their international commitments as trustees of the region. This entails working towards improving the area and its inhabitants in compliance with the Hague Convention of 1907 and the Fourth Geneva Convention of 1949 (Lynk, 2018).

Furthermore, the occupying power must adhere to human rights laws that safeguard individuals' lives, property, civil institutions, facilities, and natural resources and ensure their right to self-determination. It is strictly prohibited to exploit occupied territories for personal gain (Lynk, 2018).

As per the Universal Declaration of Human Rights and the General Assembly's Resolution No. 1514 in 1960, providing colonial states and peoples with independence is imperative. This declaration complements the Universal Declaration of Human Rights

and recognizes the right of individuals to self-determination. It stresses the importance of ending colonialism without any stipulations and taking prompt action to transfer control to the inhabitants of territories that are yet to gain their independence unconditionally and enable them to obtain complete independence (nations, Decolonization)), (Channel, 2021).

Individuals should be free to exercise their fundamental legal rights, including economic, social, and cultural rights. They have the right to self-determination and to express their identity through a sovereign state. These rights can be taken away during the occupation, which undermines the right to self-determination - a fundamental aspect of humanity. It is essential to interpret this right in a manner that guarantees its intended purpose (United Nations, 2017).

This requires the occupying power to balance its military needs with the needs of the population, preventing it from prioritizing its own security needs over those of the population (United Nations, 2017), (Cross, 2023),

According to Article 43 of the Hague Convention, the occupying force is responsible for implementing international humanitarian law and human rights, maintaining public health and hygiene, providing medical care, and taking necessary precautions to prevent the spreading of infectious diseases. Additionally, the occupying force must adhere to Articles 55 and 56 of the Fourth Geneva Convention, which requires providing adequate food. The First Protocol to the Geneva Conventions of 1977 also prohibits collective punishment and retaliation, which must be respected. Furthermore, Red Cross personnel must be permitted to carry out their humanitarian duties without any impediments (Human Rights Watch, 2008).

The occupying power is also responsible for upholding the prohibition of collective punishment, corporal punishment, looting, and forced deportations, as they are viewed as obligations as the "trustee" of the occupied territory (United Nations, 2017).

It is worth emphasizing that even in conflict and occupation, human rights law continues to hold weight alongside international humanitarian law. The ICJ has clarified that both sets of laws must be upheld during these periods, as evidenced by its advisory opinion of 2004 on the wall that stated the utmost importance of recognizing and honouring the Palestinian people's right to self-determination (United Nations, 2017).

According to international law, establishing new settlements by an occupying power in the territories they occupy is not permissible. This is because it violates Article 49 of the Fourth Geneva Convention of 1949 and Article 85 of the First Additional Protocol of 1977, prohibiting the transfer of civilians to occupied territories. In addition, Article 8 of the Rome Statute of the International Criminal Court (ICC) of 1998 considers this act a war crime. Such settlements led to a demographic change in the occupied territories since it would be used later to claim sovereignty over them. This undermines the right of the Indigenous population to self-determination (United Nations, 2017).

As international law mandates, the occupying authority is responsible for administering the occupied region just and unbiasedly.

This encompasses upholding the fundamental rights, liberties, security, and safety of the populace under its jurisdiction.

The occupying force must operate in good faith and comply with legal criteria about the legitimacy of the occupation.

1.1.2.4 The Principle of Good Faith

In international relations, the principle of good faith is of utmost importance. It plays a crucial role in interpreting treaties and requires states to fulfill their obligations and duties with honesty, sincerity, reasonableness, and diligence, all per their legal responsibilities. Additionally, it entails a commitment to transparency, cooperation, trust, and equitable treatment (Lynk, 2018), (Brown, 2019).

Good faith is widely recognized as an essential tenet governing the execution of legal obligations. This principle is supported by various international documents, including Article 2/2 of the UN Charter, Article 26 of the Vienna Convention on the Law of Treaties, and the International Declaration on Friendly Relations and Cooperation among States. The ICJ also underscored the importance of this principle in its 1974 ruling on the Nuclear Test Survey (United Nations, 2017).

This principle stipulates that the occupying power must refrain from any actions that could violate human rights or circumvent obligations. The occupying power is required to abide by the principles outlined in international humanitarian law and international human rights law, as well as follow directives from authoritative organizations such as the UN (Lynk, 2018).

Furthermore, this principle also obliged the occupying power to respect the human and personal rights of children, not impede the work of organizations dedicated to their care and education, prioritize the well-being of children and mothers, and refrain from

compelling individuals protected by the Geneva Conventions of 1949 to participate in their armed forces or military operations, as outlined in Article 51 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (Salomons, 2014).

Accordingly, the occupying power is also not allowed to annex the territories it occupies and govern them in a way that does not prioritise the people's best interests under its protection. This principle is meant to safeguard the rights and well-being of those living in the occupied territories (United Nations, 2017).

In addition to the above, there are specific protocols that an occupying power must adhere to when administering territories that it occupies temporarily. The occupying power must provide valid military justifications for exerting authority over the lands of others and provide reasons for maintaining that control. Once hostilities have ceased, the occupying power must relinquish those lands to their rightful owners. This underscores that occupation is an exceptional occurrence that does not culminate in legal or factual annexation (Azarova, 2017).

Which is prohibited under both the Fourth Geneva Convention (Article 47) and the UN Charter (Article 2/4) clause, prohibiting the acquisition of territory through force or the threat of force in friendly state relations. Additionally, they forbid the use of territory to undermine the territorial integrity or political independence of any state (United Nations).

Whose purposes are clarified by the ICJ in its advisory opinion on the Wall in the Occupied Palestinian Territory, the operative part of which states,

"While recalling Israel's assertion that the wall's construction does not amount to annexation and that the wall is temporary... The wall will predetermine the future borders between Israel and Palestine. The fear that Israel will integrate settlements and the means of access to them, the court considers that the construction of the wall and its associated regime create a "fait accompli" on the ground that can become permanent. In this case, regardless of the official description of the wall on the Israeli side, it may amount to de facto annexation" (Jaber, 2021).

This demonstrates the bad faith of the occupier by taking measures that would obstruct the peaceful end of their rule, violating provisions of international law as an illegal occupation (United Nations, 2017).

Accordingly, it is essential to examine the legal situation of the Israeli occupation of Palestinian territory since 1967, which has extended for nearly 75 years, considering political developments and demographic realities on the ground.

This will be further discussed in the subsequent section.

1.2 Second Requirement: Analyzing the Israeli Long Occupation Via the Lens of International Law

1.2.1 The Principle of Prohibition of Annexation

The occupation of the Palestinian territory, such as the West Bank, East Jerusalem, and the Gaza Strip, began in June 1967 and has been ongoing, making it the world's

longest occupation (United Nations, 2017).

Israel has claimed political and administrative authority over parts of the West Bank (Aisha, 2020), and declared East Jerusalem as its capital under its Basic Law as part of its aim to acquire the entire land (nations, United).

The Jerusalem Municipal Council was dissolved, and Arab laws were repealed while Israeli laws were enacted instead, following a decision (No. 2046) by the Israeli Knesset in June 1967 (Aisha, 2020).

Area (C) of the West Bank, constituting approximately 60% of the land, has been annexed by Israel. Despite the presence of over 300,000 Palestinians in these regions, Israel has established a de facto status through the creation of settlements and a dividing wall. The ICJ cautioned against such actions, deeming them to be a de facto annexation in 2004 advisory opinion (United Nations, 2017).

Since the signing of the Oslo Accords in 1993, the number of settler militias and settlements in the Palestinian territory has increased by five times. Before 1967, these areas remained uninhabited. However, this rise in settlements is perceived as the creation of a state for settler militias within the occupied Palestinian territory. It reflects the Israeli ideology that perceives the territories occupied since 1967 as Israeli territory, which they refer to as "Judea and Samaria" (Al-Husseini, 2022).

There are 300 Israeli settlements in the West Bank and East Jerusalem, housing 700,000 Jewish settler militias in violation of international law (Israel's 55-year occupation of Palestinian Territory is apartheid – UN human rights expert, 2022).

Israel also provides significant financial support to establish and expand settlements, as well as consolidate the settler militias' presence within them. In addition, settler militias enjoy advantages such as a road network for travel between settlements (United Nations, 2017).

The Israeli occupation is attempting to extend its authority over Palestinian territory by bolstering the number of settlements and settler militias.

Financial and logistical assistance is provided to settler militias whilst the land is being unlawfully seized to achieve their objective.

This is in contravention of international law and is designed to annex land through the establishment of new realities on the ground.

1.2.2 The Occupation is Temporary in its Entirety

Professor Adam Roberts has noted that the Israeli occupation has exceeded the typical five-year limit attributed to prolonged occupation, making it the longest occupation in the world. Even in contemporary times, no occupation has lasted longer than a decade, and such occupations were committed to preventing annexation and trusteeship over the occupied territory.

For instance, the occupation of West Germany by the Allies and the United States occupation of Iraq exemplify this approach. Israel's sustained occupation of Palestinian territory and its disregard for the laws of war have undermined its justifications for these actions, which have persisted for far too long (United Nations, 2017).

The advisory opinion previously issued by the ICJ has recently confirmed that,

according to their findings, the Palestinian territory, including Jerusalem, is currently under Israeli occupation. These finding contrasts the belief held by some that these territories are considered "disputed territories" under established conventions (Center U. N., 2024).

It appears that Israel is actively pursuing its colonial objectives to reinforce its claims to sovereignty (United Nations, 2017).

This is evidenced by their initiatives to establish permanent control over the Palestinian territory they occupy through the implementation of settlement policies and the unilateral annexation of significant portions of the West Bank and East Jerusalem (A Threshold Crossed, 2021).

Accordingly, Israel's continued occupation of Palestinian territory violates international law and contradicts the temporary nature of the occupation. (Azarova, 2017).

The occupation of Palestinian territory by Israel since 1967 has become the lengthiest occupation in modern history.

This prolonged occupation raises concerns about Israel's motives to maintain control over Palestinian lands, further its colonial aspirations, annex additional land, and claim sovereignty over it.

Such actions are in clear violation of international legal principles.

1.2.3 The Best Interest Principle

Reports by the World Bank and the UN indicate that settlement expansion has had

social, political, and economic effects on the Palestinian reality (United Nations, 2017).

As a result of these policies and of the Oslo II Accords in 1995, the Palestinian territory was divided into three administrative areas: A, B, and C (United Nations, 2022), and The West Bank, East Jerusalem, and Gaza have been separated into distinct territories, losing their identity as a unified geographical entity. This division has led to limitations on the movement of Palestinian citizens and has enabled the expansion of Israeli settlements and the apartheid wall (Saebi, 2004).

Consequently, Palestinian territory has been effectively annexed, negatively affecting the future border between Palestine and Israel. This violates various internationally recognized rights, such as privacy, freedom of movement, and access to basic necessities like education, healthcare, and employment. The demographic makeup of Palestinian territory has also been affected, with the International Court of Justice documenting the migration of the Palestinian population from certain areas in their advisory opinion on the legal implications of the wall's construction (Saebi, 2004)

Israel's building permit policy discriminates between settler militias and Palestinians. They also expropriate land unrelated to their security needs for settlements and military purposes. Additionally, Palestinians are forcibly transferred, especially from rural areas (United Nations, 2017).

Since 1967, the Israeli occupation army has been implementing closures in various parts of the West Bank for a variety of reasons. Approximately 53% of these closures are designated for military training purposes, while 29% are intended to allow for the influence of Israeli settlements. Another 17% of the total closed-off areas are located

along borders. Additionally, certain regions have been deemed "special security zones" and are closed off for various purposes (Elias, 2019).

Israeli policies have been put in place to exert control over crucial natural resources like water, energy, and electricity, as well as borders and the movement of trade. This has harmed the agricultural and grazing industries and severely limited Palestinian access to (C) classified areas and areas near settlements. Furthermore, Israel's financial control over the Palestinian Authority is maintained through its control over tax revenues in the clearing system. As a result, Israel has the power to tax exports and imports on behalf of the Palestinian Authority and deduct 3% of the collection fees (Arafa, 2023).

Resulting in Israel being granted complete control over the occupying Palestinian territory and the restriction of the Palestinian Authority, which already has limited powers (United Nations, 2022).

Derived from the Oslo Accords of 1993, which granted the Palestinian Authority limited powers to establish an interim self-government in specific areas of the West Bank and Gaza Strip (D W Current issues, 2023).

Although Israel withdrew its physical presence from the Gaza Strip in 2005, it still maintains significant control over the region. It is still considered the occupying power that holds de facto authority over the land, sea, and air borders and enforces an economic blockade that has resulted in widespread hardship. Currently, 60% of the population relies on humanitarian aid, and the Strip cannot meet a third of its electrical energy needs. In addition, the scarcity of water resources has contributed to a rise in poverty rates (United Nations, 2017).

Israel is failing to uphold its obligations towards the Palestinian people by engaging in practices that disregard their best interests.

Israel is also neglecting its responsibilities as a trustee of the territories it occupies. Its policy of exploitation on the ground is contrary to the welfare of Palestinians, which should be protected under the laws of occupation.

1.2.4 The Principle of Good Faith

It is imperative for the occupying power to govern any occupied territories just and lawfully, adhering to international law, directives, and UN resolutions. However, since its occupation of Palestinian territory in 1967, Israel has consistently disregarded the resolutions put forth by the UN even though The Security Council has passed over 40 resolutions regarding Israeli occupation and settlements, with clear statements that these settlements are illegal, violate international law, and pose a threat to the potential of a two-state solution (United Nations, 2017).

The annexation of East Jerusalem has been a particularly contentious issue, with Israel's imposition of physical and demographic changes being condemned for violating the Fourth Geneva Convention of 1949, which applies to the Palestinian territory. Despite the significance of Resolution 2334, issued by the Security Council in 2016 and widely regarded as a crucial condemnation of the settlement project, Israel has refused to acknowledge it (United Nations, 2017).

It has been observed that the Israeli occupation is intentionally infringing upon the right of Palestinians to self-determination, which is in direct contradiction to the United Nations Security Council Resolution No. 242 of 1967. This resolution explicitly calls for

withdrawal from territories occupied since 1967, emphasizing that acquisition of territory by war is inadmissible (United Nations, 2017).

Furthermore, in 1980, Resolution 476 was adopted by the Security Council, affirming the absolute necessity of ending the prolonged Israeli occupation of Arab lands. The resolution condemned Israel's non-compliance with relevant General Assembly and Security Council resolutions (United Nations, 2017).

Francesca Albanese, the United Nations Human Rights Rapporteur, has also confirmed that the Israeli military occupation of the Palestinian territory has hindered the Palestinian people's right to self-determination (Ihsan Adel, 2022), this has resulted in the "De-Palestinian" of the occupied territories, making the seizure of land, annexation, and transfer of its inhabitants a violation of Palestinian territorial sovereignty (United Nations , 2022).

The Israeli government's "strategic fragmentation" of the territories has prevented Palestinian sovereignty, economic growth, culture, heritage, and identity. This has prevented the political existence of Palestinians and their ability to resist, depriving them of their right to self-determination. This is commonly referred to as the "Israeli settler militias'-colonial system" (Ihsan Adel, 2022), which goes against the principles of necessity, proportionality, and self-defence (nations, United).

This requires the need to end this permanent Israeli occupation and urge countries to hold Israel accountable (Al-Husseini S. , 2022).

On 19 February 2024, the International Court of Justice (ICJ) began its proceedings in response to a request made by the United Nations General Assembly on 30 December

2022. The request was for a legal advisory opinion on "the legal consequences of Israel's ongoing violation of the rights of the Palestinian people." The focus here is on the right to self-determination and how it affects the legal status of the Israeli occupation of Palestinian territory since 1967. This involves examining the violations committed by the Israeli occupation, which go beyond its role as a temporary administrator of the occupied territory, as stipulated by international law. (Bastami, 2024).

On July 19 of the same year, the Court issued an advisory opinion on the Israeli occupation. It affirmed the importance of preserving the territorial integrity of the West Bank, East Jerusalem, and the Gaza Strip. Additionally, it stated that Israel had legal obligations as an occupying power, even after its disengagement and withdrawal from Gaza in 2005, and it has no right to annex the occupied Palestinian territories for the benefit of its security needs because this contradicts the prohibition of the use of force and the prohibition of the seizure of land and because the Oslo Accords do not detract from Israel's legal obligations as an occupying power based on the temporary legal nature of the occupation in support of the provisions of international law. It contravenes the Palestinian people's right to self-determination and requires the UN to take the appropriate action to eliminate Israel's illegal presence in the occupied Palestinian territories (Law for Palestine, 2024).

The historical component of settlement in the Palestinian land was discussed in the part that followed. The Jewish presence during the subsequent Jewish immigration to Palestine in 1881 marked the beginning of it. It went on to look at the legal strategies used by the Israeli occupation forces to seize land from the Palestinians.

The impact of these settlements on the lives and abilities of the Palestinian people

was also discussed in this section, along with noteworthy government settlement efforts and plans.

Chapter Two: The History of Israeli Settlement in the Palestinian Territory

The history of Zionist colonialism in the Palestinian territory predates the declaration of the State of Israel in May 1948.

The establishment of the Zionist project was rooted in biblical ideas and the belief in the rights of Jews in the land of Palestine. This led to a series of Zionist conferences, culminating in the Balfour Declaration, which pledged support for the establishment of a Jewish state in Palestine. Subsequently, Zionist migrations were encouraged during the British Mandate period to fulfill this promise.

Jewish immigrants established themselves in the Palestinian territory, which they acquired with the assistance of affluent individuals from other countries. They initially formed "kibbutzim" agricultural communities, rapidly becoming small settlements.

These settlements significantly expanded and eventually developed into fully integrated cities that provided shelter for the incoming immigrants. This process continued until the realization of the long-awaited goal of establishing a Jewish state after the conclusion of the British Mandate.

The Israeli occupation authorities employed a range of legal, legislative, and material strategies to establish the state. They utilized the pre-existing Ottoman and Jordanian laws that were in place before the occupation of Arab and Palestinian lands after the 1967 war, together with military orders implemented to govern the land. In addition, they utilized strategies of intimidation and coercion towards the Palestinians, which permitted the seizure of significant areas of the occupied territories.

Israel formulated settlement plans and initiatives to advance its vision of expanding its colonies, a legacy that persists today during the different phases. This has had a profound impact on the lives, properties, and natural resources of Palestinians, depriving them of the opportunity to utilize these resources fully.

This chapter explicitly clarified these matters in detail.

2.1 First Requirement: The Beginning of Settlement

2.1.1 Vanguards of Zionism and the First Immigration 1881-1904

The Israeli state ideology is based on biblical religious beliefs and the idea of "David versus Goliath," it is also founded on the belief that it is the only democratic state in the region(Hassan, 2023).

The Jewish-Zionist movement's adoption of the saying "Palestine is a land without a people, for a people without a land" distinguishes the Israeli settlement project from other Western colonial projects(Maatook, 2014).

To establish a Jewish settlement project in Palestine, the Zionist movement aimed to acquire as much Palestinian land as possible, citing religious, historical, security, and economic reasons and using social, economic, and military institutions (Al-Ghazlan, 2012).

Various motivators, including the support of influential figures like Rabbi Yehuda al-Kalai, drove the Jewish state's emergence. He encouraged the grouping of Jews and urged them to settle in Palestine to hasten the "salvation" he believed would come in 1840. His ideas inspired others, such as Moshe Hesses, who published "Rome and Jerusalem" in 1862, and Zvi Kalisher, who wrote "The Search for Zion" in the same year. Kalisher's

call for a conference of Jewish leaders established the "Society for the Settlement of the Land of Israel" in 1871(Grace, 1977).

Before the influx of Jewish immigrants from Russia and Romania during the mid-1800s, the Jewish settlement in Palestine was sparse and dispersed. With the arrival of these newcomers, however, the Jewish population experienced a marked surge. According to records from the Israeli Yearbook, by 1822, there were an estimated 24,000 Jews residing in the area (Shabib, 2018).

Moses Montefiore, a wealthy British-Jewish man, embarked on a mission in 1827 to provide shelter for impoverished Jews in Palestine. He appealed to the Ottoman government, also known as the Sublime Porte, for assistance. His request was eventually granted in 1836, and construction began on 27 dwellings outside Jerusalem's southwestern perimeter. The project consisted of two-room huts and a corn windmill, which took 18 years to complete. Finally, in 1856, the construction was completed (Al-Hout, 1991), and the ghetto became the first Jewish colony in Palestine, housing 1,500 settler militias (Jewish immigration since the beginning of Jewish settler militias' colonialism in the late Ottoman rule, 2024).

Montefiore worked tirelessly to improve living conditions until his passing in 1885, and his efforts paved the way for a thriving Jewish community that endured until 1892(Fakhr, 2016).

Back in 1860, the "Alliance," also known as the "International Israeli Alliance Association," was founded. Wealthy individuals like French Baron Edmond Rothschild provided the group with funding. The Alliance's mission was to aid Jews facing various

issues in Palestine. The organization leased 2,600 dunums of land from Jaffa's "Yazor" village for 99 years to accomplish this objective. This land was utilized to create the "Tel Israel" school, the first agricultural school in the area. The school educated Jewish immigrants in agriculture and supported them in building farming communities (Jewish immigration since the beginning of Jewish settler colonialism in the late Ottoman rule, 2024).

In 1882, the first group of Jewish immigrants, led by Israel Belkind, arrived at that school with official permits granted by the Ottoman authorities through the Bilu movement, which aimed to revive the Jewish heritage, presence, and Hebrew language in Palestine (Bello, 2024).

During the same year, Judas Layeb, who went by the name "Leo Pinsker," advocated for resolving the Jewish problem in his book "Self- Emancipation." He also arranged a Jewish conference to acquire land capable of housing millions of Jews. In 1896, Theodor Herzl similarly called for the establishment of a Jewish state (Shabib, 2018).

In 1872, the Bergheim family, of German-Jewish descent and known for owning the first banking institutions that followed the "Temple" movement, purchased the "Abu Shusha" farm located southeast of Ramli. With 153 title deeds, they began agricultural work on the land using the villagers', and later, Bergheim eventually became a member of Zionist organizations such as the "Lovers of Zion" and the "Zion Jewish National Club". In 1892, Bergheim called for a conference to establish the ultimate goals of Zionism and determine the geographical features of the Jewish homeland (Hegazy, 2015).

From 1881 to 1904, a significant migration of Jewish immigrants to Palestine took place. The assassination of Tsar Alexander II of Russia triggered this movement (Shabib, 2018), which resulted in the persecution and displacement of Jewish people (Fakhr, 2016).

Furthermore, numerous Jews migrated to Palestine from Poland and Romania under the banner of "Beloved of Zion" (Shabib, 2018).

In the aftermath of the Dreyfus affair in 1894, almost 30,000 Jews left France in search of a new home (Jewish immigration to Palestine, 2024).

The British services supported the first immigration of Jews in two batches, which were funded by Zionist organizations such as "Lovers of Zion" and "Bello" and were facilitated by some colonial figures (Jewish immigration since the beginning of Jewish settler colonialism in the late Ottoman rule, 2024).

Individuals like Rothschild provided generous funding to stimulate agriculture and support settlements founded by early Jewish immigrants. This valuable work enabled these communities to grow and thrive (Organized Jewish migrations, 2024) overcoming the economic challenges they faced (Fakhr, 2016).

Establishing Jewish settlements served as a cornerstone for the eventual creation of the Jewish state. Notably, the "Ica" association oversaw the establishment of Petah Tikva, Zichron Yaakov, and Rishon Lezion, providing farmers with resources and loans to develop agriculture on land acquired across various regions of Palestine. Furthermore, new settlements like Tel Hai, Kfar Giladi, and Kfar Tabor were also established (Organized Jewish migrations, 2024).

In addition to several Jewish settlements that relied on foreign aid and Arab labour in Palestine. These settlements included "Nes Tsuna or the banner of Zion" in Sarafand, "Yapson Hamala or Rukn al-Fadila" near Houla, and "Ghadira" and "Akron" near Ramli. All of these settlements were considered to be the foundation of Jewish settlement in the region(Fakhr, 2016).

In 1896, Political Zionism emerged at the hands of Austrian Jewish journalist Theodor Herzl, author of the pamphlet "The Jewish State". This booklet proposed the foundation of the establishment of an independent Jewish state, focused on safeguarding Jews and eliminating anti-Semitism (A State For Jews Or A Jewish State, 2006).

In 1897, the inaugural Zionist Congress was held in Basel, Switzerland, to establish a permanent homeland for the Jewish community in Palestine (Basel, 2024).

The Congress concentrated on three pivotal areas: organization, settlement and diplomacy. The primary objective was to cultivate and systematize the land by bringing in proficient Jewish workers to develop and settle on it (Shabib, 2018).

In that particular year, 17 settlements owned around 140,000 dunams of land in various areas of Palestine. These settlements included “Be'er Tofia, Rehovot, Ein Zeitim, Haderao Gan Shmuel, Meir Shafih, Bat Shlomo, Mishmar Hearden, Mahanaim, Metiula, Motza, Bnei Yehuda, and Hertuf” (Fakhr, 2016).

Between 1898 and 1905, a series of Zionist conferences were held following the inaugural Zionist Congress. These gatherings served as a forum for discussing and adopting decisions made during the first conference while also promoting the Zionist concept among Jewish communities across the globe. Establishing a settlement fund

represented a significant financial apparatus for the Zionist Organization. The conferences also emphasized various topics addressed during the initial conference (Zionist Congress, 2024).

From December 16 to 20, 1901, the Fifth Zionist Congress convened, which played a fundamental turning point by forming the Jewish National Fund "Keren Kaymet" to procure land in Palestine and transform it into communal property to advance Jewish settlement in the region (Zionist Congress, 2024).

Accordingly, in the late 1800s, Jewish individuals from various parts of the world embarked on immigration movements to implement decisions made in Zionist conferences, which sought to establish a Jewish state. The second wave of Jewish immigration occurred between 1905 and 1918, resulting in a significant increase in the number of Jews in Palestine, as detailed in the subsequent section.

2.1.2 Second Immigration 1905- 1918

From 1905 to 1918, the second wave of Jewish immigration included approximately 40,000 individuals, primarily from Russia, which contributed to the establishment of the Zionist entity and the Hebrew state. The success of this wave can be attributed to the support of various Zionist leaders, as well as the Jewish National Fund "Keren Kaymet", and support from the "Settlement Fund", "Eka", and the "Palestine Land Development Company" (Zionist Congress, 2024), (Organized Jewish migrations, 2024).

Amid the second wave of Jewish immigration, various settlements were founded in Palestine to accommodate Jewish immigrants, especially after Russia's loss in the war against Japan. Prominent among these settlements were "Kfar Tavor (Tabor), Ilana (the

tree), Menhemeh, Benniel, Mitzvih and Kinneret". Furthermore, other settlements like Daganian in the northern Jordan Valley, Merhavia, Ben Shemen and Holda, were established during the Ottoman administration between 1908 and 1913(Fakhr, 2016).

Between 1914 and 1918, the influx of Jewish immigrants decreased from 85,000 to 55,000 during World War I. Yet, during this time, the number of colonies steadily rose. This was primarily attributed to establishing new settlements featuring a distinctive communal living arrangement known as the kibbutz. A kibbutz is an agricultural community that operates under a socialist framework, with shared ownership of resources such as equipment, facilities, and housing rather than individual ownership(Fakhr, 2016).

The kibbutz played a vital part in founding the Jewish state and in distributing production profits evenly among its members. Serving as a hub for Jewish immigrants in remote agricultural regions, the kibbutz was akin to camps that focused on cultivating crops and raising livestock, intending to prepare individuals for integration into Israeli society. Beyond being a way of life, the kibbutz is an integral component of Israeli society, having played a crucial role in the settlement and advancing agriculture (What are kibbutzim and what is their role in establishing the State of Israel?, 2023).

Around the year 1914, there were an estimated 12 kibbutzim situated in the coastal plain region of Palestine. These included notable communities such as "Ein Harud," "Tel Joseph," "Beit Olfat," and "Kiryat Anafim" in Jerusalem. Additionally, settlers established an agricultural village known as "Moshav," which differed from the kibbutz as it was based on private ownership. Some of the earliest Moshavim were established

during this same period, such as "Nihlal, Kfar Yehezkiel, Tel Adashim, and Ben Yamina" (Fakhr, 2016).

This unique settlement experience in Palestine significantly impacted the future of settlements(Grace, 1977).

After World War I's conclusion in 1918, numerous changes occurred in the global landscape. Among the most important was applying the British Mandate to Palestine, which was designed as a temporary measure to be transitional in principle until Palestine attains independence. Britain had promised the Zionist movement the establishment of a Jewish homeland in Palestine while also acknowledging the desires of the local inhabitants. This violates the communications between British High Commissioner Henry McMahon and the Hassan Prince of Mecca, otherwise known as the Hussein-McMahon Correspondence (The Question Of Palestine), which included an affirmation of recognition of an "independent Arab state" or "Union of Arab States" (The Beginnings Of The Palestine Issue, 1999-2024)

In the early 20th century, the major world powers sought to control territories formerly under Ottoman rule. In 1916, the Sykes-Picot Agreement was signed by Russia, France, and Britain to establish European influence over Arab lands despite previous British pledges to support Arab independence. Subsequently, on November 2, 1917, British Foreign Secretary Arthur James Balfour issued the Balfour Declaration to Lord Lionel Rothschild, representative of the Zionist Union of Great Britain and Ireland. This declaration acknowledged establishing a Jewish national home (Balfour Declaration, 2024).

To realize its goals and develop the Zionist project, Britain implemented policies such as facilitating Jewish immigration and granting them material privileges while tightening restrictions on Palestinian peasants. Additionally, the Jewish Agency was recognized (Shabib, 2018).

Under Article IV of the Mandate, an advisory body was established to oversee the administration of Palestine. This body was tasked with supporting and assimilating Jewish immigrants and assisting them in establishing a national home. The British government and the League of Nations approved this body, which functioned as a Jewish government. Its responsibilities included supervising all economic and educational facilities, intensifying settlement in agricultural areas, and ensuring necessary services to the settlements. Furthermore, the body established the "Haganah" gang as a military force to protect the settlements (Jewish Agency).

As a result, Jewish immigration to Palestine was revived with the support of the British government. They took it upon themselves to implement the Zionist project, facilitate land ownership for immigrants, and promote Judaization plans (Jewish immigration to Palestine, 2024).

After the Balfour Declaration, Jewish immigration to Palestine revived, leading to other immigrations between 1919 and 1948.

2.1.3 Subsequent immigrations 1919-1948

The third wave of Jewish immigration occurred between 1919 and 1923, following the Bolshevik Revolution in Russia. Approximately 35000 immigrants arrived (Jewish immigration to Palestine, 2024).

From 1924 to 1932, Palestine experienced its fourth wave of immigration under the British Mandate. Most newcomers hailed from Poland, with the highest influx in 1925 when around 33,000 settler militias arrived. By the end of this period, approximately 175,000 immigrants had made their way to Palestine, with 136,000 settling in 19 distinct areas and the remaining 39,000 settling in 110 agricultural colonies (Jewish immigration since the beginning of Jewish settler colonialism at the end of Ottoman rule, 2024).

In the early 1900s, Palestine faced economic challenges caused by British policies, including property seizure and debt accumulation. This led to the formation of political groups by young people, ultimately culminating in the Buraq revolution in 1929. Demonstrations quickly spread throughout Palestinian towns, especially after implementing the "Hebrew Labor Principle" and "Labor Ownership". In 1935, various cells emerged to counter Zionism, including the "Black Palm Organization", which was established due to concerns arising from the British's provision of weapons to the Haganah (Winder), (1936 Revolution, 2024).

From 1933 to 1939, there was a significant influx of Jewish immigrants from Central European countries, with approximately 215,000 individuals arriving during this period. The issuance of the White Paper in 1933 set a limit of 75,000 immigrants to be allowed during the first five years, followed by a restricted number of immigrants thereafter. Despite this limitation, the number of immigrants peaked in 1935, with around 62,000 individuals arriving alone (Jewish immigration since the beginning of Jewish settler colonialism at the end of Ottoman rule, 2024).

The rise of Nazism and Hitler in Palestine sparked widespread outrage among the

Palestinian population, leading to the 1936 revolution, with the beginning of Nazism under Hitler, which led to a decrease in the number of immigrants during the revolution (Jewish immigration to Palestine, 2024).

This revolution was punctuated by the longest strike in history, which lasted for 178 days. After the end of the revolution, at the invitation of the Arab kings, Britain granted 1,800 permits for Jewish immigrants to settle in the region. Consequently, many Jewish immigrants were brought to Palestine and established themselves there (1936 Revolution, 2024).

In the wake of the Great Palestinian Revolt, the British government sought to address the issue in Palestine by forming the Peel and Woodhead Commissions from 1937 to 1938. The commissions presented proposals that involved dividing Palestine into two states - one for Arabs and the other for Jews, with Jerusalem being designated as an international zone. These proposals were considered some of the most intricate issues of the time. After the commission's recommendations, the UN was called upon to reconsider the Palestine question as it was a complex issue (Palestine partition plan).

Even though it was officially prohibited, Jewish immigration persisted through both secretive and open means, with the backing and awareness of the British government. The British naval fleet aided by directing the vessels of Jewish immigrants and furnishing them with vital provisions such as sustenance, water, and fuel. From 1940 to 1948, around 120,000 Jews arrived, and by the conclusion of the British Mandate period, the quantity of Jewish immigrants had surged to 625,000, accounting for nearly a third of the populace (Jewish immigration since the beginning of Jewish settler colonialism at the end of Ottoman rule, 2024).

Following the Arab-Israeli war that erupted in 1948 between Jordan, Lebanon, Syria, Egypt and Saudi Arabia against the armed Zionist groups formed from “Palmach, Irgun, Haganah and Stern” following the rejection of the partition resolution and the declaration of the Jewish state (The 1948 war).

The Zionist state took over 85% of historical Palestine, which was 27,000 km², and replaced the Palestinian population with Jewish settler militias; the number of Palestinians decreased to 957,000 as a result of being forcibly displaced by Zionist guerrillas as part of the largest ethnic cleansing operation of the twentieth century (The Nakba: facts and figures, 2024).

By practising a policy of mass murder against Palestinians by committing the most heinous massacres, the most prominent of which was the Deir Yassin massacre on April 9, 1948, which resulted in the death of 110 Palestinians, the Sa'sa'a massacre, which resulted in the death of 60 Palestinians, and the massacre of the towns of Sheikh, which led to the death of 70 Palestinians (The Nakba did not start or end in 1948, 2017).

The area of Palestinian land acquired by Israel has also increased following the armistice agreements concluded in 1967 between Israel and some Arab countries such as Jordan, Egypt, Lebanon and Syria (The Arab-Israeli War of 1948).

This had a significant impact on Israel's colonial policies, which exploited its strategic influence and worked to bring in a million Jewish immigrants whom it enrolled in military and army service (Bowen, 2017).

Accordingly, the Israeli colonial expansion of the occupation increased during successive periods of time. The wars that occurred in the region were exploited to gain

more territory during the negotiations that took place between them and the Arab parties that engaged in the wars, which doubled the number of settlements and settler militias in the territories that were occupied and effectively annexed to them, to secure the Israeli security depth and entity embodied on the ground, which deepened during the periods after the Nakba during various stages among which Israel strengthened systematic settlement operations to create new facts on the ground.

2.1.4 After “Nakba” 1948

285 settlements spread along the partition border throughout Palestine until May 14, 1948, starting from the north overlooking the Lebanese border to the Ein Gedi area in the south near the Dead Sea, and called "Al-Nahal", which is inhabited by "young pioneer fighters", such as the settlements of Yotfta near Wadi Araba, "Gonen" on the Syrian border, and "Nahal Oz" near the Gaza Strip, which were established on confiscated Palestinian land, which amounted to one million Dunam until the end of 1958, to Judaize the land so that the number of Jews surpasses the Arab population, as in the case of Upper Nazareth, where Israel established the settlement of "Nazareth Illit" on its territory to accommodate Jewish immigrants who came to Israel after the 1956 war, and then Israel turned to building settlement cities, as in the case of the settlement of "Ma'alot", which was established on the lands of Tarshiha, Ma'alia, Sahmata and Bqai'a in 1958, and the settlement of "Karmiel", which was established in 1961 on the lands of Deir al-Assad, Baana and Nahf, which was linked With a network of roads built by Israel to cut the ties of Palestinian villages and prevent their expansion (Fakhr, 2016).

After the 1967 Six-Day War, "Alnaksa", which broke out between Israel and Egypt, joined by Jordan and Iraq, resulting in Israel's seizure of the Sinai in Egypt (Six- Day War,

2024), and the Golan Heights in Syria and the occupation of Jerusalem, the West Bank and the Gaza Strip (Thrall, 2018).

Israel seized a large areas of Palestinian land to secure its strategic, security and military status, through intensifying settlement and settlement construction, plundering natural resources and subjecting 2.5 million Palestinians to its control, annexing East Jerusalem to West Jerusalem in July 1967 and declaring it the unified and eternal capital of Israel under the Israeli Knesset resolution in 1980, and working to Judaize it by expelling the Arab population, demolishing Arab homes and neighborhoods and confiscating more land, until Security Council Resolution 242 was issued, that called for "Israel's withdrawal from the territories it occupied in the recent conflict", in exchange for ending the state of war and recognizing Israel's sovereignty and respect for its sovereignty, political independence, integrity and its right to live in peace within secure and recognized borders without threats or acts of force, but Israel did not accept the principle of "land for peace", and continued its settlement and Judaization approach and annexation of more territory until the outbreak of the October War in 1973 (June 1967 war, 2024).

However, Rabin's Labor government exploited its results in intensifying settlement construction by establishing nine new settlements in the West Bank and the Jordan Valley, increasing the number of settlers to 2,876, establishing the Jewish quarter and "the French Hill settlement, Neve Yaakov, Tel Piot al-Sharqiya, Gilo, Ramot, and Ma'a lot Dafna," until the extremist Menachem Begin government came to power from 1977 to 1981, which followed a different path in settlement policy after the conclusion of an agreement peace with Egypt, as 35 new settlements were established throughout the Palestinian territory,

including Jerusalem, and the number of settlers doubled to 13,234 settlers, and during this period, in the largest process of land confiscation and intensification of settlement (Center, 2018).

Between 1981 and 1986, under the leadership of Shamir and Begin, the Likud party saw a notable increase in the settlement movement across Palestinian territory. Specifically, 43 new settlements were established throughout Nablus, Ramallah, Hebron, the Gaza Strip, and the Jordan Valley, with the total number of settlers growing to 28,400 during this period. From 1986 to 1988, the coalition government continued to expand settlements, with 27 new settlements emerging in the West Bank, Jerusalem, and the Jordan Valley, ultimately leading to 69,500 settlers (Al-Tafakji, 2004).

Between 1988 and 1990, the Israeli coalition government founded five new settlements in Ramallah, Hebron, and Gush Etzion, resulting in a surge of settlers to 81,200. In the subsequent period from 1990 to 1992, seven additional settlements were established throughout the West Bank under the leadership of Shamir, with the exceptions of Ramallah and Jerusalem. This resulted in a significant surge in the number of settlers, with a total of 107,000 settlers (Center, 2018).

From 1990 to 2000, there was a significant increase in the number of Jews moving to the West Bank, which also resulted in a greater spread of settlements and settlers, despite the Oslo Accords of 1993, this influx could not be curbed, and by the end of the decade, the number of settlers had reached 200,000 in the West Bank and 172,000 in Jerusalem (Fakhr, 2016).

The period from 2000 to 2018 witnessed the fattening of settlements through land

confiscation tactics, the construction of the apartheid wall, and a doubling of outposts, especially in the northern governorates and Jerusalem (Center, 2018).

The number of settlers in the West Bank has experienced a notable surge, reaching 400,000 by the close of 2015, and 240,000 settlers in Jerusalem, while some settlements, including Kiryat Arba and Gush Etzion, have undergone further expansion, as Kiryat Arba that was initially constructed in 1968, and Gush Etzion, situated south of Bethlehem, which its building efforts was its commenced in 1967(Fakhr, 2016).

Israel has actively sought to increase its presence in the occupied Palestinian territory by utilizing various methods, particularly through the implementation of a sophisticated and interconnected legal strategy. This strategy involves exploiting existing laws during the occupation to legitimize its control over the occupied territories, annexing them, and establishing settlements. Additionally, Israel has enacted legislation and military orders to facilitate the realization of its objective to expand the territory under its control, in line with the concept of the "Greater Land of Israel".

2.2 Second Requirement: The Legislative Methods Employed By the Israeli Occupation to Confiscate Land

2.2.1 First: Laws

Israel has increased its control over Palestinian territory since 1967, utilizing legal manipulation and the creation of new laws, regulations, and military orders to seize land. Significant funding has been allocated to support its biblical colonial project, asserting

Jewish rights to the entire land of Palestine (Abdullah, 2018).

Israel also implemented the Emergency Regulations of 1945, which granted authorities the ability to close off areas and exploit various other laws. These laws include the Forestry Law of 1926, the Favorable Land Law of 1921, the Land Settlement Law of 1928, the Emergency Land Seizure Law of 1950, the Development Authority Law of 1950, the Land Acquisition and Compensation Law of 1953, the Israel Land Fund Law of 1953, the Temporary Seizure Law of 1956, the Statute of Limitations of Time Law of 1958, the Israel Land Law of 1960, Land Act of 1961, Land Rights Settlement Act of 1919, and Agricultural Settlement Act of 1967 (Abdullah, 2018).

However, Israel achieved its goals by manipulating the implementation of laws, including the Ottoman Land Law of 1858, the Absentee Property Law of 1950, and the Land Acquisition and Compensation Law of 1953. These laws provided the legal framework for the seizure and annexation of substantial tracts of land for the purpose of settlement.

As such, this thesis centres on the legal analysis of these legislations, given their pivotal role in shaping Israeli settlement expansion policies.

2.2.1.1 Ottoman Land Laws

The Ottoman Empire established a comprehensive set of laws for land registration and related regulations. These laws covered various types of land, such as princely "Almiri" abandoned "Almatroka", "Almawat" " , and waqf Lands, and detailed the procedures for transferring ownership and registration, overseen by authorized "money

officers" (Hegazy, 2015).

The Ottoman Land Law of 1858, the title deed instructions of 1861, and the title deed law and its annexes of 1867 were implemented to expand the empire's authority over lands, assert its ownership, bolster the state's finances, and fund military operations, all without regard for the rights of the peasantry (Wafa, Land ownership system in the Ottoman era, 2024).

The implementation of taxes caused some individuals to disown their land to evade paying taxes. In response, the Ottoman Empire registered lands in specialized records called "Khaganiyya", and the abolition of the system of fiefdom, which was in force before the issuance of laws, a system based on granting people close to the authority large areas of land and giving them influence to manage it in exchange for varying amounts of money according to the type of feudalism, whether it is of the type of "Itamar " or "leader" or "private sector" (Saffarini, 1994), (Wafa, Land ownership system in the Ottoman era, 2024).

The land registration policy failed to incentivize farmers to register their lands due to the imposition of excessive taxes, which they could not afford with the meagre revenues generated from their lands. Consequently, farmers resorted to declaring ownership of smaller areas than their actual land holdings, resulting in inaccurate records in the title deeds. These records were outdated, based on natural spaces rather than actual measurements. Additionally, some farmers relinquished their land ownership to influential individuals in exchange for nominal amounts of money. Believing that registering the land was a means to compel individuals to join the military, specific influential individuals manipulated the land employees to fraudulently register extensive

tracts of land in their own names despite lacking legitimate ownership. Notable examples include the Sursock, Karkabi, and Tueni families. Subsequently, these lands were sold to settlers who displaced the rightful landowners (Saffarini, 1994).

Regarding the categorization of lands, our focus in this context is on the princely lands that are considered owned by the House of Money or the State. The Prime Minister has the authority to dispose of these lands following the public interest. In this regard, individuals may be granted the right to dispose of these lands in exchange of obtaining the title deed. These lands are registered in the official records in the beneficiary's name, replacing the previous system of "Zamet" and "Timar" before the enactment of land laws that limited the disposal of them For Money Managers (Al-Murr, 1923).

Israel has taken control of significant portions of land, around 40% of the land in the West Bank and Gaza Strip, claiming it as state-owned and registering it as government land in official records. The Israeli Supreme Court has been instrumental in disenfranchising Palestinians of their property by applying land laws that support occupation decisions regarding the confiscation of lands, all under the guise of legal legitimacy and security justifications (Saffarini, 1994).

In the instance of the Alon Moreh settlement, built in 1980 on 1278 dunums of land taken from three Palestinian communities in the Nablus district, the Supreme Court's participation differed. The land was originally registered as government land under the Jordanian government before 1967. Following the 1967 war, some lands west of the settlement were designated as a nature reserve by the occupation authorities, impeding

the civil development of the population. In 1987, 1,700 dunums of the nature reserve area were declared state land, allowing settlers to establish a settlement outpost on these lands in 1998 (BTSELEM, 2016).

The court deemed the settlement decision in this case to be politically motivated. It invalidated the construction of the settlement, which had been reconstructed on adjacent lands under the claim that it was state-owned. However, the court abstained from ruling on the future of settlement construction in other settlements in the West Bank. (Rizkallah, 2022).

Accordingly, the Israeli government has made decisions to seize additional land to expand settlements in Judea and Samaria, the Jordan Valley, the Gaza Strip, and the Golan Heights. These decisions were made by Government Resolution No. 145 of 1979 concomitantly with the Elon Moreh case (Ghabboun, 2021).

Accordingly, some of the legal issues stipulated in this law must be clarified to clarify the mechanism used by an Israeli to seize large areas of Palestinian land based on this law.

Returning to the provisions of the Ottoman Land Law 1858, Israel is working to exploit its provisions, especially Article 3. This Article states that princely lands encompass properties formerly under government ownership, such as farms, pastures, theatres, pedestrian areas, forests, and comparable territories, and the disposal of these lands requires the approval and authorization of the Timar owners and leaders, who were regarded as the rightful proprietors. Occasionally, disposals were also carried out with the consent and delegation of the obligors and collectors.

Hence, this procedure was cancelled to become the disposal of the princely lands with the permission of the competent authority by the Attic State, and the disposer is granted a bond of the deed with "Altagray"

Article 9 of the same law specifies that "lands suitable for cultivation and agriculture must be farmed, with the cultivation of crops such as wheat, barley, rice, indigo, and other grains. Leasing or lending these lands should not be disrupted unless one of the legitimate excuses is achieved."

The Law No. 41 of 1953 on the Conversion of Al-Miri Type of Land into Property also considered that lands located outside the boundaries of municipalities are Al-Miri type lands under the text of Article 3 thereof:

1. "1- The transformation of princely lands located within the municipal areas from Miri to King.
2. If the boundaries of any municipality are expanded, the princely lands introduced within the boundaries of the municipal area as a result of the said extension shall be transferred from Miri to the property as of the date of the said extension. If a municipality is created, the princely lands located within the municipal area shall be transformed from Miri to property as of the date of the creation of the said municipality."

According to the legal Articles referenced earlier, Miri lands are agricultural lands situated beyond the limits of municipal boundaries. They are suitable for cultivating essential crops like wheat, barley, and rice and for establishing gardens, vineyards, trees, and pastures. These lands may also encompass forests and areas that can be reclaimed

with government approval in exchange for payment of the title deed, as outlined in the Ottoman Land Law of 1858.

The Ottoman Empire implemented a tax system on these lands, as mandated by the law. This system allowed individuals to utilize the land, provided they obtained permission from the "Timar" or "Zaamet" owners or leaders. However, after the revocation of this right, the authority to grant land disposal was limited to the imam, governor, or their representatives, as stated in Article 3 of the Ottoman Land Law.

It is worth mentioning that the time periods stipulated in the aforementioned Ottoman Land Law are of great importance in this context, which leads to stripping the disposer of these lands of his right to dispose of them if he leaves them without cultivation for a period of three years without a legitimate excuse under the text of Article 68 of this Law itself so that the abandoned farm is subject to auction in favour of a new administrator in exchange for a similar allowance.

Until this article was abolished by Resolution No. 1472, issued by the Turkish State Shura Council in 1887 (Saffarini, 1994).

According to Article 78 of the Land Law, when a person disposes of land for a period of ten years, they gain the right to own and can acquire a title deed at no cost.

Accordingly, the Ottoman Land Law granted the state ownership of "the neck" of the "Almiri Land" without granting it the right actually to dispose of it, that is, the ownership of the property only without the possibility of disposing of it by selling, buying and renting makes this ownership without significant importance

In other words, state ownership of real estate only allows for tax collection, and not as it is the actual owner.

In addition to the above, Israel has exploited the above-mentioned legal provisions contained in the Ottoman Land Law and used them to seize Palestinian land under the pretext that it is Miri land and owned by the State and under the pretext that farmers did not dispose of it within the period stipulated in Article 68 referred to above.

The Israeli judicial system has applied these laws in a way that enables it to legitimize the decisions of the occupation authorities to seize Palestinian land as state land. However, registering them in the name of the state was to collect taxes; as we explained, Israel considers that registering land in the name of the state leads to its actual ownership to extend its to over the largest possible area of Palestinian land.

The Absentee Property Laws of 1950 were also exploited in the worst way to legitimize the looting of land, as described later.

2.2.1.2 Absentee Property Act 1950

Zionist efforts to obtain Palestinian land were in motion before the creation of the state, with a focus on acquiring land through the establishment of committees and departments dedicated to Arab property. One notable example is the formation of the "Arab Villages Property Committee" by the Haganah in March 1948, which also saw the appointment of a custodian for Arab property in April of the same year (Palestinapedia, 2013).

Later, "The Department of Arab Property" was created to oversee Arab properties within Israeli territory. In July 1948, a custodian was appointed to manage absentee

property. In December of that year, the Israeli government implemented regulations regarding absentee property to prevent Arabs from reclaiming the lands and properties from which they had been displaced (Palestinapedia, 2013).

Following the establishment of the state of Israel, the government enacted laws to facilitate the transfer of land ownership and to expropriate land from absentee owners, including refugees and displaced persons known as "present absentees". The Absentee Property Law, passed in March 1950, was a particularly impactful measure aimed at legitimizing the seizure of a significant amount of land (Hawari, 2018).

This law enabled absentee property to be placed under the authority and supervision of a "curator" appointed by the Minister of Finance of the Israeli government to dispose of it in the manner he deems appropriate, such as sale (Agency, 2014).

This allowed the "curator" to confiscate 300 Arab villages, nearly 280,000 dunums of land, 25,000 buildings with 75,000 homes, and 10,000 shops, as well as confiscating a quarter of a million dunums owned by Palestinians who chose to remain in the occupied territories following the occupation (WAFA, 2022).

The enforcement of this legislation has brought about a new demographic reality, and it indicates the seriousness of the exploitation of the application of this law. Through this law, Israeli courts have been able to strip Palestinians of their land, infringing upon their right of repatriation and disregarding international resolutions about refugees, such as General Assembly resolution 194/1948. This legislation grants Israel the authority to appropriate refugees' assets, including residences, businesses, and territories, thereby obstructing their ability to reclaim their rightful homelands (Al- Khawalda, 2024).

To clarify the dangers of the biased application of this law by Israel, it is necessary to clarify some of the legal issues stipulated in it. Referring to the provisions of the Absentee Property Law, the "absentee" is defined as any Palestinian private or legal person who enjoyed Palestinian nationality on November 29, 1947, based on the provisions of Palestinian nationality in the period from 1925 to 1941 or whoever was residing in Palestine on the date indicated without having Palestinian nationality, or any Arab person from Lebanon, Syria, Jordan, Saudi Arabia, Iraq or Yemen who owned movable property or usufruct and did not exist in Palestine from November 29, 1947, to May 19, 1948, or a Palestinian citizen whose place of the residence left outside Palestine before September 1, 1948, and went to a state hostile to Israel.

The definition in question addresses individuals who were no longer present in Palestine during a specific time frame, but it lacks a clear explanation of what constitutes "non-existence" and how it is determined.

As a result, the law's scope extended to encompass all individuals who departed Palestine, whether voluntarily or involuntarily, due to deportation or displacement. However, forced displacement is a circumstance beyond the control of citizens, as they were compelled to leave their property under duress or coercion. This means that their absence from their property is not a matter of choice but rather a result of being forced against their will.

Consequently, this law is unjust towards those absent from their property, as it treats them as if they left willingly and not under duress.

In 1967, the law was amended to broaden the definition of "absentee" to encompass

Palestinians living in non-hostile states towards Israel, as well as Palestinians with permanent residency in Palestinian cities. This change aimed to streamline the process of facilitating property to benefit Israel.

The law in question only applies to Palestinians and Arabs, excluding individuals of other nationalities, even if they visit an enemy state. This demonstrates the discriminatory nature of the law, as it selectively targets one group within its geographic jurisdiction.

The term "absent present" used to describe Palestinians displaced within the occupied Palestinian territory is paradoxical; it raises the question of how someone can simultaneously be absent and present!

Furthermore, this term also lacks the precision necessary for legal terminology to have its legal effects with certainty because of the rights and obligations it entails towards the person it addresses.

On another point, the appointment of the custodian of the property of the "absentees" is supposed to act as a guardian based on the management of the movable absentee funds and movable assets within absolute powers that contradict the purpose of guarding these owners due to the broad powers that enable him to dispose of absentee property without following clear and precise legal standards, which had a significant impact on meeting Israel's colonial interests and expanding its domination over Arab and Palestinian properties whose owners were unable to recover them.

In addition, based on local laws, the custodian of the disputed property is usually appointed to manage and supervise it within judicial control and specific mechanisms that

ensure the preservation and preservation of its revenues until the end of the dispute related to it.

However, the Absentee Property Law granted the trustee great powers that include the automatic devolution of property to his hand and its entry into his possession to become as if he owned it, meaning that he becomes in the same legal position as the original owner of the property and gives him the right to conclude legal actions such as sale, leasing, mortgage and disposing of the acquired proceeds within absolute powers without specific controls.

With reference to Article 30 of this law, the trustee has been granted the authority to issue a property certificate, which is considered legally valid before the courts and competent authorities and is considered evidence to prove the absence of property owners, and whoever claims otherwise bears the burden of proof, by providing proofs and evidence.

This matter is difficult because the law gave these certificates the official status because they are issued by the curator appointed as an employee by the government, which wastes the rights of the owners of these properties.

This law went further when Article XVII considered that all transactions related to absentee property are valid even if it turns out that they are not absentee property when the transactions related to them are concluded in good faith by the custodian.

In other words, the transactions are considered invalid if the custodian knows that they are not acquired that their owners do not fit the description of the absent, and what is interesting is that it is necessary to prove the bad faith of the custodian to prove the

invalidity of the transaction he concluded.

Proving bad faith is very difficult because intention is an internal feeling that can be deduced from the circumstances and facts surrounding the conclusion of the transaction, which can be considered impossible, which empties the legal texts of their meaning and renders them useless.

On the other hand, if it is actually proven that the custodian is in good faith at the time of concluding the transaction, this does not change the reality of the situation anything because Article XVII itself stipulates that the transaction is not invalid and that it remains in force and that the mistake is proven when it is concluded, which makes these transactions valid by virtue of the law in all cases and gives them immunity from the possibility of cancelling them, which wastes the rights of property owners and makes it impossible to restore their property.

The Absentee Property Law also exempted the trustee from any responsibility for his actions, whether those issued directly by his person or indirectly by others based on his instructions and directives. Whether these actions were wrong in estimating the occurrence of property within the scope of absentee property or not, the law associated this issue with the trustee's belief that it falls within his powers based on honest and reasonable data.

The same applies to this text regarding the difficulty of proving credibility and reasonableness in the trustee's actions.

In addition, the text does not include criteria determining the scope of honesty and reasonableness. These terms are vague and general, resulting in difficulty in interpreting

their content.

This gives the curator and others who control his work, such as custodian and judicial bodies that deal with disputes related to these properties, broad authority to interpret the terms and adapt them to the benefit of Israel by giving bias in their interpretation in favor of the acts of the curator, thus facilitating the seizure of property and placing it in the possession of the Israeli government.

In addition to the fact that committing a mistake does not exempt the wrongdoer from responsibility completely, this law exempted the custodian and custodian from bearing any consequences or legal responsibility towards the errors that may be issued by them when concluding transactions but made these transactions correct in all cases, which violates the integrity that the law must guarantee to the right holders, which enabled an Israeli to seize the property and deprive its owners of its recovery.

2.2.1.3 Jordanian Expropriation Law No. 2 of 1953

This law outlines procedures for expropriation If the originator in any government, municipal and local councils, or any legal person wishes to carry out a project under the text of Article 3 thereof, and this is done through a series of procedures starting with the announcement of this desire in the Official Gazette for a period of 15 days detailing the land descriptions and the nature of the project intended for public benefit (Maqam, 2024).

Following this period, the builder must submit the land map and a statement of financial capability to execute the project to the Council of Ministers. Once the Council of Ministers and the King approve the expropriation, the announcement will be published in the Official Gazette. To finalize the transaction, the originator must submit copies of

the approval decision, along with the number of registered landowners or squatters and a list of their names. Adequate compensation must be provided for the land or any damage in the event of abandonment. Furthermore, the courts of first instance within the land's jurisdiction will have the authority to resolve any disputes arising from the expropriation (Maqam, 2024).

Following the Israeli occupation of the Palestinian territory, Israel leveraged this law to advance its settlement interests, transferring the powers previously held by the Jordanian government under this law to the military commander of the area (Raja Shehadeh, 1990).

However, Israel did not fully comply with the law's terms. For example, when the originator is a military body, it bypasses the outlined procedures, such as publishing the declaration of intent to expropriate or obtaining approval from the Council of Ministers and publishing the approval of the expropriation (Raja Shehadeh, 1990).

Additionally, an objections committee were established to handle disputes with the landowner regarding the land to be acquired, which was previously under the jurisdiction of the courts. Furthermore, amendments were made to the articles related to the right to evict the landowner by force if they refuse to vacate within the specified period and to impose imprisonment and a fine if they refuse to leave (Raja Shehadeh, 1990).

Israel has modified the law to further its expansionist agenda, allowing for the confiscation and stealing of Palestinian land under the guise of public interest. The Palestinians reject any compensation, seeing it as an acceptance of the occupation. Israel has actively seized large amounts of land and built bypass roads for the benefit of settlers.

Approximately 75,000 dunums of Palestinian land have been confiscated through a series of expropriation decisions, with 179 decisions made during the Likud Party's initial rule and nearly 30 decisions made between 2014-2023 (Dawud, 2023).

The amendments to this law were based on Military Order No. 321 of 1969, which granted the military commander the power to carry out land acquisitions for public use. This included the authority to oversee expropriation procedures and establish objection committees (Eye On Palestine, 2005).

An example of Israeli expropriation decisions is Resolution No. 10/20, issued in 2020, concerning the transfer of ownership of 18 dunams, representing the archaeological site of Deir Ballout in Salfit Governorate, under the pretext of serving the public (Commission C. a., 2020).

Accordingly, since its occupation of the Palestinian territory, Israel has sought to adapt the laws that were in force at the time to be able to legitimize its plundering of land, of which the expropriation law is one of these laws, whose main purpose was to serve citizens and the public interest within a legal framework based on following a series of procedures and standards that guarantee the rights of the owners of the lands to be acquired for the public interest.

These guarantees start from the obligation to publish and announce the desire of the builder to obtain the land in the Official Gazette, notify the owner of the land of this desire and then obtain the approval of the Council of Ministers and the King and then republish these approvals in the Official Gazette so that the owners of the land are aware and aware of the course of things and what will happen to him so that they are not stripped of their

ownership unawares and without knowledge.

These guarantees extend to compensating the owner of the land in return for expropriation in return for appropriate financial consideration, in addition to guaranteeing his right to resort to the competent courts that consider the dispute over the land to be owned within impartial and impartial judicial control that guarantees the owner of the land to obtain a fair judgment within a legal framework that determines the procedures to be followed in the expropriation procedures and the division of compensation.

Israel did not apply this law as it was intended. Instead of acquiring land for public benefit, it was used to confiscate land to benefit the settlers and their interests.

This was done without following the proper procedures to protect the rights of Palestinian landowners.

As a result, they were suddenly stripped of their property without their knowledge, and their basic rights were disregarded.

This was justified by the public's need, but it only served the Israeli public and settler militias, not the Palestinian public.

The land was taken to expand settlements and build roads for the settlers, which circumvented the law and unjustly deprived Palestinians of fair compensation and impartial litigation. Additionally, objection committees were established to consider expropriation disputes, typically comprised of Israeli military personnel, have infringed upon the rights of Palestinians.

These committees are inherently unjust, demonstrating clear bias in favour of

settlers and neglecting the concerns of Palestinian landowners, because they are effectively leveraged as a means to enforce Israeli colonial policy.

The enforcement of this law by the occupying authorities goes against international law and conventions, specifically the Fourth Geneva Convention of 1949. This convention prohibits the transfer of populations to occupied territories, as it undermines their public interest and promotes colonial agendas.

Israel has been aggressive in its efforts to acquire Palestinian land and implement laws in favour of its unlawful objectives. It has issued a series of military orders to change existing laws in an unjust legal system. These orders specifically focus on altering laws in the occupied regions, which goes against international law and negatively impacts the rights of Palestinians. This includes selectively modifying certain provisions.

These military orders have enabled Israel to increase its military and settlers' presence in Palestinian territory and take control of significant amounts of land.

2.2.2 Second: Military Orders

The authority of the Israeli forces commander in the West Bank is based on Circulars No. 1 and 2 of 1967. These circulars, titled "On the Assumption of Power by the Israeli Army" and "On the Systems of Authority and the Judiciary", established the framework for the military commander's powers, encompassing administrative, security, and public order control. The second circular emphasized the preservation of existing West Bank laws in a way that does not contradict military circulars and orders (Asaad & Mounir, 2020).

Order No. 3, "Regarding Security Instructions", in the West Bank areas, focuses on stipulating crimes and penalties and the legal procedures before military courts. The

occupation authorities continued to issue military orders that affected various aspects of life, such as health, education, and land ownership (ADDAMEER, 2015).

The occupation authorities issued nearly 2,000 military orders to amend the laws in force in the West Bank and Gaza Strip to serve their interests (JMCC, 1991).

Some of the most significant military orders issued are aimed at facilitating the confiscation of Palestinian land in occupied areas to support Israel's expansionist settlement project.

The following explanation provides a review of the most important of these orders.

2.2.2.1 Military Order No. 58 of 1967 "On Abandoned Funds"

According to this order, abandoned money refers to funds left behind by its owner or disposer or discarded before June 7, 1967, or on that date (Qanon, 2012).

An absentee, as defined by this order, is "an individual who departed the occupied territories before, during, or after the 1967 war" (Eye On Palestine, 2005).

Whereas, under this order, the military commander of the region was granted the authority to appoint the judicial officer for the management of this abandoned money and to dispose of it by sale, non-lease or otherwise (Qanon, 2012).

In more detail, the aim of issuing this order is to enable the Israeli occupation authorities to control the largest possible area of land whose owners were not present in the said period of time, regardless of the reasons for leaving it, and accordingly, Israel classified the lands and established records related to abandoned properties as absentee property, and granted the right to dispose of and sell them to Jewish individuals and

companies such as the Jewish Agency (Eye On Palestine, 2005).

In this context, the objections submitted by the property owners are useless because they are submitted to the objection committees that are biased in favour of the occupation and apply the aforementioned absentee property law to justify their seizure of these properties, which lost the rights of the Palestinian owners of these properties (Eye On Palestine, 2005).

Therefore, the military order's definition of abandoned funds encompasses individuals who left their real estate, movables, or money before June 7, 1967, resulting in losing their rights to the funds. This includes those who left their money due to normal activities like trade-related travel without the intention of permanent abandonment.

This made the application of this order arbitrary to the rights of property owners and disposals, especially by expanding the concept of the absentee to seize the largest possible amount of land.

What indicates the arbitrariness in the application of this order is what is stipulated in Article 10 thereof, which does not allow the annulment of any transaction concluded in good faith between the person responsible for the money and the other party so that this transaction remains in force and if it is wrong in its conclusion, even though the person responsible for the money under this order is affiliated with the judicial authorities, who are supposed to have legal experience and knowledge that enables him to control the nature of the money whether it is actually left or not, which is not supposed to be considered abandoned without careful examination and hard evidence.

On the other hand, the protection of these transactions, even if they are wrong,

wastes the rights of Palestinian property owners, although when the mistake is proven, the situation must be restored to what it was if it turns out that the money is not left, and therefore, the application of this military order demonstrates the bad faith of the Israeli occupation in controlling the property of the Palestinians arbitrarily amounting to theft and looting of property.

Additionally, the initial legality of such transactions involving these funds is questionable, as they violate the Fourth Geneva Convention of 1949 and the Hague Convention of 1907, as discussed later.

2.2.2.2 Military Order No. 59 of 1967 "On Government Property"

This order broadened the property definition to include movable funds, such as accounts, vehicles, transport machinery, quarries, income, revenues, and immovable property. It also specified that government property belonging to the enemy state as of June 7, 1967, is considered as part of the definition of property, which is (the Hashemite Kingdom of Jordan or any other country considered a belligerent party or committed to the state of war against Israel or declared as such under the order), or the governing body to which the "enemy state has a right" in the form of property owned by the ruling individual, or a partner in it, or acting of (Qanon, 2012).

This order was subsequently revised to incorporate the definition of government land as "acquired land". Although the text of this original order before the amendment aims to tighten control over the properties that belonged to the government of the Hashemite Kingdom of Jordan and their management by the person in charge of them appointed by the commander of the region (Raja Shehadeh, 1990).

The application of this military order exceeded the intention of issuing it by allowing the conclusion of transactions that grant the right to dispose of property to individuals to exploit the land and facilitate its annexation to Israel, which contributed to the seizure of thousands of dunums of land for the benefit of settlers(Raja Shehadeh, 1990).

Among the amendments to this matter is the addition of a text that requires the competent authorities to take into account the written certificate issued by the money official that authorizes him to this authority to determine whether the property is a government or not, and this certificate is considered of legal weight as long as it is not proven otherwise than what was stated in it (Qawasmi, 1969).

The occupation authorities' consistent efforts to increase the authority of the military commander in relation to Palestinian property reflects their lack of good faith in prioritizing Zionist interests over those of the Palestinians.

This can be seen in broadening the definition of government property to include all types of movable and immovable assets in all of its types, as well as funds seized.

Adding legal protection to these certificates has sparked worries regarding the deceitful and unlawful intentions of the Israeli occupying powers because they are authorized by a financial official and carry significant legal weight in relation to governmental assets.

The information included in these certificates is considered always right unless proven otherwise, posing challenges for property owners seeking to contest its accuracy.

Providing evidence to challenge the validity of these certificates is arduous, and the associated costs can be prohibitive for property owners.

2.2.3 Other Orders

2.2.3.1 Israeli military order No. 363 of 1969

The occupation authorities and their civil administration can use the excuse of environmental protection to designate any area in the West Bank as "reserves or natural areas." This prevents Palestinian landowners from using or developing the land. It is another way of Israel seizing land and depriving its Palestinian owners of its ownership without compensating them for it, and parts of it are even allocated for the construction of settlements for the benefit of settlers (Eye On Palestine, 2005).

As per this order, 8857.7 dunums of Palestinian land west of the Dead Sea have been designated nature reserves. This marks a significant change from a previous military order issued in 1988, which only involved the conversion of 3816 dunums of non-Palestinian land into nature reserves. Furthermore, Military Order No. 306 of 1969 declared extensive areas of Palestinian land situated between Israeli settlements of Mevo Dotan and Haramish in the Jenin governorate as "Dotan Forest Reserve". Under this order, Israel designated 140 sites spanning 705 km² in the West Bank as nature reserves. These areas are situated in the Jordan Valley and the eastern slopes, and there are plans to expand further under this order. (AREEJ, 2005- 2024).

2.2.3.2 Order No. 25 of 1967 on Real Estate Transactions West Bank Region

According to this stipulation, any order estate transactions involving buildings and properties in the West Bank must be approved by the official appointed by the military commander. Failure to comply with this requirement will result in the invalidation of the

transaction and may lead to imprisonment for up to five years, a fine of 1500 dinars, or both (Qanon, 1967).

Accordingly, this order granted the official appointed by the military commander absolute powers to grant permits to Palestinians wishing to build, sell, or dispose of their property under Israeli administration in the West Bank, such as Area C.

Suppose construction is done or acting without the consent of this official. In that case, the violating Palestinians are subject to penalties of up to imprisonment and fines, which severely harms the rights of Palestinians to dispose of their property and hinders the development and civil expansion in the areas where they reside.

2.2.3.3 Military Order No. 373 of 1970

Under this order, the military commander was granted additional powers that enabled him to declare some areas in the occupied Palestinian territory as "public parks" under the pretext of preserving natural areas; in support of this matter, the Palestinians were stripped of thousands of dunums of their lands under the pretext that they are public parks, and their Palestinian owners were deprived of exploiting them. Part of these lands were later converted into settlements whose owners could not recover them (Eye On Palestine, 2005).

2.2.3.4 Military Orders Declaring Certain Areas as "Closed Zones"

These decisions focused on announcing the closure of some areas to Palestinians, such as the areas between the separation wall and Israel's 1967 borders, which were closed to Palestinians in 2003. These orders apply this closure to Palestinians only, as Israeli

citizens have the right to enter these areas freely and move in them without obtaining permits from any party, unlike Palestinians, who must obtain permits that enable them to access their land and property (Affairs, 2015).

Some areas are closed under the pretext of being "security zones" for military training, which are later confiscated for settlements such as "Kiryat Arba" (Raja Shehadeh, 1990).

In this regard, the International Court of Justice ruled in its advisory opinion on the Israeli occupation released in September 2024 that there are no justifications for the extension of Israeli law to the West Bank and East Jerusalem, which is against both Article 43 of the Hague Regulations and Article 64 of the Fourth Geneva Convention (Law for Palestine, 2024).

As such, Israel employs expansionist strategies inside a complex legal framework that combines military instructions with already-existing laws.

This legal framework is used to legitimize the confiscation of Palestinian land and give Israeli citizens priority over Palestinians.

Palestinians' rights and the ideals of justice and fairness are being violated by the Israeli acts being taken against them. They are being wrongfully deprived of their land and property without receiving just compensation, and they are not being allowed to access the legal system to seek justice.

As the next section has clarified, these settlement policies violate international law by developing a settlement strategy.

2.3 Third Requirement: Settlement Projects and Plans

After the June 1967 war, Israel occupied and annexed the Palestinian territory to secure their security depth (Al Jazeera, 2015), based on the proposal of the "September Petition" based on a Zionist vision to establish a "settler political project" that embodies the idea of a "complete land of Israel" put forward by the hardline Zionists in the Labor Party to annex the entire Palestinian land and grant its residents Israeli citizenship as residents of "Greater Israel" (Wafa, Settlement projects, 2024).

To achieve Israel's dream of expansion and the rooting of the Zionist state, Israel followed an essential pillar based on a deliberate approach to intensify settlements and double the number of settlers through the development and implementation of settlement plans on the ground to seize and judaize as much Palestinian land as possible (Qabha, 2022).

Settlement projects have varied during the period from 1967 until the present time.

They were adopted by the various Israeli governments and worked to implement, support, and promote them tirelessly; harnessing everything, they could to achieve them on the ground.

2.3.1 First: Settlement Projects 1967-1977

2.3.1.1 Alon Plan

It is considered one of the most prominent settlement plans proposed by Israeli Minister of Labor Bigal Allon (Waldman/, 2020).

It is considered a framework for Israeli diplomatic action regarding Israel's policies towards the West Bank (Land Grab: Israel's Settlement Policy in the West Bank, 2002).

Which is based on the importance of the security dimension of Israel through the proposal to build many settlements in areas with a security dimension (BTSELEM, 2002).

It included several parts, the first of which is based on the proposal to grant the Palestinians a kind of sovereignty within specific parts of the West Bank in exchange for commercial, cultural and security privileges to serve Israel and the establishment of a corridor to Jordan from the Jericho area, and the second part is based on sharing control over the West Bank between Jordan and Israel, so that the Jordan Valley is under Israeli control, while the western area of the West Bank is under Jordanian control (Waldman/Zachary Peter, 2020).

Although this plan has not been officially adopted (BTSELEM, 2002).

However, based on them, 34 settlements were established during the era of the Labor Party until 1977, starting from the Jordan Valley due to its importance in terms of agriculture and natural resources, especially the abundance of groundwater, and 12 of them are located in Jerusalem, and these settlement sites were called "Nahal", as the number of settlers during the second term of the Israeli government reached 28,400 settlers, to change the facts on the ground to obstruct the development of solutions to the Palestinian issue and obstruct the paths of settlement and sovereignty over the occupied Palestinian territory, through the seizure of Large areas of Palestinian land along the Jordan Valley, starting from the south of the Beit She'an Valley to the south of the Negev desert, with a length of 115 km and a width of 20 km, and not only the West Bank (Wafa, 2024).

According to this plan, the settlement process extended to the Gaza Strip in the late seventies, where the settlement belt included three groups, the first of which is located in

the north of the Strip, namely the settlements of "Erez, Eli Sinai, Nissanit, Netzarim", and the second group included the settlements of Deir al-Balah and Kfar Darom, while the third group included the settlements of Khan Yunis, which are " Gush Katif, Jani Tal, Nitzar Hazani, Neve Dakalim, Dogget, Jadid, Moraj, Gan Or and Ravih Yam" (Wafa, 2024).

2.3.1.2 Galilei Project and the "Double Backbone" Plan

In 1977, the Ministerial Committee for Settlement Affairs, headed by Minister Yisrael Galilei during the Labor Party's rule, formulated the Galilei project, which included the establishment of 186 settlements throughout Palestine during the period from 1977 to 1992, 49 of which would be established in the Arab territories that fell under occupation after the 1967 war (Al-Ghazlan, 2012).

In addition, 15 settlements were established in the West Bank, 20 in the Gaza Strip, 10 in the Golan, and 4 on the coast of the Gulf of Aqaba (Wafa, 2024).

Therefore, the Fuchman plan was devised by the professor of applied engineering in Haifa and presented to the Ma'arach government in 1976. However, the government declined to adopt it due to its impracticability(Wafa, 2024).

Later, after Yitzhak Rabin became prime minister, he informally approved this plan in 1976 to settle 2.5 million Jewish immigrants in the proposed depopulated areas to bring about demographic change in the Palestinian areas (PASSIA Palestinian Academic Society for International Affairs).

After Ariel Sharon assumed the High Ministerial Committee for Settlement Affairs as Minister of Agriculture in the Likud government, he began implementing this project,

later known as the Sharon Project (Mtanes Shihadeh, Husam Jeries, 2013).

It aims to build two columns of settlements in the Palestinian territory within a period of up to twenty years so that the first column extends along the coastal plain, while the second column runs parallel from the north in the Golan Heights to Sharm el-Sheikh, in addition to establishing a group of settlements in the Jordan Valley, the Hebron Mountains, Nablus, and the Triangle area, and working to promote settlement from Wadi Ara to Kafr Qasim, and in Jerusalem (Wafa, Settlement projects in Jerusalem in 2009, 2024),

It aims to separate the Arab community from the Jews inside Israel and to encircle the West Bank (Arieli, 2023), with the construction of a network of roads extending to connect the West Bank with Israel (Mtanes Shihadeh, Husam Jeries, 2013).

2.3.1.3 Gush Emunim

To promote a Zionist culture based on the idea of a "Greater Israeli land" in the minds of Israelis, settlement projects aimed at asserting Jewish sovereignty through the intensification of settlement in the occupied West Bank have increased, such as those proposed by the Gush Emunim movement, which was founded in 1974 (Al Jazeera, 2022).

It played a prominent role in the settlement movement, as well as being considered one of the signs of the "socio-political coup" in Israel after the wars of 1967 and 1973, which led to the decline of secularists to give way to the emergence of diverse national religious cultures and identities in a society dominated by the plurality of identities and cultures carried by immigrants, such as the Eastern Orthodox, Russian and Arab cultures

(Wafa, 2024).

This movement met with its golden opportunity after the Likud Party took power in 1977, as it made many proposals to establish the largest possible number of blocs and outposts on the largest possible area of populated areas in the West Bank to settle one million Jews, where the settlements of Ofra, Kedumim and Ma'ale Adumim are among the first settlements established by this movement, in addition to its proposals related to the establishment of a bypass road network linking the settlements to each other from Nablus to Hebron, passing through Jerusalem and reaching the Jordan valley (Al Jazeera, 2022).

2.3.1.4 Drobls Project

The settlement policies of the Likud Party were influenced by the "Drobls settlement project" or what is known as the "Master Plan for the Development of Settlements in Judea and Samaria" within the framework of its five-year plan from 1979 to 1983 submitted by Mitiahu Drobls, head of the Settlements Department in 1978, which is based on several principles, the first of which is considering settlement as a legitimate right of the Jews, the second is the establishment of settlements within interconnected blocs and the development of services and means of production in them, and the third is the distribution of settlements among populated Palestinian areas (Wafa, 2024).

The purpose is to unify the settlement strategies proposed by Likud and Gush Emunim based on cutting off the geographical contiguity between Arab regions to prevent the establishment of a Palestinian state (Mtanes Shihadeh, Husam Jeries, 2013).

This project includes proposals for the establishment of 70 settlements on the territory of the West Bank within a period of 13 years, from 1979 to 1993 (Al-Ghazlan, 2012), and to increase the number of settlements within interconnected settlement blocs and the number of settlers living in them to approximately 150,000 settlers, in addition to the trend of doubling the number of Jewish settlers in Jerusalem to approximately 750,000 over a period of 25 years in what is known as the Greater Jerusalem Development Plan (Wafa, 2024).

2.3.2 Second: Settlement and Negotiations

Peace negotiations between the Palestine's Liberation Organization PLO and Israel began in 1991 and were accepted after Arab and Palestinian promotion of the issue of addressing the threat of Judaization and freezing "creeping settlements", but in light of all these facts, the pace of Jewish settlement in the occupied territories did not subside, but rather doubled to impose new facts before the negotiations to influence their results (Ayed, 1995).

On September 13, 1993, the Oslo Accords were signed, which included an agreement to negotiate within 5 years the final status issues related to "settlements, Jerusalem, security, borders, refugees and water" to pave the way for the establishment of an independent Palestinian state (Mafarja, 2023).

Later, in 1995, the Taba Agreement was signed, which included an agreement to divide the West Bank into three administrative areas: "A, B and C" where Area A includes Palestinian cities and towns with approximately 18% of the area of the West Bank, Area B includes small villages and Palestinian cities with about 22% of the West Bank, while Area C contains 62% of the area of the West Bank under complete Israeli security and

administrative control, which Israel covets to seize to carry out Its strategic settlement project (The Middle East, 2023), In addition to dividing the city of Hebron into areas H 1 and H2 (Asaad, Ahmed Ezz El-Din; Mounir Fakhr El-Din, 2020).

Since the signing of the Oslo Accords, settlement projects aimed at controlling as much of the occupied Arab and Palestinian territory as possible have not relaxed. Israel has gone beyond the establishment of settlements by focusing on increasing the network of bypass roads to connect the settlements and ensure their protection (Al-Tafakji, Khalil, 2012), in light of the severing of the geographical links of the Palestinian areas as a result of their administrative division and the restriction of the freedom of movement of Palestinians (Asaad, Ahmed Ezz El-Din; Mounir Fakhr El-Din, 2020).

Israel pursues systematic policies to seize Area C, prohibiting the approximately 300,000 Palestinians from constructing any buildings that support their civil, urban and agricultural development as a result of their full Israeli administrative control, to annex them through acts of laws and military orders that meet their objectives as described earlier, where Israel considers 35% of Area C to be state land, 30% to be military training areas, 14% to nature reserves and national parks, 16% to be areas of influence belonging to settlements, and the rest of the remaining area to be approximately 40%, Israel controls them completely and prevents any development of its infrastructure, whether the construction of roads, water or electricity networks or the installation of solar panels or others, which has led to the freezing of the lives of Palestinians and their grouping in a narrow space and in a state of permanent fear and destitution (BTSELEM).

This is even though these agreements include the inadmissibility of taking any step that may change the status quo in the West Bank and Gaza Strip until the final agreement

is reached, which indicates Israel's bad faith in its acquisition of large areas of West Bank territory, which constitutes an obstacle to the two-state solution (Arnaout, 2018).

Amid this settlement activity that took place in the Palestinian territory even after the signing of the Oslo Accords, many settlement projects were put into effect, most notably:

2.3.2.1 Third Road Settlement Project 1995

This group was formed in 1995 by several of the Israeli occupation army reserve generals and a group of Knesset members, most notably General Dan Shomron and Labor Party MK Avigdor Kahalani (Jazeera, 2004).

which submitted proposals for a permanent settlement based on several fundamental issues related to taking into account the historical dimension of Israel when implementing a geographical solution and separating Israelis from Palestinians (Wafa, 2024), by calling for the placement of Arab communities in separate blocs from each other, the encirclement of the areas of "the Jordan Valley, Latrun, Jerusalem, southwest Nablus and Jenin", the establishment of a security belt surrounding Tulkarm and Qalqilya, in addition to the establishment of buffer zones along the borders of Palestinian villages adjacent to the Green Line (Wafa, The Israeli vision for the future of the settlements, 2024).

With obedience of the Jewish-majority areas, the Greater Jerusalem area and its settlements "Ma'ale Adumim, Gush Etzion, and Givat Ze'ev", the northern Dead Sea and the Jordan Valley, the settlement bloc west of Samaria and vital roads to Israeli control, and it called Israel not to withdraw from the Golan (Wafa, 2024).

2.3.2.2 Operation Double Plan 1996

Developed secretly by Likud party member and head of the "This is Our Land" party Moshe Feiglin immediately after the signing of the Oslo Accords in cooperation with the "Yesha" Settlement Council to establish 130 new settlements in the occupied Palestinian territory after 1967, through strategies based on the establishment of several illegal outposts to later turn into settlements in what is considered the largest wave of settlements in the West Bank, which began to be implemented in 1996 (Jazeera, Settlements in the West Bank...Israeli gatherings are eating away Palestinian lands, 2023).

By pursuing also, a strategy based on controlling Palestinian land near informal outposts to expand them under the pretext of natural population increase, with the support and sponsorship of Israeli governments that encourage "settlers' youth" to seize empty Palestinian land (Embassy of the State of Palestine in Mauritania, 2022).

2.3.2.3 The 1997 Red Lines Plan and the Map of the "Strategic Interests of the Army"

The settlement projects did not end there, but the intensification of settlements increased by working to find more simultaneous settlement projects, such as the "Red Lines Plan," which was proposed by Sharon, Mordechai and Sharansky under the Likud government in 1997, and which is based on the same principles on which previous settlement projects are based (Al-Ghazlan, 2012).

In addition to other principles, the most important of which is the non- withdrawal of the Israeli occupation from some Palestinian areas, given several factors based on strategic importance, such as areas rich in groundwater, or areas of security importance

(Wafa, Settlement projects in Jerusalem in 2009, 2024).

In other words, this plan included two red lines, the first related to the prohibition of withdrawal from areas with a security dimension, and the prohibition of withdrawal from areas with a strategic dimension, in addition to the prohibition of withdrawal from other areas that include settlements (Wafa, Settlement projects, 2024).

In the same year, in conjunction with the Red Lines Plan, the "Map of the Strategic Interests of the Army" known as the "Sharon-Mordechai Map" was proposed, which relates to a permanent solution based on the Israeli vision stemming from several considerations, including with regard to Jerusalem, borders, settlements, security and water, with Israel retaining 62% of the areas of the West Bank and dividing it into five areas separated by settlements: Nablus, Jenin, Ramallah, Jericho and Hebron, with Jerusalem completely separated, and full Israeli control on the Jordan Valley and linking it to the Green Line (Wafa, Settlement projects in Jerusalem in 2009, 2024).

2.3.3 Third: The Apartheid Wall 2002

On 23/6/2002, the government of Ariel Sharon began building the apartheid wall in the West Bank along the Green Line, including Jerusalem, where construction of the wall accelerated between 2006 and 2007 as part of the expansionist settlement project that led to the confiscation of 10% of the West Bank, or about 180,000 dunums of land in the West Bank, (Jibali, 2024), and 88% of the settlement population was annexed to the areas behind the wall (Settlement... “terrifying” facts and “shocking” numbers, 2020).

The government of Ariel Sharon had adopted the construction of the separation wall under the pretext of supporting and protecting Israeli security, turning this wall into a

means to support the settlement project, loot more land, intensify settlement and create a new reality on the ground (Mtanes Shihadeh, Husam Jeries, 2013).

This violates international law, according to the International Court of Justice in its advisory opinion issued in 1994 regarding the monuments of the wall, as discussed later in the thesis.

The seven years since Benjamin Netanyahu became prime minister for the second time at the beginning of 2009 were considered the "fat seven" period of settlement projects, which were characterized by a 55% increase in the number of settlers in existing settlements compared to previous periods (Madar, 2016).

In addition to the increasing residential neighbourhoods within the scope of these settlements without relying on the construction of new settlements in the years from 1992 to 1995 and in the years from 2000 to 2012 due to international pressure on Israel to freeze settlements to keep pace with the peace process in that period, which included the establishment of 116 outposts until the end of 2018, in addition to converting the "Rehalim" outpost into a settlement in 2013, which indicates an increase in the number of settlements from one settlement in 1967 to 150 settlements End of year 2018 (Settlement... "terrifying" facts and "shocking" numbers, 2020).

Israeli settlement activity in the Palestinian territory has not slowed, especially throughout the West Bank and Jerusalem, where the number of settlements reached approximately 151 settlements by the end of 2022, (Wafa, Israeli settlements in the West Bank, annual statistical report 2020, 2021).

In addition to 163 settlement outposts and 144 sites classified as service, tourist,

industrial and Israeli army camps (Wafa, 2024), the number of settlers in the same year was 745,467 in the West Bank and Jerusalem (Wafa, Number of colonists in Israeli settlements in the West Bank by region 1986 to 2022, 2024).

Israel's hand extended to steal more land in the occupied West Bank in 2023, according to data from the Palestinian Central Bureau of Statistics, which revealed Israel's seizure of 50,526 dunums of land compared to 26,000 dunums in 2022, where the Israeli occupation issued 32 orders to control 619 dunums, 4 expropriation orders for 433 dunums, and declare 515 dunums as state land, in addition to issuing 4 orders to modify the boundaries of nature reserves to seize 48 thousand and 959 dunums (Wafa, 2024).

Rather, the Israeli government's settlement appetite also increased in the Gaza Strip after the Israeli war during the events of the Al-Aqsa flood on October 7 of the same year, and this was evident through the announcements spread in December of 2023 to announce the construction of settlement projects in Gaza on the ruins of the destroyed homes of Gazans, by promoting two settlement projects, the first is called "Mountains of Gold" and the second is called "Now and at the opening price", which reinforces the petition signed by Israeli ministers and Knesset members entitled "Treaty of Victory and Settlement Renewal in the Gaza Strip and the Northern West Bank" (Hashhash, 2023).

Following the conference opened by the head of the Settlements Council, Yossi Dagan, in Jerusalem with the participation of 12 Israeli ministers, including Finance Minister Smotrich and Minister of National Security Ben Gvir, in addition to 15 Knesset members, Dagan called for "correcting the shame of disengagement" (National Office for Land Defense, 2024),

Related to the unilateral Israeli withdrawal under Sharon in 2005, the evacuation of 8,000 settlers from the Gaza Strip and 2,000 from 4 settlements in the northern West Bank under Sharon (Alghad, 2024), and calling for "the deportation and displacement of Palestinians" (National Office for Land Defense, 2024).

The cities and villages of the West Bank were not spared from the aggressive Israeli practices during the war on Gaza, where the occupation imposed a comprehensive siege on them and prevented Palestinians from moving freely between Palestinian areas under the pretext of protecting settlers, 400,000 of whom were armed by the Israeli government out of 736,000 residing in 176 settlements and 186 settlement outposts, prompting Palestinians from 16 communities in the West Bank to leave and move to safer places, leaving behind their agricultural lands (Hashhash, 2023).

Amid these events, the accelerated settlement projects in East Jerusalem emerged through the push for twenty new settlement projects in cooperation with the extreme right, most notably the expansion of the settlements of "Kedat Zion" and "Givat Shaked", which raises fears of the forced displacement of Palestinians (Hamid 'Abu Aleiz, 2024).

In July 2024, the ultra-Orthodox Zionist Finance Minister Smotrich announced a "decisive" plan to annex more Palestinian land in an effort to annex the West Bank (Watad, Muhamad, 2024). As a result, the Israeli government approved the confiscation of 12 and 7 km² of occupied West Bank land in the largest looting of land in decades and announced the construction of 5,300 settlement units as part of the expansion of settlements (Asaad, Nawal, 2024).

Through the legal, violent and annexation-based approach it has followed since the occupation of the Palestinian territory, Israel has been working to establish the principle of the superiority of the Jewish race over the Palestinians throughout the area between the Mediterranean Sea and the Jordan River, so that Jews reside within a unified and contiguous geographical area, with the exception of the Gaza Strip, while Palestinians live in areas fragmented by dismembered settlements, approximately 3 million Palestinians in the West Bank are divided into separate enclaves, Deprived of their political rights, discrimination even affects Arab citizens of Israel, who constitute 17% as they do not enjoy the same privileges as Jewish citizens, and the same applies to the 350,000 Palestinian residents of East Jerusalem, who are subject to the withdrawal of permanent residency in certain cases according to the Interior Minister's discretion (BTSELEM, 2021).

This made the equation of the two-state solution unthinkable on the ground because it is not applicable in light of these data (Madar, 2016).

The suffering of the Palestinians is worsening owing to the violation of their rights, protected under international rules, as a result of Zionist ambitions. The ongoing construction of settlements further exacerbates this to seize additional occupied Palestinian territory.

A detailed analysis of this issue will be provided in the next section.

2.4 Fourth Requirement: Impacts of Settlement

2.4.1 Strategic Significance

The settler militias' philosophy is based on the uprooting and confiscation of

Palestinians from their land, which has led to the severance of communication between Palestinian towns and villages and their fragmentation into small, isolated settlements surrounded by settlements (Khamaysi, 1999).

Which are controlled by settler militias' who can close the roads connecting the Palestinians at any time; this is what happened during the Al- Aqsa Intifada, when Palestinian cities were bombed with heavy weapons inside the settlements (Wafa, 2024).

The demographic change brought about by the Israeli settlements on the ground through the forced displacement of Palestinians, the demolition, seizure and confiscation of their homes and properties, the intensification of settlements and the tight control over them have led to the restriction of their movement and their confinement to pockets isolated from each other and from the world (Nations, 2023), as part of the military strategy of "surrounding and infiltrating" that was applied to Palestinian civilians in the West Bank to cut off communication between them (Al-Tafakji, Khalil, 2004).

What made matters worse was the construction of the apartheid wall by Israel under the government of Ariel Sharon on 23/6/2002 along the Green Line, with a length of 770 km. Approximately 406 km of it was completed, which led to the isolation of 733 km² of the Palestinian territory and annexed to Israel, especially the Jordan Valley, which is considered the food basket of Palestine, which embodies the Israeli vision of dividing the Palestinian areas into seven cantons isolated from each other, which restricted the freedom of the Palestinians from movement (Wafa, The apartheid wall: facts and figures, 2024).

This led to the displacement of Palestinians from the areas adjacent to the wall, in

addition to the annexation of 23% of the area of the West Bank, which requires Palestinians living in it to obtain permits to enter the West Bank (Wafa, The apartheid wall: facts and figures, 2024).

All this was reflected in the level of individual security among Palestinians who are threatened in their security and stability. It made most of their concern focus on stabilizing psychologically, socially and politically instead of focusing on development and development (Khamaysi, 1999).

Israel has worked to connect the settlements and other structures built in the West Bank to Israel to ensure their geographical interconnection through a network of 1,661 km of roads designated for the movement of Israeli vehicles under the orders of the Israel Defense Forces to provide their free and easy movement without obstacles, while Palestinians are not allowed to use these roads in the same safety, ease and freedom due to the existence of a closure system set by Israel consisting of 85 checkpoints and 460 checkpoints (OCHA, 2007).

In addition, the permit system to allow Palestinian vehicles to cross left a significant impact on the freedom of movement of Palestinians and restricted their commercial and normal movement to their places of work and study, which led to an increase in transportation costs and difficulty in conducting business and affected Palestinians in all walks of life. According to the World Bank, for example, in 1993, parts of Route 60, which connects the northern and southern West Bank and wraps around Palestinian cities such as Hebron, Bethlehem, Ramallah and Nablus, were diverted, with physical obstacles impeding Palestinian movement (OCHA, 2007).

These facts exacerbate tensions between Palestinians and Israelis and undermine the possibility of a two-state solution on the ground (SC/15424, 2023).

This also threatens the security of Palestinians and infringes on Palestinian sovereignty over its territory (Wafa, 2024).

It makes it difficult to establish a "viable" Palestinian state, according to the conclusion of the report of the High Commissioner for Human Rights Volker Türk to the Human Rights Council in March 2024, as a result of the acceleration of settlement construction that has exacerbated violence, discrimination and oppression against Palestinians (nations, 2024).

2.4.2 Economic Ramifications

Settlement policies on the Palestinian territory have caused serious effects on the Palestinian economy as a result of the severance of Palestinian areas and the Israeli occupation's exploitation of approximately 85% of the area of Palestine, especially after the administrative divisions that occurred after Oslo, as Israel worked to annex actually Area C, which was supposed to be subject to Palestinian sovereignty during the interim period, according to Oslo (Azzam, 2022).

The result of the Israeli control over the Palestinian territory and their fragmentation into separate areas and the restriction of Palestinian freedom of movement and movement it has led to the fragmentation of the Palestinian economy, the separation and fragmentation of its market, which raised the costs of importing and supplying goods, and reduced commodity competition in the Palestinian markets. As long as the Palestinians were deprived of exploiting resources that generate high economic incomes, as is the case

in the Dead Sea, whose great resources are seized by Israel such as minerals of magnesium, potash, and bromine (Nur Arafah, Samia al-Botmeh, Leila Farsakh, 2015).

These policies have also restricted the ability of Palestinians to exploit quarries located in Area C and restricted electromagnetic field control that affected telecommunications operators in Palestine (Nur Arafah, Samia al- Botmeh, Leila Farsakh, 2015).

On the industrial scale, we find that the Palestinian market suffers from a lack of production as a result of fluctuating political factors and its lack of facilities and incentives compared to the Israeli industrial production sector, which receives a lot of support and facilities allocated to it by Israeli governments, which stimulates to increase production and put products in the Palestinian markets without restriction, which constitutes a strong competition factor in the face of Palestinian products that face obstacles to production, distribution and marketing, at a time when the Israeli authorities are building dozens of huge industrial facilities on Palestinian lands to serve the settlements, consolidate their continuity and exploit the resources of the Palestinian territory to serve their colonial interests (Azzam, 2022).

The impact of settlement and Israel's colonial policies was also reflected in the prosperity of the agricultural sector, which constitutes one of the components of the Palestinian economy, as a result of the Israeli occupation confiscating large areas of Palestinian agricultural land to build and expand settlements, and the establishment of bypass roads to serve the settlements and the consequent uprooting of millions of trees, most of which are olive trees, which led to the destruction of agricultural infrastructure, obstructing farmers' access to their lands and preventing them from establishing pastures,

which prompted many of them to go to the labour market instead of agriculture. Israeli control over agriculture-related resources such as water, livestock and plants has also contributed to reducing agricultural production, the spread of agricultural pests, the undermining of products and crops, and the death of animals as a result of the prohibition and import of agricultural medicines (Wafa, 2024).

The tourism sector has not been spared from suffering, like other sectors related to the Palestinian economy, as the Palestinian tourism sector suffers from a significant decline in its size and quality, as Israel is working to prevent the development of tourism in Palestine through its policies based on obstructing the access of tour operators to the necessary facilities, or the establishment of new hotels or the training of Arab tour guides, as Israel manages many tourist and archaeological sites in Hebron, Jerusalem, Bethlehem, the Dead Sea, Sebastia, Susiya, and others, and works on Merging hundreds of tourist sites with settlements built on Palestinian land (Taha, 2020).

Israel controls religious sites, which has made visiting them the monopoly of settler militias, even though they belong to Palestinians, who prevent them from frequenting them freely and easily but rather impose conditions on that, such as the Al-Aqsa Mosque in Jerusalem, which the Israeli authorities have worked to isolate and close it toward Palestinian citizens, except in particular ages and circumstances, as well as the Ibrahimi Mosque located in the city of Hebron, which Israel has divided temporally and spatially, to enable settlers to enter it freely, and has also changed Some archaeological sites and replacing them with Jewish names, misleading tourists about the identity of these areas (Azzam, 2022).

The same is true for the illegally besieged Gaza Strip since 2007, following a policy of collective punishment that has led to the destruction of infrastructure, energy deficits, fragile living conditions, and depriving Palestinians of freedom of movement, work and other economic rights, with exports not exceeding 10% of their rates before the blockade was imposed (Nations, United, 2016).

All these factors and the stifling Israeli policies have led to the most damage to all components of the Palestinian economy (Wafa, 2024).

2.4.3 Environmental and Water Effects

Since its occupation of the Palestinian territory in 1967, Israel has worked to control water by establishing settlements in water-rich areas and has tightened its grip on water resources through legislative mechanisms by issuing a package of military orders that grant the Israeli authorities the powers that qualify them to extend their hegemony over them, such as Military Order No. 158 of 1967 regarding the placement of wells, springs and water projects under the control of the military ruler, and Order No. 291 of 1967 regarding the making of water sources under the ownership of Israel, and the Order Military Decree No. 92 of 1997 on granting the water officer appointed by the military authorities control over all water-related matters and other orders focused on extending Israeli domination over water (Center, Research, 2018).

This has led to the depletion of groundwater in the Palestinian areas in both the West Bank and the Gaza Strip, posing a threat to livestock and plants and increasing soil salinity rates, which has also led to a decrease in the level of the Jordan River and the Dead

Sea, and a lack of water supply to Palestinian citizens in the West Bank and Gaza Strip, which has increased their suffering and wasted their right to a large share of water (Wafa, Israeli occupation and environmental degradation in Palestine, 2024).

Due to the discrimination in the distribution of water between Palestinians and Israelis, where the share of settlers living in settlements is 247 litres of water per person, and this share is equivalent to three times the share of one Palestinian of water in the West Bank, which is equivalent to 82.4 liters, while the share of one Palestinian in Palestinian communities not connected to water networks is 26 liters, which is equivalent to the share of one person in disaster areas (Hareuveni, Eyal, 2023).

Where in 2020, Israelis consumed ten times the amount of water consumed by Palestinians in the West Bank; as of 2016, 20% of the Palestinian authorities in the West Bank do not meet the standards set by the World Health Organization, which was based on several criteria to determine the availability of water that the water source should be at a certain distance of no more than one kilometer from the homes of the residents, and that the collection of water should not take half an hour, which the Palestinian population lacks, prompting 92% of Palestinians to store water on rooftops to address the water shortage crisis (Hareuveni, Eyal, 2023).

In the case of the Gaza Strip, which suffers from water pollution, where chloride levels are increasing from the global permissible limit of 250 mm per litre of water (Wafa, 2024).

The effects of the settlements extended to the components of the Palestinian environment, including water and air pollution, the destruction of cultural heritage and

the agricultural sector (Center, Research, 2018).

The result of pumping settlement wastewater towards Palestinian agricultural lands and residential communities led to the destruction of crops and plants, the destruction of soil and the increase in the concentration of sodium in it, which makes it unsuitable for agriculture as a result of its blockage and turning black, which has great harm to animals and the decline in their numbers and production, not to mention the spread of unpleasant odours, and the spread of insects, epidemics and skin diseases (Eye On Palestine, 2010).

Israel is working to dispose of its solid waste by dumping it in the Palestinian territory, as is the case in Qalqilya, which contains a landfill built in 1989 to serve a group of settlements: "Tzofin, Alfei Menashe, Shomron settlement complex, Ma'ale, Jannat, Karneh", and the landfill in Abu Dis, which covers an area of 3,000 dunums and serves the settlements of "Ma'ale Adumim, Kedar", and these dumps pose a danger to the Palestinian environment due to its content of harmful chemicals, toxic substances and solid residues that pollute soil and groundwater (Eye On Palestine, 2010).

The construction of the wall also exacerbated the water crisis as a result of the annexation of dozens of water wells, which led to the loss of millions of cubic meters of water and contributed to the creation of an environmental reality such as the accumulation of rain behind the wall, which led to the bulldozing of the soil, the destroying of vegetation, and the uprooting of trees (Wafa, 2024).

All these Israeli settlement practices have violated the human rights of the Palestinians, who have been deprived of the right to own property as a result of the Israeli occupation's control over large areas of Palestinian land for the benefit of settlements,

depriving them of civil development in their countries and villages, and violating their right to a decent standard of life, in addition to violating their rights due to the subject to a military system that strips them of their right to equality with settlers (BTSELEM, 2010), and to serve the interests of the settler militias at the expense of the Palestinians and their legitimate rights, which they were deprived of the minimum, according to what has been explained.

The settlement practices currently being conducted under the supervision and support of the Israeli government are in clear violation of international law and relevant international conventions.

According to the 2024 Advisory Opinion of the ICJ on the occupation, Israel's use of natural resources in the occupied Palestinian territory is contrary to its obligations under international law, in particular, the right of the Palestinian people to permanent sovereignty over their natural resources. The Court also ruled that the effects of the settlements would lead to the alienation of the Palestinian people and deprive them of their basic means of subsistence, which violates the Fourth Geneva Convention (Law for Palestine, 2024).

Therefore, Israeli governments are engaged in embodying colonial ambitions on the ground through the support they provide for the benefit of settlements as a colonial project in itself and for the benefit of settlers and their militias by providing them with a luxurious standard of living in addition to supporting their criminal activities by arming and so on, as discussed in the next section in detail.

2.5 Fifth Requirement: Aspects of Support for Settler Militias' Groups

2.5.1 Support for Israeli Governments

The Israeli government prioritizes Israeli settlements and ensures their legal and legitimate status by collaborating with various security, financial, legislative, and judicial agencies. This collaboration aims to facilitate the rapid and extensive acquisition of Palestinian land and the displacement of the Palestinian population, and efforts are made to concentrate them within 165 distinct areas in regions A and C (B'Tselem, 2019).

The Israeli government implements an incentive policy to encourage settler militias to live in the West Bank. This policy provides economic rewards to improve their quality of life and promote their long-term presence in the occupied territories. As a result, most settlements in the West Bank are categorized as "A" or "B" areas, meaning they receive preferential treatment in terms of healthcare, education, and housing. Settlers in these areas are granted generous financial rewards and offered favourable loans for purchasing apartments (BTSELEM, 2002).

The Israeli government also supports various initiatives to promote education and economic development. These include reducing land rental prices, providing incentives and grants to teachers and students, supporting school trips, establishing infrastructure, and reducing income tax. These efforts are carried out through the support introduced from multiple ministries, such as the Ministry of Finance, the Ministry of Housing, the Ministry of Education, the Ministry of Labor and Welfare, the Directorate of Lands, the Ministry of Industry and Trade, and others (BTSELEM, 2002).

These incentives are exclusively granted to favoured colonies located on Palestinian territory in the West Bank, unlike settlements in East Jerusalem (State, 1991).

Israeli governments prioritize settlements and employ several strategies to offer incentives and financial support to encourage young people to reside in settlements on Palestinian land and invest in them by providing the settlements a higher standard of living for settlers that is not easily attainable in Tel Aviv due to its high cost of living and real estate prices (Mebes, 2012).

As a result, settlers' families could acquire the necessary funds and income to initiate projects and purchase properties and land in settlements. This, in turn, contributed to a substantial increase in population in ultra- Orthodox settlements like Modi'in Illit and Beitar Illit (BTSELEM, 2021).

During Ehud Olmert's tenure, the Israeli government authorized the implementation of the Investment Promotion Law in the settlements in the West Bank. This was done to enhance infrastructure, construct hotels and tourist amenities to attract foreign visitors and facilitate the acquisition of water springs in mountainous regions for use as tourist destinations. Additionally, the Knesset-approved legislation obligated the government to provide financial support for museums, with an annual funding allocation ranging from 8 to 12 million shekels (Mtanes Shihadeh, Husam Jeries, 2013).

Settlements in the West Bank receive support from both within and external sources. One such source is the "Central Fund for Israel," established by Hadassah Marcus and Arthur Marcus in 1979 in Manhattan, United States. This fund provides financial assistance for various settlement projects in the West Bank, including constructing settlements such as Efrat, Beit El, Gush Etzion, the Itamar Council, and the Kiryat Arba Council. The fund also provides financial donations to support Israeli families, synagogues, institutions, and various sectors, including education, healthcare, and others,

in addition to attracting financial backing from affluent individuals to assist Israeli entities such as institutions, organizations, and settlements (Badawi, Abdul Qader, 2022).

2.5.2 Knesset Support

The Knesset legitimizes the appropriation of Palestinian land by enacting laws that authorize the establishment of settlements in the West Bank. An example of such legislation is the 2017 law that retroactively legalizes 3,921 settlement units constructed on acknowledged Palestinian land in the West Bank. This action effectively declares the annexation of Palestinian land to appease the Zionist lobby and facilitates the confiscation of 8,183 dunums of privately owned Palestinian land (Studies, 2017).

The Israeli Knesset retroactively legalizes illegal acts of settler militias, as in the case of evidence erected by settler gangs that violate the relevant laws. The strict application of planning and building laws in settlements is overlooked as part of support for it. At the same time, Palestinians suffer from severe bureaucracy in enforcing building codes, and their properties in violation of the laws are subject to demolition under orders issued by the Israeli authorities (BTSELEM, Settlements, 2019).

Israel extends the application of laws passed by the Knesset to settler militias and settlements constructed on Palestinian land that is under occupation. These laws aim to guarantee that settler militias' have the same rights as Israelis residing within the internationally recognized borders of Israel. However, Palestinians are subjected to military orders that infringe upon their rights and restrict their involvement in decision-

making processes that impact their freedoms and property (BTSELEM, Settlements, 2019).

Upon examining the Knesset composition following the March 2021 elections, it becomes evident that it reflects the emergence of the "Religious Zionist Party," including factions such as "Otzma Yehudit Kahani" and the "Naum Party." In 2022, the religious Zionist party, led by Bezalel Smotrich, who is known for his antagonistic stance towards Arabs and Palestinians, achieved victory. It was further bolstered by the inclusion of Itamar Ben-Gvir, who holds even more extreme views than Smotrich, serving as his co-chairman (Alex Harris, 2022).

The extreme right faction encompasses all religious factions within the Zionist movement. Its popularity stems from settlers residing in the West Bank and Jerusalem, who endorse the settlement project in Palestine and advocate for the establishment of a Jewish state. This ideology is rooted in biblical religious beliefs, resonating with Jewish sentiments to establish a national homeland encompassing historic Palestine. The extreme right faction rejects granting Palestinians autonomy and garners support from followers of extremist Zionist movements such as "Gush Emunim" and "Kach". These movements advocate for the displacement of Palestinians to Judaize the land, as previously outlined. Notably, the "Kach Movement" and Minister of National Security, Itamar Ben-Gvir, aligned with this faction (Wad, 2022) and provided weapons to the settler militias.

In response to the extremist inclinations of Benjamin Netanyahu's administration, the Israeli Knesset passed a bill in May 2024 that pertains to the funding of Kiryat Arba and the "settlements of the Har Hebron Regional Council" to augment the budget allocated to these settlements (SOKOL, 2024).

In 2005, Israel declared the termination of the "disengagement" in the northern occupied West Bank, which involved the dissolution of the integrated institutions between the two states. This led to Israel's withdrawal from the settlements in the Gaza Strip and other settlements in the northern West Bank during Prime Minister Ariel Sharon's tenure. This action was taken to comply with the Knesset's decision on March 21, 2023, which aimed to repeal the disengagement law under the far-right government led by Benjamin Netanyahu. This refers to the strengthening of existing settlements and the resettlement of Israelis in three previously evacuated settlements in the northern region of the West Bank, specifically "Sanur, Ghanim, and Kadim," which are located close to the cities of Nablus and Jenin (Jazeera, Al, 2024).

Accordingly, the Israeli Knesset facilitates the implementation of extremist Zionist tendencies related to facilitating and expanding settlements by enacting laws that serve to achieve these goals, including rules and orders that legitimize Israel's control over Palestinian lands as part of the support provided in favour of settlements by one of Israel's most essential components.

2.5.3 Security and Judicial Assistance

The Israeli military and private security organizations frequently refrain from intervening in instances of settler militias' violence against Palestinians, opting not to take measures that would curtail such violence. Instead, they routinely instruct Palestinians to vacate their land and property when they come under attack by settler militias (Nations, United, 2021).

It facilitates the creation of a conducive climate for settler militias' organizations to engage in acts of violence and aggression towards Palestinians, promote public

denial and hatred towards them, and give protection when they carry out attacks on Palestinian communities (Wafa, 2023).

In March 2023, armed settler militia groups launched an attack on the Palestinian village of Huwara. The villagers were brutally assaulted with weapons and shot at, and their properties and vehicles were destroyed. This attack was carried out under the supervision of the Israeli occupation army forces, who participated in provocative dances performed by the settler militias' crowds in the village centre and continued to provide protection and support to these extremist settler militias' groups (Ministry of Foreign Affairs and Emigrants, 2023).

Certain the Israeli occupation army units are equipped with individuals who are also members of settler militias' terrorist groups, like the "Desert Border Unit" brigade stationed in the West Bank. This brigade primarily consists of "hill youths" with a violent history who were recruited under the pretense of rehabilitation and to address security concerns. However, it is essential to note that this unit, despite being relatively new, it has been involved in significant violations against Palestinians in the West Bank" (Abraham, 2023).

Government officials endorse this approach and view the hilltop youth as the optimal candidates for military service due to their upbringing in outposts. Their upbringing has equipped them with skills such as herding, farming, and navigating the fields, making them suitable for recruitment. These individuals perceive cultivating and cultivating the land as an act of invasion and have been educated in extremist Talmudic

schools, where they adopt a racist culture rooted in biblical beliefs. They firmly believe in the Jewish right to the land of Palestine and mock the notion of establishing a Palestinian state (Al-Sharif, Maher, 2023).

According to the Settlements Council, the percentage of residents of the settlements from the price tag groups and hilltop boys is 42% of the total settlers, especially the settlements of Beitar Illit, Ma'ale Adumim and Ariel, and the percentage of Haredi settlers is 36% of the total population of the settlements and the secular settlers constitute 28%(Al'aeraj, 2024).

Settler militias are provided legal assistance by the judicial authorities, who release them if they are arrested for committing crimes against Palestinians. This was evident in the Huwara incident, where all settler militias involved in acts of violence and destruction were released. Additionally, they receive free legal aid, and it is common for over 90% of complaints filed against them by Palestinians to go unresolved due to difficulties in identifying the perpetrators. In cases where they are convicted, they often receive reduced or suspended sentences with little penalties (Selections from Hebrew newspapers, 2023), or they are acquitted under the pretext that they are mentally ill, which encourages settler gangs to escalate their violence against Palestinians to ensure that they are not punished (Wafa, Settler Terrorism, 2024).

Therefore, the Israeli governments pay great attention to the settlements in all respects to legitimize them, with the support and solidarity of all Israeli security, legislative and judicial agencies to expel the Palestinians from their lands (B'Tselem,

2019).

The occupying power and its officials are actively involved in supporting settler militias' violence, which has become an integral part of the Israeli government's policy. The Israeli government policies not only enable and facilitate the violence but are also actively involved in expanding its control over Palestinian land as part of the Israeli apartheid regime (Settler Violence = State Violence, 2021).

The organs of the occupying Power have participated in the terrorist activities that the Zionist terrorist organizations have been carrying out in the Palestinian territory, which enable settlements to engage in more acts of violence and terrorism against Palestinian civilians (Shtayyeh, Muhammad, 2022)

In this regard, the ICJ advisory opinion from 2024 on the occupation found that Israel's actions and policies in the occupied Palestinian territory are unlawful and have to stop. This includes an immediate stop to all new settlement construction, the repeal of all laws creating or upholding this legal status, including measures that discriminate against Palestinians, and any actions intended to alter the demographic composition of the occupied Palestinian territory (Law for Palestine, 2024).

Israel's actions and policies toward the occupied Palestinian territory go beyond what is required of it as an occupying power; they also constitute organized state terrorism against the helpless Palestinian people, a clear violation of international law. Israel's support demonstrates this for settlements, which have had a severe negative impact on the Palestinian people, and its various forms of support for settler militias, as covered in detail in the previous chapter.

Chapter Three: State Terrorism

Terrorism holds significant prominence on the global stage due to its severe impact of coercing and intimidating citizens by the use of force or the threat thereof, perhaps resulting in loss of life or grave harm.

The international community has endeavoured to establish a consensus on the definition of terrorism, recognizing the significance of identifying its constituent elements and distinguishing the criminal acts that fall under its purview. The objective is to effectively criminalize such acts and impose deterrent penalties on the individuals responsible. However, these efforts have been unsuccessful due to divergent opinions among countries regarding the perpetrators and orchestrators of terrorism.

However, in international law, certain international conventions define terrorist acts and outline their scope within regional conventions. These regional conventions are known for their involvement in identifying terrorist acts through the use of force and violence.

International organizations, particularly the UN, have implemented numerous resolutions regarding condemning terrorism. They have also developed strategies to combat terrorism, regardless of the individuals or countries involved. These strategies include urging countries to refrain from financing terrorist actors due to the violation of human rights and the threat they pose to international peace and security.

This chapter focuses on the definition of terrorism in a broad sense and explicitly addresses State terrorism at the international level.

3.1 First Requirement: The Dilemma of Defining Terrorism

3.1.1 Terrorism between the Ambiguity of the Concept and the Importance of Definition

The concept of terrorism is loose, as international law scholars have not agreed on a unified definition of this term, which is still ambiguous regarding the concept and the essential characteristics that make it up (Gillani, 2021).

In light of the lack of accuracy and objectivity in the description of the term terrorism, it has been subject to the interpretation of states according to their different ideologies (JOHNS, 2014) by setting a legal definition for it within its internal legislation (STUURMAN, 2019), which led to the difference in the meaning and content of this term from one country to another according to the basic standards and values of each, whether religious or political, meaning that what can be considered terrorism in a particular country may not constitute terrorism in another one (Correia, 2021)

This showed countries hypocrisy and double standards, especially in light of the difficulty of finding an effective response to terrorist practices as a result of the absence of a unified definition of it (Richards, 2015).

As a result of the use of this term in multiple contexts, it has become meaningless, according to Professor Louise Richardson, as it has become used in different fields, resulting in the emergence of complex models of terrorism at all levels, such as cyberterrorism and drug terrorism (Schmid, 2004), non-state and state terrorism, revolutionary, leftist, anarchist and ethnic terrorism, civil war terrorism, nuclear and cyber terrorism, revolutionary, political and religious terrorism, transnational, domestic and international terrorism, and others (Schmid A. P., 2023).

This made the phenomenon of terrorism complex and multidimensional (Schmid, 2004).

Arguably, terrorism cannot be considered an enemy in itself but rather a tactic, according to former National Security Agency (NSA) chief William Odom (Richards, 2015), or a tool in the hands of states that they use to delegitimize acts of violence that may erupt in their countries for political motives (Correia, 2021).

In the context of the description of the term terrorism, the term "violent extremism" jumps to mind, which emerged in the early first half of the twentieth century to describe armed actors such as fascist regimes, which, although initially seemed synonymous with terrorism, in fact, they are two different terms despite their common feature (Esmailzadeh, 2023), nor does terrorism include those who fight for freedom (STUURMAN, 2019).

By examining the importance of a unified and comprehensive definition of terrorism, Irish Professor Louise Richardson says,

"We know terrorism when we see it, and if so, why do we need to define terrorism?" (JOHNS, 2014).

Many academics follow suit, believing that the search for this definition should not be abandoned, as it is not easy or worthwhile, as Professor Edward Said argues (Richards, 2015).

On the other hand, however, the importance of reaching the definition of terrorism

can be highlighted in several respects, as reaching a legal framework that defines what is meant by terrorism makes it possible to condemn acts and practices that constitute a violation of human rights, to protect the security of different societies and protect their public order, as well as facilitate the protection of their basic values and interests, and provide general deterrence through the application of criminal laws to acts of terrorism if its meaning, characteristics and elements are determined as a criminal act from a legal point of view (Gaswaga, 2013).

This enhances international cooperation and concerted international efforts to combat this phenomenon (Richards, 2015).

On a related level, the researcher in terrorism studies, Alex Schmid, has identified four axes through which the definition of terrorism can be discussed; the first is to discuss the definition of this term at the theoretical level through the jurisprudence of academics in this context, the second through the statements of states and the statements of their officials, their internal laws, and judicial rulings related to terrorism, the third axis is through how this term is used by the media, and the fourth axis is through discussing the values of societies from the points of view for and against (LEONARD WEINBERG, 2010).

Reaching a clear and comprehensive definition of terrorism allows for the identification of its specific characteristics, enabling the criminalization of terrorist acts. This ensures the conviction and accountability of those responsible and the deterrence of such acts, protecting public security and order within local societies.

Additionally, it ensures the preservation and protection of societal values and

human rights across different countries based on a unified legal framework that applies universally across states with diverse ideologies, values, and orientations.

The following part provides a comprehensive analysis of the international endeavours to establish a precise definition of terrorism across several levels.

3.1.2 Definition of Terrorism in Academic Terms

Over time, international endeavours have focused on establishing a clear definition of terrorism, seeing it as a significant menace to global peace and security. This phenomenon originated during the French Revolution in the seventeenth century (Hana Tomaskova, 2016).

In the 19th century, there were several attempts to assassinate Napoleon Bonaparte, known as the "Dagger Conspiracy", in October 1800 and the plan of San Nique's Street in the same year. Additionally, there were other assassination attempts, including the assassination attempt of Louis-Philippe in 1835, resulting in the deaths of numerous individuals (FERRAGU, 2020).

Some authors credit the rise of terrorism to the "Sikar Movement," a fanatical Jewish group that employed violence and murder in public gatherings. Another movement known as the "Assassins" emerged between the eleventh and thirteenth centuries, utilizing violent means to accomplish their objectives (Maskaliunaite, 2002).

The concept of terrorism has evolved significantly since 1930, primarily as a result of its association with the repressive tactics employed by authoritarian governments against their own citizens. This was evident in the Stalinist era of the Soviet Union, as well as in Nazi Germany and Italy, where the respective governments utilized loyal

groups as instruments of intimidation and coercion against those who opposed their regimes. Notable examples include the "brown shirts" and "black shirts" (Rabelo, 2018).

All of these factors contributed to the formation of the term terrorism in its modern definition, which refers to acts of violence carried out by minority groups to destabilize the political and social structure (FERRAGU, 2020).

In the academic context of defining terrorism, the initial effort to provide a definition was made in 1930 by the jurist Sotel during the inaugural conference for the harmonization of criminal law. Sotel defined terrorism as,

"a criminal act accompanied by terror, violence, or panic to achieve a specific objective." Similarly, the French jurist Christophe Putini defined it as "acts of violence directed towards innocent civilians to instil a sense of insecurity to accomplish political aims" (Economics, 2018).

Conversely, Walter Lacoer employed a straightforward and inclusive explanation by stating,

"Terrorism entails the illicit utilization of violence to attain a political objective by deliberately victimizing innocent individuals" (Bruce, 2012).

Hoffman provided a definition of terrorism as,

"The intentional use of violence or the threat of violence to instil fear and achieve political change" (Muhammad Imran, 2019).

Similarly, David J. Whitaker defined terrorism as,

"The planned and politically motivated use of violent threats to intimidate the government or the general public" (Muhammad Imran, 2019).

Yona Alexander provided a widely accepted definition of the term terrorism as,

"The use of violence against specific targets to achieve political objectives" (Prabha, 2000).

On the other hand, a group of legal experts define terrorism based on the historical context. According to Michael Waltzer, indiscriminate terrorism emerged as a strategy for revolutionary struggle after World War II to achieve political gains (Prabha, 2000).

Alex Schmid has successfully identified the fundamental elements and components that form the basis of the definition of terrorism. He views terrorism as a tool employed by individuals, groups, or government agencies for political or criminal purposes. This tool is used randomly or selectively to incite acts of violence and create chaos. On the other hand, Brian Cengiz argues that terrorism is primarily characterized by individual acts of violence or the threat of violence to instil fear and spread it widely (Gaswaga, 2013).

Torre Biorgó's definition of terrorism characterizes it as a collection of warfare tactics rather than a distinct philosophy or movement. It entails purposefully employing

violence against non-combatants, primarily to instil dread not only in the immediate targets but also in others, to achieve a psychological impact. Ibanez defined terrorism as,

“a meticulously planned sequence of violent and intimidating actions aimed against non-combatant civilians to mentally impact a larger number of individuals than the direct victims and ultimately strive to achieve a tangible, typically political, objective” (Hana Tomaskova, 2016).

Upon reviewing these definitions, it becomes evident that the shared element among them is the depiction of terrorism as the utilization of violence or force. However, it is worth noting that these definitions diverge from one another and lack a universally accepted framework due to the varying criteria employed in their formulation (Muhammad Imran, 2019).

However, these definitions specifically emphasize non-state actors who engage in acts of violence against specific targets, such as civilians or state institutions. They do not consider state actors who may also engage in violent acts that might be classified as terrorism (JOHNS, 2014).

Furthermore, scholars have competed to determine a precise definition of terrorism, with each pursuing their own criteria. As a result, the components and content of this concept have varied across different definitions.

These definitions have failed to address the actors from certain countries who have been excluded from the category of terrorism perpetrators. However, the common thread among these definitions is their focus on the features of terrorism, which involve the use

of violence and force.

Consequently, international efforts have been made to establish a unified and comprehensive definition of terrorism. Internationally, various standards have been developed to solve key issues.

However, many of these conventions have not been implemented for various reasons, which will be explained in the next section.

3.1.3 Definition of Terrorism in International Law

3.1.3.1 Sectoral Conventions

Since 1960, numerous international organizations such as the UN and its agencies, the World Health Organization, the International Maritime Organization, the International Atomic Energy Agency, and the Civil Aviation Organization have actively worked towards finalizing conventions and protocols about crimes, commonly referred to as "sectoral conventions and protocols" (Singh, 2017).

The Geneva Convention on the Prevention of Terrorism of 1937 was the first attempt to define terrorism and establish its meaning legally. It was created by 27 member states of the League of Nations to address assassination attempts against the King of Yugoslavia and the Prime Minister of France. According to this convention, terrorism is defined as,

"Criminal acts that target the state and intend to create a perception of terrorism in the minds of individuals, groups, and the public" (Nikitin,

2021).

This Convention restricted terrorist activities to acts that are directed against the state, such as targeting high-ranking government officials, heads of state, and their families (Library of Congress, 1937), or the act of causing harm and destruction to property owned by the public, putting lives at risk, and producing the required equipment to carry out such actions (LAOS, 2000).

However, after the League of Nations disbanded in 1939, this Convention was not implemented (Nikitin, 2021).

Nevertheless, it continues to contain elements that demonstrate the strong commitment of nations to enhance the battle against terrorism and political violence (A Study on terrorism legally, 2021).

Later, on January 27, 1977, The European Convention on the Suppression of Terrorism, adopted by the European Council at the time, entered into force on August 4, 1978 (Frontiers, 2006), included acts that do not fall within the framework of political crimes, related crimes, or crimes committed for political motives, and gave the acts considered outside this framework the character of extreme seriousness, such as hijacking aircraft, hostage-taking, the use of bombs, missiles, letters and parcel bombs, or any act that affects the life, physical integrity and freedom of persons (European Convention on the Suppression of Terrorism, 2024), (Abdoun, 2008).

Furthermore, the document includes measures on the penalty process and the

facilitation of extraditing individuals responsible for these actions (Shabi, 2024).

The broadness of the provisions in this convention and the lack of clarity in the regulations and criteria that determine the severity of the actions described therein result in the misuse of judgment when determining whether certain acts should be classified as terrorism. However, the limitations of this convention do not diminish its significance, as it was established to address and suppress terrorist activities in the European region (A Study on terrorism legally, 2021), (Rodriguez Y. , 1979).

The first Article of Organization of American States Convention on the Prevention and Suppression of Terrorism of 1971 stated that "terrorist crimes" would involve premeditated murder of individuals who are legally protected by states under international law, as well as kidnapping, crimes against the life and safety of individuals, and associated extortion crimes (International Instruments related to the Prevention and Suppression of International Terrorism, 2008).

Article I of the 1998 Arab Convention for the Suppression of Terrorism provides a clear definition of terrorism. It states that terrorism refers to,

“Any act or threat of violence, regardless of its motives or purposes, that is carried out as part of a criminal enterprise by an individual or a group. The primary objective of such acts is to instil fear among people or intimidate them by causing harm, endangering their lives, freedom, or security, causing damage to the environment, public or private facilities or property, occupying or seizing them, or posing a threat to any national resource” (Haqqi, 2023).

The second Article of the convention stated the exemption of cases involving armed resistance against foreign occupation and aggression from being considered criminal acts. This exemption was made for political reasons in the Arab region. However, this provision has faced criticism as it could be interpreted to suggest that Arab countries support terrorism (The Arab Agreement to Combat Terrorism, 2006), (Abdoun, 2008).

The Convention for the Suppression of Terrorist Operations with the Use of Explosives of 1997 defines terrorism as,

"The deliberate and illegal act of depositing, positioning, or detonating a deadly projectile in a public place, government facility, public institution, transportation system, or infrastructure. The intention behind this act is to cause fatalities, significant material destruction, acts of sabotage, or substantial economic losses or to engage in, attempt, or assist in such activities" (Nasution, 2018).

In 1999, the United Nations General Assembly approved the definition of terrorism outlined in the Convention for the Suppression of the Financing of Terrorism. According to this convention, terrorism is defined as,

"The illegal and intentional act of gathering funds with the knowledge of committing a terrorist offence, and any action that aims to harm or kill a civilian or a non-combatant individual" (Nations, United, 1999).

Several conventions exist that establish the parameters of terrorism, with notable examples being the Tokyo Convention on Offences and Acts Committed on Board

Aircraft of 1963, the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971, and its Protocol of 1984 (Marcinko, 2018).

The International Convention for the Suppression of the Financing of Terrorism of 1999, in its articles I and II, provides a precise definition of terrorism. It states that terrorism refers to,

“Any act that involves the intentional killing of a civilian or any other person without any justification and also includes actively participating in hostilities during armed conflicts or causing serious bodily harm to civilians” (Salomons, 2014)

Additionally, the act must intimidate the population or coerce a government or international organization into taking or refraining from certain actions. However, despite its establishment, this Convention has not been put into effect due to the significant number of reservations made by various States (Salomons, 2014).

The above information clearly indicates that international efforts have been made to establish conventions that define and criminalize terrorist acts to address and combat terrorism effectively.

However, some of these definitions have been limited to considering terrorist acts only if they target public legal entities, which has resulted in a lack of comprehensive understanding of all aspects of criminal terrorist activities.

Nevertheless, these conventions have positive implications as they demonstrate the sincere intentions of countries to confront terrorism and eradicate it.

It is worth noting that most of these conventions have not yet come into effect. In this context, it is important to highlight the United Nations' efforts to address terrorism internationally, which will be discussed in detail in the following section.

3.1.3.2 The Concept of Terrorism According to the UN

The UN undertook efforts on a global scale to develop a precise and complete definition of terrorism. In the early 1970s, a committee was established to create an agreement, and this group produced numerous studies on terrorism (JOHNS, 2014).

The Counter-Terrorism Committee (CTC) has produced criteria to provide a cohesive concept of terrorism (Wojciechowski, 2009).

These principles focus on addressing the underlying factors that contribute to the proliferation of terrorism, implementing measures to prevent and counter-terrorism, enhancing the capabilities of nations to combat terrorism, reinforcing the role of the UN in this domain, and promoting measures that uphold human rights and the rule of law as fundamental in the fight against terrorism (United Nations Global Counter-Terrorism Strategy, 2006).

However, these endeavours have been unsuccessful due to the divergence among Member States about the substance of the terrorism concept (JOHNS, 2014).

The United Nations General Assembly issued resolution No. 49/60 on December 9, 1948, as part of its efforts to combat terrorism. The resolution emphasizes the condemnation of all acts, practices, and methods of terrorism, deeming them criminal and unjustified. This is due to their threat to international peace and security and their potential to harm friendly relations between nations. Terrorism also hinders international

cooperation and undermines human rights and fundamental freedoms. Acts intended to incite terror among the general public or disseminate it within a specific group of individuals to achieve unjustifiable political objectives, regardless of religious, ethnic, or any other motivations. In 1996, the General Assembly further endorsed a supplementary declaration that prohibits the financing, planning, and incitement of terrorist acts (Singh, 2017).

In 1969, the General Assembly issued a resolution on "the forcible diversion of civil aircraft in flight", and in 1970, it passed a resolution on the diversion of aircraft and interference with civilian travel, both of which were about prior General Assembly resolutions on terrorism (A Study on terrorism legally, 2021).

The General Assembly has also approved a strategy to counteract terrorism, recognizing it as a significant menace to global peace and security, in line with its resolution 60/288 of 2006. (United Nations Counter-Terrorism- Strategy, 2006).

The UN Security Council has implemented various decisions on this matter, including Resolution 1970 of 26 February 2011 about the situation in Libya. This resolution addresses the endangerment of civilian lives due to extensive attacks against them, which are considered crimes against humanity (Resolution 1970 (Libya), 2011).

UN Security Council Resolution 1566 of 2004 addresses the issue of risks to international peace and security posed by terrorist attacks (Security Council Resolution 1566 (2004) on Threats to international peace and security caused by terrorist acts, 2004).

Which defined terrorism as criminal actions, specifically targeting civilians, with the intent of causing death or severe physical harm. These acts may involve taking

hostages to create chaos among the general public or a specific group, intimidating the population or pressuring a government or international organization to take or avoid certain actions. The document, published in 2003, emphasized the importance of governments implementing appropriate actions to fight against terrorism in alignment with their international responsibilities under international human rights law, international humanitarian law, and international refugee law (Salomons, 2014).

The Security Council has been urged to take decisive action in combating terrorism and preventing its spread. This includes empowering and enhancing the capabilities of individual states to uphold human rights. This call is in line with Resolution No. 1373, which was issued on September 28, 2001 (Julia Crawford, 2021).

The provision prevents nations from providing financial support or shelter to terrorist organizations and encourages governments to pass laws that make terrorist acts illegal and to comply with applicable international agreements in this matter (Counter terrorism committee, 2024).

Furthermore, Resolution No. 2178 addresses several aspects of countering violent extremism, such as preventing recruiting, curbing terrorist propaganda, impeding terrorist movements, banning the use of communication technology by terrorists, including the internet, and forbidding inciting to terrorism (Statement on the Fight against terrorism, 2015).

Nevertheless, the United Nations' attempts to establish a comprehensive and universally accepted definition of terrorism have been unsuccessful due to the ongoing Palestinian-Israeli conflict. This conflict has generated contentious debates regarding the

classification of individuals as either "terrorists" or "freedom fighters" (Julia Crawford, 2021).

While the General Assembly Resolution 60/43 of 2006 (Salomons, 2014), consists of an authorized definition of terrorism, as per the data from the UN. This definition encompasses activities of a criminal nature that intend to instil fear and dread within a certain group of individuals for political motives" (Al-Husseini, 2024).

According to this definition being discussed within the UN, terrorism aims to intimidate innocent individuals who are not involved in any actions that could be used as a reason to intimidate them. This is done by attacking an individual or a group of individuals to compel them to carry out specific actions (Primoratz, 2005).

Hence, the UN has primarily concentrated its endeavours on delineating terrorism among non-state entities. However, a pertinent query emerges as to whether states themselves can engage in acts of terrorism, namely, employing terrorism against individuals, communities, or other states.

Have international counterterrorism efforts focused on the potential involvement of nation-states in terrorist activities? The following section analyses these matters.

3.2 Second Requirement: Does the State Practice Terrorism?

3.2.1 Denials of the Concept of State Terrorism

The research level often neglects the issue of state terrorism, as it tends to focus more on the actions of non-state actors, which some perceive as being more perilous than

the actions of states (Blakeley, 2009).

Some individuals criticized literature addressing state terrorism, arguing that it is implausible to envision nations engaging in acts of terrorism that encompass violent and oppressive methods (Lister, 2014).

Opponents of the concept of state terrorism, like Bruce Hoffman, argue that the state, as an independent institution, possesses legitimacy and exercises authority and violence, which disqualifies its actions from being labelled as terrorism (Rodriguez, 2019).

Walter Lacoer contended that conflating the underlying distinctions between state repression and political terrorism in terms of motivations and purposes results in perplexity. However, Lacour's portrayal of terrorism centres on the action itself rather than its essence, even though terrorism remains unchanged irrespective of its perpetrators and motives (Blakeley, 2009).

Rudiger Bittner contends that it is implausible for the state to employ terrorist tactics, as the notion of terrorism is fundamentally incompatible with the state's nature rather than because it is one of her virtues (Rodriguez, 2019).

According to Alan Ryan, the existence of a terrorist state is inherently impossible due to a fundamental contradiction with the concept of a state (Primoratz, 2005).

Weber argued that the state possesses the authority of sovereign privileges (Lister, 2014).

Farrell contends that it is incorrect to label a state as a terrorist entity because

terrorism is typically associated with non-state actors. In contrast, other scholars like Quester, Hacker, Howard, J.D. Smith, and Ludwigowski argue that while a state may not engage in terrorist acts within its own territory, it is still capable of committing such acts outside its borders (Sproat., 1997).

Opponents of the concept of state terrorism have differing opinions. Some intellectuals argue that the state cannot be characterized as engaging in terrorism because it rejects this label or because it is seen as having the legitimate authority to use power and violence.

On the other hand, some acknowledge the possibility of the state engaging in terrorism, particularly outside its own territory. The justifications for this viewpoint can be ambiguous, as opponents sometimes use the term "state terrorism" to describe the state's behaviour.

However, supporters of this concept believe that it is conceivable for the state to engage in terrorism to achieve specific goals, which will be discussed further in the following section.

3.2.2 Proponents of the Concept of State Terrorism

Noam Chomsky and Edward S. Herman were among the first to initiate the academic discussion on state violence and terrorism as highly destructive forms of violence. They presented their arguments in their book "The Washington Connection and Third World Fascism 1979". In this book, they examined the history of American oppression in various regions, such as Vietnam, where the United States of America (USA) imposed repressive regimes and supported external oppressive structures to serve

their own interests. These actions violated international agreements such as the UN Charter, the Geneva Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Hague Convention, and the Geneva Protocol of 1952 (Excerpted from *The Washington Connection and Third World Fascism*, 1979)

According to political scientist Ruth Blackie, terrorism is driven not only by the desire to destroy specific targets but also by the intention to instil fear in others. This implies that the fundamental characteristic shared by all acts of terrorism, whether carried out by non-state actors or by governments, is the use of intimidation (Hewitt, 2024).

Since the French Revolution, there have been instances in European history where violent means, such as killing, amputation, arbitrary imprisonment, hanging, and terrorism, were employed to integrate people into a particular region forcefully. These actions were undertaken to expand prevailing empires and establish stability. Similar actions were also observed in South America, where the original inhabitants were either displaced or subjected to slavery and substituted by settlers (Rodriguez, 2019).

Subsequently, as scientific and technological advancements occurred in diverse domains, terrorism emerged as a substitute for traditional warfare, exerting significant strategic influence in political disputes (Hamed, 2019).

Colonel James Terry holds the belief that a combination of ideological and scientific factors drives the state's involvement in terrorist activities. Terry argues that conventional wars are expensive and deplete countries, making them vulnerable to potential failure and the inability to achieve desired outcomes (Kitzen, 2019).

That compels the state to adopt strategies that minimize expenses and maximize

advantages (Alemán, 2021).

States, on the other hand, strategically utilize terrorism in their domestic and international affairs. Domestically, states aim to pass laws that justify the use of violence. Internationally, states provide support to terrorist groups operating outside their borders, engaging in unlawful acts of violence to instil fear, target citizens, and discriminate based on factors such as race, religion, culture, or political and social aspects. This is commonly referred to as state terrorism and is believed by some to be a contributing factor to international terrorism (Hamed, 2019).

State terrorism, in its broadest sense, refers to the systematic use of violence by a government against its own populace (Kobeissi, 2024), which is known as "institutional terrorism" that refers to the state's use of tactics to uphold its authority and control over its institutions (Flemstrom, 2023).

The governments also employ security services and armies to control other nations and achieve political, economic, and social objectives. It employs various methods of violence, repression, torture, arbitrary detention, and enforced disappearance to intimidate the population and establish dominance. These actions violate human rights and undermine the principles of freedom, justice, and democracy (Kobeissi, 2024).

The practices of a state often reveal its intentions. One can, through it, determine whether an act falls under repression or amounts to terrorism. In this regard, the state's intentions can be inferred from the target group of these acts and practices. It is essential to consider whether this category is limited to a specific public segment or extends to a broader category. By examining the context, circumstances, and events surrounding these

practices, one can identify state terrorism through its intention to instil fear in individuals (Richard Jackson, 2014).

Another indication of the state's terrorist actions is its explicit or implicit participation in terrorist attacks, offering financial assistance to those responsible for them, or deliberately ignoring the operations carried out by terrorist groups operating within its borders (Byman, 2022).

Alternatively, the state may engage in widespread acts intended to instil fear in a large number of individuals, such as engaging in acts of war that violate the Fourth Geneva Convention, carrying out extrajudicial attacks on citizens, assassinating political figures, subjecting prisoners to degrading treatment and torture, launching indiscriminate attacks on civilians, engaging in gang rape, using civilians as human shields during military operations, destroying people's means of making a living, and imposing harsh punishments on prisoners (Martin, 2017).

States often employ tactics to obscure the characteristics of their terrorist actions, intending to augment their wealth through deception. This is achieved by purposely presenting themselves as either defensive or progressive nations or implementing preemptive measures (Westra, 2012).

From the information provided, it can be deduced that state terrorism shares similarities with general terrorism in terms of its conditions and characteristics. Both involve the use of violence, intimidation, and threats to manipulate individuals into complying with specific orders, rules, or laws. However, what sets state terrorism apart is its connection to the political objectives pursued by those in power within the state

(Schmitt, 2002), and its execution by government officials (Hewitt, *Terrorism by the State is still Terrorism*, 2024).

These representations can be either official state representatives or informal representatives acting on behalf of the state, with its explicit or tacit approval, such as private non-state actors (Rodriguez, Daniela, 2024).

Consequently, academics have categorized terrorism into many classifications, including government terrorism and state-sponsored terrorism, depending on these specific traits (Debashish Mohanty asked: *What is the difference between state terrorism and state-sponsored terrorism*, 2023).

Michael Stoll argues that several types of state terrorism can be identified based on the state's explicit use of coercive diplomatic methods, such as assassinations and coups, as well as its provision of aid and support to insurgent groups engaged in terrorist activities (Lister, 2014).

According to the renowned author Gus Martin, this behaviour is exhibited by "rogue states" (Jackson, 2008).

Nevertheless, terrorism is not exclusively practised by authoritarian states. Various countries have engaged in activities that can be classified as terrorism. For instance, the French government's bombing of the Greenpeace ship in New Zealand in 1985 resulted in the death of one of its members. Additionally, Israel's actions, particularly the assassination of Iranian scientists involved in nuclear activities, should not be overlooked in this context (Hewitt, *Terrorism by the State is still Terrorism*, 2024), as well as the actions and policies of the USA in Iraq and Afghanistan (Flemstrom, 2023).

These instances demonstrate the active participation of nations in acts of terrorism, while certain countries engage in terrorism indirectly by supporting terrorist activities. For example, the US intelligence agency sponsored a car bomb attack in Beirut in 1985, resulting in the deaths of numerous civilians. Additionally, they supported the failed assassination attempt on former Libyan President Muammar Gaddafi in 1996, orchestrated by former agent David Schiller, which unfortunately resulted in the deaths of other innocent civilians (Hewitt, *Terrorism by the State is still Terrorism*, 2024)

Another notable instance of state terrorism is exemplified by Nazi Germany's oppressive tactics against its adversaries through the utilization of secret police, as well as the indiscriminate persecution of dissidents in the Soviet Union (Primoratz, 2005).

State terrorism is an undeniable concept that is prevalent in various instances. While research studies often concentrate on terrorist activities carried out by non-state actors, it is important to acknowledge that state terrorism is also a form of terrorism.

Both types of terrorism committed by states or other actors share common elements and characteristics. State terrorism is characterized by the active participation of a state's official and unofficial representatives in terrorist activities, either directly or indirectly, through supporting terrorism.

The objective is to achieve the political advantages that the state desires. This raises the question of whether this concept is recognized internationally, within international agreements, the rules of international law, and the framework of states and international organizations, particularly the United Nations.

The following section analyses this topic.

3.2.3 State Terrorism at the International Level

In 2006, the UN devised a global strategy to combat terrorism. This strategy aimed to achieve the objectives stated in its preamble, which include maintaining international peace and security and preventing conflicts between countries. The UN views state terrorism as a significant contributor to global terrorism, which poses a threat to international peace and security. The involvement of states in terrorist activities or providing financial support creates a conducive environment for terrorists, further endangering world peace. In line with these objectives, the UN initiated negotiations on the "Comprehensive Convention on the Suppression of International Terrorism". However, these negotiations failed due to a disagreement among states regarding the inclusion of states as potential perpetrators of terrorism, with the focus being limited to non-state actors (Awotoye, 2013).

During the 102nd session of the United Nations General Assembly on December 17, 1948 (Iryna Krupenya, 2023), decision No. 39/159 was issued (Singh, 2017).

After its introduction, the phrase "state terrorism" gained widespread scholarly usage (Iryna Krupenya, 2023).

This resolution explicitly condemns state terrorism and any actions taken by states to undermine the political and social systems of independent states. It also calls on all nations to refrain from military intervention, occupation, use of force, weakening of political and social systems, destabilization, government overthrow, or any military action, regardless of pretexts (Musaeid, 2015).

The Special Committee on International Terrorism has identified that similar

motives drive state terrorism. This form of terrorism arises from the occupation of land, the displacement of populations, coercing them to abandon their belongings and homes, and the exploitation of natural resources in impoverished nations (Ahmed, 2018).

The General Assembly voted resolution 44/29 on 4 December 1989. This resolution unequivocally condemns all acts, tactics, and practices of terrorism, regardless of where and by whom they are perpetrated, and calls for efforts to eradicate international terrorism (Resolution 44/29, 1989).

In June 2023, the United Nations General Assembly unanimously passed a resolution called "The United Nations Global Counter-Terrorism Strategy". This resolution emphasized the importance of strengthening international cooperation, preventing terrorism, and combating all its various forms. It also highlighted the need to criminalize terrorist acts, regardless of the individuals responsible, their motives, or the location and timing of these unjustifiable acts (United Nations, 2023).

It can be concluded that nobody is exempt from the law, regardless of whether the individuals responsible for terrorist acts hold positions in the government or not (Musaeid, 2015). They are subjected to the provisions and regulations of international law, specifically the UN Charter, international humanitarian law, international criminal law, laws about organized crime, and laws regarding state responsibility for unlawful acts, which are the focus within the framework of state terrorism (Singh, 2017).

Therefore, intentionally causing harm to and specifically aiming at non-combatants during peacetime or times of armed conflict is a violation of these laws. Such actions infringe upon the rights of individuals, as human rights are guaranteed to all citizens at

all times. The most fundamental of these rights include the right to life, the prohibition of torture or any form of cruel, inhuman, or degrading treatment or punishment, and the prohibition of slavery and forced labour. While it is permissible to target combatants in armed conflicts, there are restrictions in place to prevent the killing, torture, or mistreatment of prisoners of war. (Blakeley, *State Violence as State Terrorism*, 2012).

The Rome Statute of the International Criminal Court encompasses grave offences that fall under the Court's jurisdiction, including genocide, crimes against humanity, war crimes, and crimes of aggression (United Nations, 1998).

If a state engages in actions that are forbidden under international law, it can be considered as committing acts of terrorism to instil fear in the general public (Blakeley, *State Violence as State Terrorism*, 2012).

Furthermore, this matter contravened the provisions of the UN Charter, including the first and second paragraphs emphasizing the importance of upholding global peace and security, fostering amicable relations between nations, and encouraging the peaceful resolution of international conflicts. This is further supported by the fact that terrorist activities hinder efforts to improve the overall efficiency of counterterrorism measures, as they represent the most significant danger to world peace and security, as stated in several United Nations resolutions, such as Resolution No. 2396 (STEWART, 2018) issued on December 21, 2017 (S/RES/2396(2017), 2017).

According to the International Law Commission's regulations on State responsibility, specifically Article 8, a state can be held accountable for acts of terrorism if individuals or groups carry them out following its orders or directives (Responsibility

of States for Internationally Wrongful Acts, 2001).

This is grounded on the concept of "effective agency" outlined in Article 7 of these regulations, which pertains to situations where a state entity, individual, or organization associated with them surpasses the authority granted to them (Palchetti, 2013).

Alternatively, if the State is aware of and in control of the act or if the state itself engages in illegal acts of terrorism that violate its international obligations, either by actively carrying out the illegal act or by failing to fulfill an obligation outlined in Article 2 of the provisions on state responsibility, the state can still be held accountable for the act that it acknowledges as being done on its behalf, even if it is not directly attributed to the state following the stipulations outlined in Article 11 of these regulations (Responsibility of States for Internationally Wrongful Acts, 2001).

Therefore, the system of international human rights laws, international humanitarian law, and the Rome Statute have stipulated the rights guaranteed to civilians and even prisoners of war that may not be violated by any of the states, individuals or groups, which makes the perpetrators of these criminal violations for or on behalf of the state subject to legal accountability before the competent courts as they lead to intimidation and intimidation of individuals, and undermine their personal security guaranteed under these laws.

Accordingly, the state is considered one of the actors that commit terrorist acts that materially materialize on the ground, which makes it responsible for these acts and their legal consequences. This leads us to another part of the subject of this thesis, which is the relationship of Western colonialism with state terrorism and the link between them

according to what was addressed in the subsequent section.

3.3 Third Requirement: The Correlation between Western Colonial Practices and State Terrorism

Soviet researcher Robert Conquest suggests that when discussing colonialism, one often thinks of a harmful entity with intentions to exploit and oppress innocent individuals (Thornton, 2015), given the prevalence of military power during the early stages of colonialism, when the human rights framework was nonexistent and international conventions were not widely established in international relations (Al-Faqih, 2023).

The Western colonial governments were motivated to adopt terrorist tactics, which in turn led to the rise of state terrorism (SHEARER, 2020). This resulted in the participation of states in political repression to expand their colonies and safeguard the interests of influential elites (Jalata, Asafa, 2011).

The territories that were colonized experienced numerous human rights violations, such as slavery, ethnic cleansing, population humiliation, economic resource control, and the erasure of their original culture through the promotion of the colonial countries' culture and language (Al-Faqih, 2023), using the justification of civilization and free markets (Jalata, Asafa, 2013).

Since 1492, colonizers, particularly Europeans, have engaged in acts of terrorism and genocide. Practices such as terrorism, violence, racism, and slavery have spread throughout the Americas and Africa. With advancements in technology during the sixteenth century and the rise of nation-states in Europe, including France, England, the

Netherlands, Spain, Portugal, and Italy, violence has become more prevalent, and terrorism has grown more potent and brutal. These practices have also extended to other world regions between the seventh and nineteenth centuries (Jalata, Asafa, 2013).

This implies multiple factors, with the utmost significance being the correlation between the term terrorism and its connection to governmental entities (Bashir, 2017).

The evident connection between European colonial terrorist activities and the rising occurrences of genocide is linked to global capitalism. However, there is a dearth of comprehensive critical research on their relationship (Jalata, Asafa, 2013).

There is ample evidence to support this claim, such as the French colonial activities in Africa in 1524. Over a period of five centuries, France exerted its dominance over twenty countries, exploiting the inhabitants of these territories, plundering their resources, participating in the slave trade, and engaging in various illegal activities (Ajansi, 2019).

Which also conducted public guillotine executions as a means of instilling fear and terror to solidify its power and impose its political agenda to alter or adjust the existing state of affairs (Bashir, 2017), when the people under French colonial rule sought freedom and independence after World War II in 1945, France responded with military force and violence, leading to the deaths of over two million individuals. Algeria, which endured over 132 years of French colonialism, serves as a notable example, with one million martyrs sacrificing their lives in the pursuit of freedom (Ajansi, 2019).

Germany, Italy, Portugal, Spain, and other Western colonial nations have similarly implemented colonial tactics in Africa. These strategies involve appropriating land and property, exploiting economic resources, coercing the African population into forced

labour, and employing various forms of violence to expand their empires. Consequently, the Indigenous population, their culture, language, and very existence have been undermined, resulting in systematic acts of terrorism (Jalata, Asafa, 2011).

One of the well-known historical examples of the violence associated with European colonialism and its economic and political control is the incident that took place on a Jamaican farm during British colonization. In this incident, a slave was found holding a plant that was suspected to be poisonous. As a result, the slave was brutally tortured and hanged by his European masters. However, it was later discovered that the plant, from the "Apocynum erectum" family, was not poisonous. It was later used for treating various diseases (Jazeera, Al, 2022).

The matter was no different either in the era of Italian colonialism in Libya, when Italy killed a quarter of the original population of 250,000 at the time, in addition to arresting and displacing large numbers of them, and many dying due to the outbreak of diseases (Al Jazeera, 2023).

In 1830, US President Andrew Jackson ratified a law that resulted in the deportation of Native American tribes known as American Indians. This law aimed to displace them by approving the expropriation of their land. Consequently, they were forcibly relocated from their homes in Florida, Tennessee, Georgia, Alabama, and North Carolina to the present-day "Indian Territory" in Oklahoma. Jackson's administration also engaged in acts of violence, resulting in the death and imprisonment of tens of thousands of Native Americans, which can be characterized as genocide (Forced Removal of Native Americans, 2016).

Both Korea and China experienced harsh Japanese colonization, during which Korean women were exploited for the enjoyment of the Japanese military. The Nanjing Massacre serves as a clear illustration of Japan's savage colonial policies (Encyclopedia, 2023).

Throughout history, colonial strategies have always been wrapped in the blood of the Indigenous population and at the expense of their interests in favour of colonial powers that have the power, dominance and ambition to develop, progress, renaissance, expand and build empires based on exploiting the resources of colonized areas, plundering their wealth and oppressing their inhabitants with violence and force and brutality to impose their political system and colonial vision, through its authorities and agencies, which crystallized the emergence of state terrorism, which was associated with its oppressive and tyrannical practices towards the original owners of the land, exterminating them, forcibly transporting them, exile and displacement.

In this context, the longest occupation in history of nearly 75 years still prevails in a part of the world, which is the Israeli occupation of the Palestinian territory and parts of the Arab territories in Syria and Lebanon after the 1967 war, and accordingly, the thesis dealt in its subsequent chapter about the legitimacy of the Israeli occupation of the Palestinian territory from the perspective of international law.

3.4 Fourth Requirement: Groups Engaged in Acts of Terrorism with a Zionist Ideology

Jewish religious thought is centred on the idea of returning to "Zion" or the "Promised Land". This encompasses not only Jerusalem and Mount Zion but the entire Holy Land. The ultimate goal is to achieve "salvation," as envisioned in the Zionist faith,

which anticipates the leadership of the "Messiah the Savior" in guiding his people to Zion, where they will live in peace and prosperity (Extremism, 2023).

Today, Zionism has resulted in the seizure of Palestinian land and the displacement of the Palestinian population by Jews, using religious tradition as a cover for malicious policies pursued by the Israeli occupation to gain international support in the displacement of Palestinians from their country and the replacement of Jews in their place to expand the Jewish state and extend its arms over the entire Palestinian land.

From the declaration of the establishment of Israel in 1948 until today, extremist Zionist groups are considered one of the main arms that contributed to the displacement of Palestinians from their villages and towns and seized them using systematic violence that resulted in the great loss of Palestinian lives and property under the supervision of successive Israeli governments.

3.4.1 First: The Roots of Zionist Terrorism

Since 1948, there have been systematic terrorist practices against Palestinians as a military strategy pursued by Zionist groups (Al-Sharif, 2023), with the purpose of intimidating and terrorising Palestinians to make them leave their homeland, as stated by Israeli Prime Minister Menachem Begin in his memoirs. He admitted that Zionist organizations like the Irgun, Haganah, and Stern forcibly expelled and killed Palestinians and assassinated Arabs (Khashan, 2015).

Ironically, some Israeli prime ministers have been among the most prominent leaders of Zionist terrorist organizations, such as Menachem Begin and Yitzhak Shamir, who were later followed by Israeli Prime Minister Benjamin Netanyahu when he

described the bombers of the King David Hotel in Jerusalem in 1946 as heroes during an official ceremony commemorating the occupation of Jerusalem and placed a wreath on the monument to the Irgun terrorist groups (Office, 2023).

Additionally, the Israeli occupation army nucleus was primarily formed from the Zionist gangs, especially the Haganah (Khashan, 2015), which transformed into a brutal institution serving a colonial power (Amkor, 2023).

When considering the origins of Zionist terrorism, four notable Zionist gangs that were active before 1948 spring to mind,

3.4.1.1 Haganah Gang

At the "Ahdut HaAvoda Party Congress" in 1920, the establishment of the Haganah, meaning "defence" in Arabic, was announced. The Haganah was linked with the Federation of Jewish Trade Unions "Histadrut" and was seen as an extension of the "Hashomer" or "Guardian" organization established in 1909 by Yitzhak Ben-Zvi and David Ben-Gurion", which aimed to protect the settlement blocs located in Palestine "Yishuv" under the slogan "With blood and fire Judea fell, and it will arise with blood and fire" (Al-Sharif, 2023).

The Haganah developed its own "constitution" in 1924 to define its objectives as a covert military organization focused on providing security to the settlement communities in Palestine. Its members received training in kibbutzim and settlements to proficiently use a range of weapons, some of which were domestically produced while others were obtained from abroad and clandestinely brought into Palestine (Al-Sharif, 2023).

Following the outbreak of the Great Arab Revolt in 1929, during which 133 Jews lost their lives, this contributed in the development of this organization which was established to bolster the number of young settlers and enhance their armament. By 1936, the organization had expanded to include 10,000 members (UNITED NATIONS, 1980).

In April 1936, the Palestinian territory experienced the Arab Revolt, marked by a 176-day general strike in protest against the ongoing Jewish immigration. Despite the demand to stop or limit this immigration, the British Mandate Authority continued to collaborate with the Jewish Agency in receiving Jewish immigrants. In response, Britain declared a state of war, using force against the rebels and carrying out massacres, destruction of homes and property, and the arrest of hundreds of revolutionaries (Wafa, Battles and revolutions in Palestine, 2024).

The Haganah played a significant role in this revolt by assisting the British authorities in confronting the revolutionaries and engaging in fighting, even though the British authorities did not recognize the Haganah (UNITED NATIONS, 1980).

During World War II in 1938, hundreds of Haganah members joined forces with the British authorities to fight against Nazi Germany. This experience greatly improved the group's combat skills and proficiency with various weapons. After the war, the group established combat units, the most significant of which was the "Palmach", which numbered nearly 60,000 fighters engaged in fighting against British authorities and practising terrorist acts against military and civilian targets (Al-Sharif, 2023).

The British actively sought to expel Palestinians from their land to facilitate the

establishment of the Jewish state in Palestine. Following the state's proclamation, leaders of the Haganah, including Yaakov Dory, assumed influential roles in the Israeli government. Dory eventually rose to the position of Chief of the General Staff of the Israeli army (Al-Sharif, 2023).

By the end of 1938, the British had achieved two out of three goals: consolidating the colonial Zionist movement, gaining international recognition for increased autonomy, and suppressing Palestinian revolts sparked by the forced displacement of their lands. The British appeared as colonists occupying Jewish settlements to enable the Zionists to seize Palestinian land as if it were a war of liberation (“The State of Terror”: in Palestine...and beyond, 2018).

3.4.1.2 Irgun gang "Itzel"

The organization's full name in Hebrew is "Ergun Tzvai Leumi Barts Yisrael," which translates to "the National Military Organization in the Land of Israel." It was established in 1931 in secret, in collaboration with the Beitar movement, and was led by Vladimir Jabotinsky. Their slogan was "A hand holding a gun written under it only like this" (Wafa, Ergun, "Etzel", 2024).

The group split from the Haganah as a result of "British restrictions on the Haganah in its dealings with Palestinian revolutioners" (Madar, 2024).

This gang started its terrorist activities in 1937, targeting the Arab population living in Palestine, which led to the movement of British forces and the arrest of several members. However, the gang did not hesitate to escalate its terrorist attacks (Madar,

2024).

It was involved in orchestrating the illegal immigration of Jews to Palestine following their restriction, as outlined in the 1939 White Paper issued by the British authorities. This was done with the support of some Western countries aiming to help their impoverished Jewish populations, like Poland (Sputnik, 2019).

In 1942, Menachem Begin arrived in Palestine from Poland, where he was one of the leaders of the Betar group. He then joined the Irgun organization and focused on targeting the British Mandate authorities, who pursued him for arrest (Al-Sharif, 2023), and in 1946, he was involved in the bombing of the King David Hotel (Sputnik, 2019).

In 1948, the members of this organization merged with the Haganah to form the Israeli occupation army as part of an agreement with David Ben- Gurion, who became the prime minister. After the dissolution of this organization, the Herut party was formed in its place (Madar, 2024).

3.4.1.3 Stern gang "Lehi"

This organization was established in 1940 in collaboration with Fascist Italy to confront the British in Palestine during the British Mandate and eradicate the Jews of the Diaspora (Suarez, 2019).

It was known as "Lehi Herut Israel", which means "fighters for Israel's freedom" in Arabic, abbreviated as "Lehi" (Wafa, Lehi, "Stern", 2024). It intensified its attacks against the British authorities and repeatedly targeted them, resulting in Stern's killing by British forces in 1942 (Britannica, 2024).

After Stern's death, members of his gang formed the “Free Israel Fighters” group in 1942. They sought to defeat the British using terror tactics similar to those used by the Serbian Black Hand Organization in its bank robberies (Basma, 2003). The Palestinians have endured attacks from these groups, which used weapons and explosives, targeting Palestinian property such as cars, cafes, schools, neighbourhoods, shops, and markets (Suarez, 2019).

It employed an assassination-based strategy, resulting in around 42 assassinations of British individuals (Al-Sharif, 2023).

The assassinations were not limited to Palestine. They included the assassination of the British Minister of State for the Middle East in Cairo in 1944, as well as the assassination of Lord Moyne. This organization also targeted British facilities in Palestine, such as railways (Britannica, 2024).

After the assassination of Count Folke Bernadotte in 1948, the Israeli authorities disbanded the organization and brought two prominent leaders, Natan Yellin-Mor and Matityahu Shmuelwitz, to trial. They were imprisoned for extended periods before being released following a pardon. In 1983, Yitzhak Shamir, one of the organization's prominent members, became the Prime Minister of Israel (Al-Sharif, 2023), although he was an active member of this organization and participated in its terrorist acts, such as the Sabra and Shatila massacre, and was exiled to Africa (Madar, Al-Lehi, 2024).

However, a number of its members joined the Israeli occupation army under an agreement with the Israeli government; pensions were paid to the members of this organization because they served the state (Madar, Al-Lehi, 2024), some of its members

were awarded the State Warriors Medal (Wafa, Lehi, "Stern", 2024), despite being designated as a terrorist organization by the Israeli government in 1948(Tantawi, 2024).

Some of the more notable instances of terrorist violence carried out by the aforementioned Zionist organizations included,

- During the years before the declaration of the establishment of the State of Israel in 1948, the aforementioned Zionist organizations engaged in acts of terrorism against British targets and Palestinians and targeted more than 57 armed attacks that led to the death of over 5,000 Palestinians and dozens of British individuals. Furthermore, there was a list of assassinations that impacted British public figures (CJPME, 2007).
- In this context, the attack on the Patria ship in 1940 is one of the most prominent incidents demonstrating the violence of the Haganah organization; placing a bomb on the ship caused it to sink, resulting in 260 deaths and 170 wounded. This followed the decision to deport 1800 Jews from Palestine to Mauritius. Attacks by these organizations in Palestine targeted British facilities, including bridges, roads, naval ships, patrols, police stations, and airports (Lubomír Zvada, 2022).
- In 1937, a member of the Irgun organization perpetrated the Jerusalem massacre by detonating a bomb at a café, resulting in the deaths and injuries of numerous Palestinians (CJPME, 2007).
- In March 1938, a tragic event known as the Haifa massacre occurred.
- During this incident, a member of the Irgun and Lehi groups tossed bombs at the Haifa market, resulting in the death of 18 Palestinians and causing injuries to 38 others (CJPME, 2007).

- The Haifa massacre occurred in 1938 when a member of the aforementioned gang deliberately detonated an explosive device in the public market, resulting in the death of 21 Palestinians and causing injuries to 52 others (CJPME, 2007).
- In 1939, the Haganah gang carried out an assault on the village of Balad al-Sheikh, resulting in the abduction and killing of five Palestinian farmers (CJPME, 2007).
- The July 1946 bombing of the King David Hotel, orchestrated by Menachem Begin, resulted in the deaths of 28 British individuals, 17 Jewish individuals, 41 Palestinian individuals, and 5 others, resulting in a total of around 91 casualties (CJPME, 2007).
- The assault on Goldschmidt House, the British officers' club in Jerusalem in 1947, resulted in the deaths of 17 British officers and soldiers (CJPME, 2007).
- In October 1947, the Irgun targeted the railway station by bombing it, attacking British army vehicles, and planting mines on the roads (CJPME, 2007).
- In July 1947, two British sergeants were abducted and subsequently murdered in Netanya. As a result, the British forces withdrew, the Mandate came to an end, and the responsibility for the Palestine issue was transferred to the UN (CJPME, 2007).
- In November 1944, the Stern gang assassinated Lord Moyne, the British government's highest envoy in Cairo. This act conveyed the organization's enmity towards Britain as an enemy (Esten, 2021).
- In September 1948, Count Folke Bernadotte, the United Nations envoy to Palestine who was working as a peace mediator, was assassinated in Jerusalem. He was killed by members of the Stern gang, who were dressed in Jewish military attire. This incident occurred during the discussion of the plan to divide Palestine

(Nations, United, 1949).

- In February 1948, the Haifa train was bombed by members of the Lehi armed group when British troops were being transported on the Cairo- Haifa line. The bomb was placed on the tracks, resulting in the death of 27 soldiers and injuries to 35 more (CIE, 2024).
- Deir Yassin massacre on April 9, 1948, by the Irgun and Stern gangs (Zeidan, 2024), against the Palestinians. The mentioned incident is widely regarded as significant proof of the terrorism carried out by Zionist organizations. It marked a crucial moment in the 1948 war and served as evidence of the deliberate displacement of Palestinians from their lands and the eradication of them. The perpetrators employed brutal tactics, including the killing of children, women, men, and the elderly, mutilation of corpses, destruction of homes with inhabitants inside, looting of property, and the capture and execution of around 150 Palestinian civilians (Hammoudi).

In May 1948, British troops withdrew from Palestine, ending their mandate and leaving the land to the Jews (Museum). The Zionist groups, with the support of the Jewish Agency, continued to carry out violent operations against Palestinians under the "Dellit Plan". These operations aimed to incite conflict, cause casualties, and engage in ethnic cleansing. Palestinian cities and villages were besieged, homes were set on fire, and mines were strategically placed to prevent their return. Jewish historians have documented that these terrorist groups committed 28 massacres, destroyed 530 Palestinian towns and villages, and displaced 80,000 Palestinians, turning them into refugees. Among these atrocities, the aforementioned Deir Yassin massacre stands out as the most horrific(Office, 2023).

Subsequently, many members of these Zionist terrorist organizations transitioned to political activities and joined political parties. One such party was the Herut party, previously mentioned, which included former Irgun group members under Menachem Begin's leadership. Additionally, the Lehi gang transformed into the Muldit Party, which advocates for the removal of Palestinians from all Palestinian territory through ethnic cleansing. It is worth noting that some members of these groups, such as Menachem Begin and Yitzhak Shamir, assumed prominent positions within the state, including the role of prime minister, and played a role in shaping Israel's overall policies (CJPME, 2007).

Hence, the practice of assassinations and terrorism is an inherent component of the Zionist ideology, aimed at displacing the Palestinians from their territory, and is not merely a response to specific occurrences (Khashan, 2015).

It illustrates that the Israeli strategy has consistently involved the use of political violence against Palestinians and their property, even before the foundation of the State of Israel (Munayyer, 2015).

Considering the historical evidence of violent and terrorist actions carried out by Zionist organizations, it is clear that these actions have played a significant role in shaping their identity, doctrine, and strategies. These organizations believe that terrorism is the only means to achieve their colonial ambitions and establish a Jewish state. The founder of the Zionist movement, Theodor Herzl, expressed his view that Palestinian Arabs were "barbarians" who deserved killing like animals (Shtayyeh, 2022).

These terrorist organizations played a role in the establishment of the State of Israel by carrying out violent acts and terrorism against the Palestinians, resulting in the loss of their land and property under British rule.

However, the British authorities failed to control or stop this violence effectively. Eventually, Britain handed over Palestinian land to Zionist organizations upon their withdrawal from Palestine, leaving behind a lasting legacy of bloodshed and violence that persists to this day.

After the State of Israel was declared on May 14, 1948, the Israeli authorities acknowledged and honoured the members of these Zionist groups, who significantly participated in the creation of Israel through violation and terrorist actions and were engaged within lawful and legitimate structures, such as political parties and high-ranking positions that impacted Israel's policy.

The fundamental philosophy of this state is based on the extension of colonial control from the river to the sea to control the entire Palestinian land. This expansion has been accomplished by the utilization of force and organized acts of terrorism, which persist up to the present time.

The actions of these organizations have resulted in a sombre aftermath of violence that continued into 1948 and 1967, as explained in the following section.

3.4.2 Terrorist Settler Militias After 1967

Israel has adopted terrorist techniques based on violations, aggressions and appropriation of Palestinian territory (Thaniu, 2023), by assisting several extremist organizations backed by its security and legislative agencies and institutions. Israel aims

to uphold its influence in the Middle East, and these organizations play a crucial role in shaping the Israeli's policy towards the Palestinians (Qindil, Ghadi, 2023).

The ultimate objective is to increase the number of settlers in the West Bank as a means to Judaize the region and fulfill the concept of the Greater Land of Israel (Wafa, Settler Terrorism, 2024), aligned with their conviction that the Palestinian presence is unjustified (Dhuqan, 2018).

Some of the most notable terrorist organizations that arose after 1967 included,

3.4.2.1 Hill Boys Organization

It comprises a cohort of youthful settlers residing in outposts located in the West Bank, alongside the Yeshivat School situated within the Yitzhar settlement (Wafa, Settler Terrorism, 2024).

The members of this group embody the vanguard of Zionism that focused on "high-quality human material" during the second Jewish immigration movement, or what is known as "Holtzim" in Hebrew, which indicates the type of settlers that Israel went to settle to build its state, according to the interpretation of Ruther Rubin, director of the Zionist movement's Filskin office in 1908 (qurt, 2023).

They adopt slogans inherited from their early ancestors that are embodied on the land through cultivating the land, working with it, herding livestock and building settlements, such as the slogan "Wherever the plough passes, there are our borders", which expresses their consideration as "settlement machines" through their work in the lands they seize after the displacement of its Palestinian inhabitants as an extension of the first vanguard model of Zionism, as expressed by Joseph Trumpeldor, who came from

Russia in 1912 with the vanguards of Zionism and who adopted the saying “Where the Jewish plough the last groove, there our borders pass” (qurt, 2023).

This organization received substantial backing from Israeli governments, including Sharon, who offered political protection for its activities. It expanded its presence in the West Bank through the establishment of outposts, enabling it to carry out acts of terrorism against Palestinians living near settlements and outposts. Additionally, it engaged in destructive actions, such as burning and demolishing Palestinian property, with the support of the occupying army and under the leadership of extremist Zionist figures, notably "Abri Ran, Meir Bertler, and Eti Zaar," who harbour intense hostility towards Palestinians (Defense, 2023).

3.4.2.2 Kach, Jewish Defense League

Which means "sic" in Arabic (Wafa, Kach Movement (Jewish Defense League), 2024).

Founded in 1972, and embraced Nazi ideologies targeting Arabs, promoting their deportation, and inciting racial discrimination, oppression, and terrorism against them (Qindil, Ghadi, 2023).

These radical organizations receive significant backing from Jewish rabbis and Israeli political parties (Wafa, Settler Terrorism, 2024).

The organization's slogan, depicting one hand carrying the Torah and the other clutching the sword, symbolizes its radical philosophy. This ideology promotes the use of violence as a means to achieve its aims. Notably, "Eli Hazieev and Yoel Lerner" were prominent extremism members of this organization (Wafa, Kach Movement (Jewish

Defense League), 2024).

Who was charged with attempting to kill US President Kissinger in 1975. They were subsequently detained for encouraging the attack on Al-Aqsa Mosque and were re-arrested. Moshe Dayan and Meir Kahane holds the belief that Jewish oppression is necessary to attain salvation, which they aim to achieve through the annexation of occupied territories, the demolition of the Al- Aqsa Mosque, and the evacuation of Palestinians. In pursuit of these goals, this movement has been organizing marches since the 1980s, intending to harass Palestinians and engage in violent activities such as attacking them and destroying their property. Consequently, this movement has a lengthy history of criminal behaviour (Wafa, Kach Movement (Jewish Defense League), 2024).

The organization receives support and protection from the Israeli occupation army, who often participate in the attacks. They wield considerable influence in the Israeli government, which relies on the Jewish Home party, making it easier for them to advance their agendas, according to Ghassan Daghlis, who is in charge of settlements in the West Bank (Dhuqan, 2018).

3.4.2.3 Temple Mount Trustees

Founded by Israeli officer Gershon Solomon in the 1960s. It is an extremist Orthodox Jewish movement based in Jerusalem (Al-Jabri, 2022).

Since 1967, the Temple groups have sought to change the status quo at the Al-Aqsa Mosque and have attempted to demolish it to build the Temple. They have repeatedly stormed the Aqsa Mosque, leading to confrontations between Palestinians and Israelis, resulting in the deaths of dozens of Palestinians and the injury of hundreds more; despite

calls for the demolition of the mosque, the situation remained unchanged as this organization continued its calls for the demolition of Al-Aqsa Mosque with Israeli judicial approval, which allowed it to lay the foundation stone of the alleged Temple at the Mughrabi Gate in Jerusalem in 2001 under the slogan "The Temple Mount is the national and religious symbol of the people and the Land of Israel" (Atmeh, 2024), (Qindil, Ghadi, 2023).

Therefore, this organization is considered one of the most radical and is part of the general framework of organizations focused on the "Temple Mount" (Wafa, 2024).

In 2023, many of its members stormed the Al-Aqsa Mosque with judicial authorization, allowing for both individual and collective incursions. The number of settler militias' who entered the mosque in 2023 reached approximately 48,000, all under the protection of the occupation police, resulting in the closure of the mosque to Palestinian worshippers (Atmeh, 2024).

3.4.2.4 Ras Al Heikal Organization

It encompasses a number of organizations, namely,

- **The Temple Institute:** established in 1983 by Rabbi Yisrael Ariel, Moshe Nieman, and Michael Ben-Horin, based on thoughts about the crystallization of its faith on religious foundations that stipulate the need to work for the construction of the Temple without waiting for miracles," and sees the extermination of the Palestinians and the liquidation of their existence as an effective means to achieve its goals (Wafa, 2024).

The danger of this institute is highlighted in its quest to build the Third Temple on

the site of the Dome of the Rock and receives significant funding from inside and outside Israel from some wealthy Americans, such as Henry Soica (Wafa, 2024).

- **Movement for the Establishment of the Temple:** this movement arranges demonstrations and marches related to the anniversary of the "destruction of the Temple" and upholds the same belief in rebuilding the Temple and Judaization the Aqsa Mosque (Wafa, 2024).

Rabbi Yosef Alboim heads this movement, and its members of the ultra- Orthodox community practice religious rituals, offer offerings, and hold prayers at Al-Aqsa Mosque (Badr, 2022).

- **The "Jewish Idea" school:** it was established by the extremist Kach movement, headquartered in Jerusalem. Its objective is to educate successive generations of religious Jews and foster their faith with principles related to the right of Jews to the "Temple Mount". This notion is endorsed by extremist religious parties, including the extremist religious party "Al-Mafdal" (Wafa, 2024).

3.4.3 Zionist Terrorist Organizations After 1993

Ever since the "Declaration of Principles Agreement" was signed on September 13, 1993, there has been a noticeable increase in settler militias' attacks and incidents targeting Palestinians. The focus of settler militias has shifted towards fortifying settlements and expanding their numbers, according to the letter penned at that time by The Settlements Council urging the return of Israeli Prime Minister Yitzhak Rabin from Washington, citing the failure to reach a peace agreement with Yasser Arafat. In addition, several organizations have been established, including "Sword David" and "Judea Police", which provide military training to thousands of settlers, along with the "Action

Committee" in the settlement of Kiryat Arba, among others (Ayed, Khaled, 1994).

Settler militias' leaders persistently and actively strive to guarantee the ongoing establishment of additional Zionist organizations. These organizations are dedicated to displacing Palestinian residents and appropriating their lands, with the ultimate goal of implementing the Zionist colonial project. This project aims to replace the indigenous Palestinian population with settlers.

The proliferation of these groups has become widespread, as there are numerous of them, and they are intricate.

The organizations of greatest prominence include,

3.4.3.1 Paying the Price Group

This organization is a highly influential terrorist group founded in 2008 by Gershon Messika, the Regional Council for Settlements Chairman in the Northern West Bank. It originated from a faction of radical young Jewish extremists and is led by prominent figures such as Yitzhak Shapira, Rabbi David Dudkevich, and Rabbi Yitzhak Ginzburg, who serve as the heads of the yeshiva (Wafa, Settler Terrorism, 2024).

High-ranking official settlers oversee this terrorist organization, and it even receives backing from the Israeli government and security services, including the Shin Bet and the army. These entities give the group tangible resources and financial assistance from public state money (Madar, 2024).

This ideology is founded upon a theology rooted in animosity and hostility towards Palestinians, advocating for their expulsion and extermination, as well as endorsing the

establishment of settlements in Palestinian territory to impose Jewish cultural and religious dominance (Wafa, 2024).

In 2015, this organization carried out a series of terrorist acts in the West Bank village of Duma. They deliberately set fire to the homes of Palestinian citizens and vandalized the area with racist slogans promoting "revenge". Tragically, these actions resulted in the death of the mother, father, and 18-month-old child of the Dawabsha family due to severe injuries sustained from the fire. The eldest son, Ahmed, who was 4 years old at the time, also suffered serious injuries (Munayyer, 2015).

The judicial authorities have imposed house detention on one of the settler militias responsible for committing this heinous crime after the court refrained from taking him, admitting into consideration under the pretext that he was exposed to severe interrogation tactics (Ma'an News Agency, 2022).

The Dawabsheh family incident is the second occurrence of its nature following the abduction and subsequent immolation of 16-year-old Jerusalemite child Muhammad Abu Khdeir in 2014 by extremist settler militias'. The former Israeli President, Reuvan Rabin, expressed regret on social media platforms, specifically on his Facebook page, for his people who choose "terrorism", which he believed had caused them to "lose their humanity". Furthermore, he made an unprecedented admission, acknowledging the inadequacy and fragility of efforts to address the issue of "Jewish terrorism", which he believed would lead to catastrophic consequences (Qubea, 2024).

3.4.3.2 Elad Organization

Founded by settler militias' David Barry (Wafa, 2024), in 1980, with substantial

support from both governmental and non-governmental agencies, as well as from Jews at home and abroad in the United States of America (Jarrar, 2016).

This association is widely regarded as one of the wealthiest in Israel. It receives funding from the Israeli government, which supports and overlooks the association's activities. The association promotes its own narrative about Israeli settlements by organizing trips for Jewish students to archaeological sites without any supervision or monitoring from the government (Al Jazeera, 2017).

The association's foundations are rooted in Jewish religious beliefs centred around the advent of the "age of light and happiness" and the arrival of the Messiah as a means to attain divine blessings. Its primary objective is to revive the fabled city of "David," as indicated by its name, which is an acronym for a Hebrew phrase meaning "towards the City of David" in Arabic. This is pursued through investments in settlements in Palestinian territory and the displacement of local residents, as exemplified by its actions in the city of "Sulwan" (Jarrar, 2016).

The organization has implemented a project called "Farm in the Valley" to promote the Judaization of Jerusalem. The project aims to attract Jews worldwide to the city by organizing activities and events in the national park on the town's land. Additionally, the organization oversees the establishment of 70 settlement outposts in the town and uses intimidation and incentives to seize the homes of Palestinian residents of Jerusalem (Alayam, 2022).

This organization holds significant influence within the government due to its role as the primary force behind Israeli settlement and Judaization efforts in Jerusalem. It

receives substantial funding and uses it to acquire Palestinian land, displacing Palestinian residents and replacing them with settlers. Additionally, the organization seeks to gain control over archaeological and historical sites and promotes Zionist narratives to support the establishment of the Temple (Wafa, 2024).

3.4.3.3 Lehava Organization

Extremist Zionist organizations operate with racist agendas and a hostile ideology towards Palestinians. Their primary goal is to maintain the "purity" of the Jewish race and reject the assimilation of others into Jewish society. One such organization is "Lehava", meaning "flame" in Arabic, which was established in 2009 by Rabbi Ben Zion Goffstein "to prevent integration into the Holy Land"(Watad, 2022).

The concept of this ideology advocates for the public displacement of Palestinians from their whole territory and the dismantling of the Dome of the Rock to establish the Temple in its location. This organization glorifies acts of terrorism and the individuals responsible for carrying them out, such as Goldstein, who perpetrated the massacre at the Tomb of the Patriarchs (Wafa, 2024).

This organization can be seen as an extension of the banned Kach movement in Israel. It operates within a Zionist legal framework that some refer to as the "Jewish moral police." The organization's main objectives include preventing mixed marriages, restricting communication with Palestinians, and pressuring businesses that employ both Jews and Arabs to discourage interaction between them (Agency Q. N., 2022).

Additionally, it actively promotes the incitement of settler militias' to provoke tensions at the Al-Aqsa Mosque and engage in Talmudic rituals within its premises,

particularly during Jewish holidays. The organization also organizes provocative and inflammatory marches against Palestinians, advocating for their harm. This is facilitated by a culture of impunity that encourages the spread of racist and hateful rhetoric against Palestinians(Agency Q. N., 2022).

Although the terrorist organization Lahava has been becoming more active, the Shin Bet has declined to add it to the terrorist lists pretext to a lack of sufficient proof (Agency Q. N., 2022).

3.4.3.4 Organization "La Familia"

Established in 2006, and is officially known as the Beitar Jerusalem Fan Association. The core of its faith is based on the belief that the Jewish family is superior to the Palestinian family due to its purity and distinction. This belief is reflected in the organization's name, derived from the word "family" (Badawi, 2021).

This organization uses the support of sports activities as a cover to its activities by supporting the Beitar Jerusalem football team, although it is considered one of the most dangerous far-right racist organizations that seek to fuel the Palestinian-Israeli conflict inside the Green Line(Wafa, 2023).

According to the “Palestinian Center for Israeli Studies, Madar”, this organization is regarded as one of the most radical and discriminatory groups globally(Mansour, 2023).

This organization has government support, with Israeli Minister of National Security Ben-Gvir seeking to formalize and provide it with weapons(Mansour, 2023).

Under his decision, In April 2023, he aimed to form the "National Guard" with the

assurance of Prime Minister Benjamin Netanyahu. The establishment of the National Guard was financed by lowering the budgets of ministries by 1.5% (Shalhat, 2023).

The membership consists of civilian volunteers with prior military training in the Israeli army. They operate under government supervision during unrest and internal crises as a supplementary force to the police and army. This membership is indicative of the growing influence of the extreme right, specifically the Kahanist Otzma Yehudit party, which plays a prominent role in the Israeli government (Habas, 2023).

The Israel Democracy Institute has pointed out that this situation leads to politicizing the work of the police and undermines the principle of equality in applying the law, and considered as like a militia loyal to Ben Ghafir, as stated by the Association for Civil Rights (Shalhat, 2023).

The establishment of this National Guard is also a gift and a grant to the settler militias to provide legal cover for their terrorism, according to the "Palestinian Arab Front", and some members of the Israeli Knesset even expressed their opposition to this decision because it gives Ben Gvir the authority to control the Israeli border guards (Mansour, 2023).

These Zionist terrorist organizations have practiced many acts of violence and terrorism against unarmed Palestinian citizens, most notably,

- The extremist "Natan Natanzon" attempted to assassinate the heads of three Palestinian municipalities in 1980. Namely Bassam Shaka in Nablus, Karim

- Khalaf in Ramallah, and Ibrahim Al-Taweel in Al-Bireh by an explosive device placed under Shakaa's car, and Natan was sentenced to prison for a period not exceeding three years and was later appointed to a high government position as head of the "Religious Council in the Binyamin settlements" near Ramallah, with the approval of the judicial system in Israel, and then promoted to the position of "head of the religious council in Jerusalem", which is considered one of the huge institutions with an annual budget of nearly \$ 20 million (East, The Middle, 2022).
- The massacre committed by settler militias in July 1983 using indiscriminate grenades against students of the Palestinian University of Hebron, killing three Palestinian students and injuring 23 others (Wafa, Settler Terrorism, 2024).
 - The massacre of the Tomb of the Patriarchs in February 1995 in the holy month of Ramadan, committed by Baruch Goldstein, a settler militia' from the settlement of Kiryat Arba who holds dual American and Israeli citizenship, who attacked Muslim worshipers in the Tomb of the Patriarchs in Hebron during prayers and shot them with his machine gun, killing 29 Palestinians and wounding 135 others, and the occupation army opened fire towards Palestinians outside the mosque, which led to the killing of dozens and closing the mosque and preventing the transfer of death Palestinians. In 2010, the Israeli authorities registered the Tomb of the Patriarchs in the list of national heritage "Jewish" and began organizing free school trips for Jewish students to visit it and allocated large budgets for its restoration (Aljueba, 2016).
 - The year 2021 witnessed an unprecedented escalation of systematic terrorist acts against Palestinians (Basil Rizk, 2022). According to the Palestinian Initiative for Deepening Global Dialogue and Democracy "MIFTAH", 524 terrorist attacks by

settler militias against Palestinians in the northern West Bank “Tubas, Jenin, Tulkarem, Qalqilya and Jericho” took place between early January and late June 2021 (Miftah, 2022)

- “The Applied Research Institute, ARIJ,” has recorded over 900 incidents of vandalism and theft targeting Palestinian agricultural, animal, archaeological, and historical assets. These incidents include the destruction of trees and the theft of crops and fruits. Most of these attacks occurred in the Nablus governorate, with 233 incidents, followed by the Jerusalem governorate, with 194 incidents, and the Hebron governorate, with 170 incidents (Arij, 2021).
- May 14, 2021, can be regarded as one of the most violent since 2002, when settler militias’, supported by the Israeli army, launched an attack on Palestinian villages. This resulted in the deaths of 13 Palestinians, some of whom succumbed to their injuries later on. Among the victims were Nidal Safadi, Awad Harb, and Ismail Tubasi. (BTSELEM, 2022).
- The Israeli military occupation forces have reported a significant surge in settler militias’ assaults against Palestinian civilians at the onset of 2022, with a total of 838 attacks recorded as of November of the same year. This figure represents a twofold increase compared to the number of attacks perpetrated by settler militias in 2021 (Ultra Palestine, 2022).

In October 2022, the "Alluhuf" site in Huwara village, Nablus district, experienced an assault by settler militias on the local residents. The attackers used stones and pepper gas, resulting in two Palestinian citizens sustaining head injuries and twelve others being affected by pepper gas, causing suffocation, according to the official in charge of the settlement file in the northern West Bank (Wafa, 2022).

As a result, two of the injured sisters tragically suffocated while on their way to the university. Additionally, 15 shops were destroyed, and 20 vehicles were attacked under the protection of the occupation forces (Al'ayaam, 2022).

- Settler militias' attacks in 2023 have been on the rise, with a 39% increase in the rate of such attacks compared to the average number in 2022. According to Jens Laerke, spokesperson for the United Nations Office for the Coordination of Humanitarian Affairs "OCHA" there have been nearly 600 recorded incidents of attacks on Palestinian citizens since the beginning of 2023 (Wafa, 2023).

The report exposed the escalation of Israeli settlements and the forced displacement of Palestinians from their lands in the occupied West Bank. One specific case is the village of "Khirbet Zanuta" in southern Hebron, where residents were subjected to death threats unless they vacated the area. Consequently, 140 Palestinians, the majority of whom were children, were displaced (Al-Araj, 2023).

- In June 2023, a group of 200 settlers launched an assault on the Palestinian community of Turmusaya in the Ramallah area. This attack coincided with the Israeli soldiers entering the town, who made no effort to stop the settler militias from carrying out their atrocities on the town's population (Nufal, 2023).

The assailants discharged their firearms at the inhabitants, resulting in the death of a Palestinian citizen and injuries to 12 individuals, as well as causing respiratory distress to numerous locals (Cente, 2023), the demolition of homes and properties resulted in damage to 15 Palestinian-owned homes, rendering six of them uninhabitable. The town's mayor described the targeting as unprecedented and premeditated rather than a mere

reaction. The occupation forces did not intervene to repel settler militias' attacks but instead closed off the town under the pretext of protecting the Palestinians. This closure prevented ambulances and firefighters from reaching the area to assist the residents (Nufal, 2023).

- In August of the same year, Qusai al-Ma'tan, a 19-year-old resident of Burqa village located east of Ramallah, was slain by settler militias. This incident occurred as a consequence of his wounds sustained during an attack by settlers, who were escorted and protected by the Israeli occupation force (Watan, 2023).

Several members of the Israeli opposition, including Benny Gantz and Yair Lapid, expressed concerns about the rise of "dangerous Jewish national terrorism". They labelled the settlement group known as the "Hell Boys" as terrorists. The leader of the Labor Party accused Netanyahu's government of including a party that supports terrorism. The Foreign Ministry's statement condemned the "terrorist attack" by extremist settler militias on the town and called for a thorough investigation (Alearabiu, 2023).

The Palestinian Foreign Ministry has denounced this act as a crime and is currently compiling a dossier to be presented to the International Criminal Court. The statement asserts that the recent release of the terrorist settler militias, who were accused of killing Qusai al-Maatan, highlights the presence of two distinct and conflicting judicial systems employed by the Israeli occupying power in the occupied Palestinian territory. One of these systems is designed explicitly for settler militias, providing them with protection, immunity, and legal defence, even when they are involved in crimes against Palestinian citizens (TV, 2023).

- In the same year, there were over 2,000 instances of settler militias launching attacks on Palestinians in the West Bank. These attacks resulted in the deaths of around 22 Palestinians, with 10 of them being slain after October 7 (Douglas, 2024).
- In 2024, there was a notable rise in settler militias' terrorist attacks against Palestinians, both in terms of frequency and severity. This increase was particularly evident after the "Al-Aqsa Flood" incident on October 7, 2023, which targeted settlements near the Gaza Strip. Subsequently, Palestinian villages and cities in the West Bank experienced a significant surge in settler militias' attacks, often accompanied by the presence of the occupying army. These attacks were further facilitated by the support and arming of settler militias by Israeli government officials, such as Minister of National Security Itamar Ben Gvir and Minister of Finance Bezalel Smotrich. The ultimate aim of these attacks was to bring about demographic and political changes in the West Bank and the Gaza Strip (Masarat, 2024).

The number of settlers who have obtained licenses from the Israeli government to carry weapons has significantly increased. Between October 7th and the end of 2023, over 250,000 settler militias applied for licenses, with 26,000 successfully obtaining licenses. An additional 44,000 settlers obtained conditional licenses through the assistance provided by Ben Gvir (Development, 2024).

This policy led the settler militias to increase their persistence in perpetrating acts of violence against Palestinians in the West Bank during this time. The period in question saw the forced displacement of inhabitants from 20 communities, as well as the complete expulsion of 7 Palestinian communities. Settlers, with the aid of the occupation army,

subjected residents to torture and theft of their belongings and livestock and issued death threats to coerce them into abandoning their homes, according to a report compiled by Human Rights Watch, which highlights the complicity of the occupation army in supporting settler militias' violence while failing to provide adequate protection for Palestinians (Center P. M., 2024).

"OCHA" organization has recorded over 700 instances of violence perpetrated by settler militias in the West Bank and East Jerusalem since October 7th. These incidents have resulted in the displacement of at least 206 Palestinian families, totaling 1244 individuals, including 603 children from pastoral communities.

Additionally, OCHA has documented 704 cases of assault by settler militias against the Palestinian population, resulting in numerous casualties and property damage (Alghad, 2024). The settler gangs exploit the lack of interest in the events happening in the West Bank and the widespread animosity against Palestinians to carry out the aforementioned instances of forced relocation (Khalaf, 2023).

- Abdul Rahman Maher Bani Fadl, aged 30, and Muhammad Ibrahim Bani Jameh, aged 21, were martyred on April 15, 2024, due to a brutal attack carried out by 50 settlers in the town of Aqraba, located south of Nablus. This incident took place under the protection of the Israeli occupation force (Jerusalem News Agency, 2024).
- Omar Ahmed Abdel Ghani Hamed, aged 17, succumbed to fatal injuries sustained during an assault on the western entrance of Beitin village. The assailants, employing live ammunition, targeted Palestinians in the attack, leading to his demise on April 13, 2024 (Watan News Agency, 2024).

- Jihad Afif Abu Alia was martyred on April 12, 2024, during a violent attack by settler militias on the Palestinian town of Al-Mughayir, northeast of Ramallah. The attack involved the shooting of live bullets, setting fire to Palestinian properties and vehicles, and the participation of Israeli occupation forces who also fired tear gas canisters at Palestinians, resulting in numerous injuries (The Palestinian Information Center, 2024).

This event marked the height of the upward curve of settler militias' attacks, which encompassed attacks on many Palestinian villages and towns, including Khirbet Abu Falah, over a period of three consecutive days (Palestinian Information Center, 2024).

The radical settler militias continued to engage in acts of violence and terror against the Palestinian population, driven by deep-seated animosity and an unrelenting hatred towards them. Why not?! They have comprehensive backing from diverse Israeli religious, political, and security entities, particularly the Israel Defense Forces, which offers them complete safeguarding against the restriction of Palestinian territory and involvement in armed aggression to enable settler militias' violence and terrorism.

Israeli administrations persist in offering financial and moral backing to settler militia groups and collaborating with various religious, legal, and security state entities.

This matter is elucidated in the following section.

3.5 Fifth Requirement: Israeli Settlement and State-Sponsored Terrorism

This thesis examines the emergence and expansion of settlements, which openly results in the appropriation of Palestinian landowners' property. This constitutes a significant annexation of the occupied territories, which violates International Law and its relevant charters.

Given the characteristics of the settlers residing in the settlements established in the occupied Palestinian territory under the supervision and support of the Israeli governments, including their security, legislative, and judicial institutions, as well as the organized violence perpetrated by these settler militias, who the Israeli governments have equipped to carry out various forms of forced displacement and harm against Palestinians through acts of killing, burning homes and vehicles, it is evident that these incidents have resulted in horrible loss of Palestinian lives, all under the protection and endorsement of the occupying army.

The Israeli government provides financial and in-kind support to settler militias to establish and maintain settlements. This support includes grants and budgets that encourage settlers to live in these settlements, which are established with a high standard of living. As a result, settler militias' can pursue their policies by resorting to violence toward Palestinians without facing consequences.

All these policies pursued by Israel within the scope of expanding and legitimizing settlements, financing settler militias' and supporting their violence against Palestinians have led to its involvement in organized state terrorism.

This chapter aims to provide further clarification on this matter.

3.5.1 Settlement As Viewed Through the Lens of International Law

Given the intimidation of Palestinians, their expulsion from their lands and the exploitation of their natural resources, as well as the violation of their lives and property through killing and destruction, as detailed in this demand, Israel's settlement policies violate international law, especially concerning international conventions and pertinent UN resolutions that criminalize terrorism.

3.5.1.1 The International Bill of Rights

Under the international legal framework, States have a set of negative obligations within the framework of human rights guarantees that require them to refrain from committing, interfering with or obstructing violations that undermine the rights of individuals (International Human Rights Law, 2017), on the other hand, there are positive obligations that states must follow and act upon to ensure the rights and freedoms of individuals, (ICRC, 2015), which requires states to take the necessary measures to ensure the enjoyment of human rights by individuals and state and non-state actors (International Human Rights Law, 2017).

These rights are indivisible because they are linked to the human being himself, which follows that they may not be waived except in narrow exceptional cases that have been stipulated within international laws, such as the state of emergency that threatens the nation specified in Article 4 of the International Covenant on Civil and Political Rights (USCIS, 2019), or in necessary legal cases, such as restricting the liberty of a person sentenced to prison by court order (What are human rights? 2018), so they are inalienable rights (United Nations, 1948).

Whereas the human rights system is based on a set of universally agreed values and

includes a package of legal guarantees aimed at providing protection for individuals and groups in the face of measures practised by state agencies against them in the first place and affecting their rights, dignity and fundamental freedoms, and the protection guaranteed under this system extends to include respect for economic, civil, political, social, cultural and developmental rights (Human Rights, Terrorism and Counter-terrorism, 2008).

The "Universal Declaration of Human Rights of 1948" comes at the head of this system, which is the international legal basis that regulates human rights (United Nations, 1948), which is one of the components of the "International Bill of Rights" (United Nations, 2018), and it embodies the inherent fundamental rights and freedoms that different individuals should enjoy on an equal footing regardless of colour, sex, race, language, religion or residence (United Nations, 1948).

Therefore, one of the most essential features of these principles is that they are "universal", as the first article of the "Universal Declaration of Human Rights" stated that all human beings are born free and equal in dignity and rights. In contrast, other articles codified the right to life, the right not to be subjected to discrimination, the prohibition of torture, the right to education, freedom of expression and the right to seek asylum, in addition to the rights related to social security, health and housing (AMNESTY, 2024).

In addition to the right to freedom and personal security, the right to movement and to choose a place of residence within the borders of the state, and to leave it and return to it, the right to enjoy nationality, and the inadmissibility of depriving anyone of his property arbitrarily, in addition to emphasizing the inadmissibility of authorizing any state or group to carry out any flag aimed to violate the rights and freedoms stipulated under its

provisions (United Nations, 1948).

Thus, the Universal Declaration continues to be regarded as the primary authority for universal human rights and fundamental liberties principles. This sets it apart from conventional duties, as the introductory statement of most international human rights agreements mentions the Universal Declaration (Hannum, 1995).

The International Bill of Rights also includes the two International Covenants, which are "The International Covenants on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights" of 1966 (United Nations, 2018), whose first five articles were comprehensiveness, and the right to self-determination is one of the most essential rights addressed by each of them as a right guaranteed to peoples, with the stipulation that states must respect all the rights guaranteed under them to all persons under their jurisdiction (UNODC, 2009).

These two covenants came as a conclusion to the bitter lessons resulting from wars, genocide, colonial oppression and economic devastation, to form a law from which we can start to build a more peaceful and just world (United Nations, 2016).

In the context of intensive settlement in the Palestinian territory, it has resulted in the deprivation of Palestinians of their rights guaranteed under the human rights system, such as the right to property, the right to live in dignity, and the right to equality and movement, unlike settlers, who enjoy all the rights enjoyed by Israeli citizens in the Green Line, as Israel applies its laws to settlers residing in settlements established in West Bank lands that are not subject to Israeli sovereignty, where Israel adopts a human rights system linked to its national affiliation, which is considered Violation of internationally

guaranteed human rights (BTSELEM, Settlements, 2019).

The ICJ ruled in its advisory opinion on the wall in 2004 that the construction of the wall constitutes a violation of the rights stipulated in the body of international conventions and covenants to which Israel is a party, such as "freedom of movement and the right not to interfere with the privacy of the home and family," stipulated in the body of articles 12 and 17 of the International Covenant on Civil and Political Rights, in addition to violating the right to "work, the right to an adequate standard of living, the right to health and education" enshrined in the body of articles 6, 11, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights (Wafa, Opinion of the International Court of Justice on the Wall, 2024).

The High Commissioner for Human Rights sought guidance from Security Council Resolution No. 1566 of 2004 to uphold human rights. This resolution outlines the fundamental aspects of terrorism, which include the use of intimidation and violence or the threat thereof to coerce populations or governments, potentially resulting in death or severe harm (United Nations, © OHCHR 1996-2024).

The Office of the United Nations High Commissioner for Human Rights is also partially influenced by General Assembly Resolution No. 57/219 of 2002 and Human Rights Committee Resolution No. 68/2003. These resolutions urge the Office of the High Commissioner to consider safeguarding human rights and fundamental freedoms while addressing the issue of terrorism and providing suggestions regarding the extent to which states adhere to standards in promoting human rights and fundamental freedoms while implementing measures to combat terrorism. This is particularly important because the United Nations Global Counter-Terrorism Strategy, established by the General

Assembly in 2006, emphasizes the importance of upholding human rights, fundamental freedoms, the rule of law, and supporting the victims of terrorism. Crucial in the battle against terrorism (United Nations, © OHCHR 1996-2024).

Security Council Resolution No. 1566 of 2004 defines criminal acts committed against civilians with the intent to cause death or serious harm, to instil fear in the general public or a specific group, or to intimidate the population as acts of terrorism. These acts cannot be justified on philosophical, ideological, religious, or similar grounds (United Nations, 2004).

Following these resolutions, the Israeli terrorist crimes against Palestinians have resulted in the violation of their right to life through killings and serious injuries, destruction of their property, denial of their rights protected by human rights law, and restrictions on their freedom, movement, work, health, and personal security, which not only undermine their dignity but also perpetuate discrimination against them, it is vital to address the criminal actions committed by settlers against unarmed Palestinian citizens.

In compliance with the demands of the previously mentioned UN resolutions, it is imperative to endeavour to support the essential rights of Palestinian victims of Israeli terrorism by adopting the appropriate actions in this regard.

The UN Guiding Principles on Business and Human Rights are also centred on two fundamental principles. Firstly, the state is responsible for safeguarding human rights by implementing adequate security and legal measures. Secondly, companies have a duty to uphold human rights by acting responsibly and avoiding any violations. Furthermore, companies should provide remedies to victims through legal action and other appropriate

means (Roggie, 2011).

Therefore, in this context, it is necessary to employ these principles in a way that ensures the consolidation of Palestinian human rights and their protection from the oppression and terrorism of settler gangs that have violated international conventions and covenants and human rights law, and employing these guides to face the strategic effects of settlement that have touched the Palestinian land by looting and annexing it explicitly in violation the prohibition imposed on the occupying power under international laws from annexing the territories under its domination (Alhaq, 2014).

In addition to the need to employ these principles to confront the violations committed by Israeli institutions and companies concerning Palestinian human rights that contribute to the development and development of settlements and their sustainability and provide job opportunities for settlers, in addition to the dependence of these companies on the resources of the occupied Palestinian territory, which Israeli governments facilitate the provision of the necessary licenses in this regard for Israeli companies without Palestinians, which affects the rights of the Palestinian human being in his land (Watch, 2016).

3.5.1.2 International Humanitarian Law (IHL)

It is also known as "jus in bello", or the law of armed conflict; it consists of treaties, customary international law, and general law principles (What is International Humanitarian Law?, 2004).

Accordingly, the ICJ stressed the need to respect the rules of international humanitarian law in the Geneva Conventions, as they constitute "the principles of

customary international law that may not be violated" (Israeli Settlements and International Law, 2019).

In other words, the Geneva Conventions are binding on all states, even if they are not a party to them, because they codified customary law according to the consensus of international jurists and countries except Israel (Galchinsky, 2004).

So, it is a law of a humanitarian nature that aims to protect civilians in the event of hostilities who do not participate in hostilities, such as citizens, religious and medical teams, and to protect those who have ceased to participate in hostilities, such as sick and wounded combatants and prisoners of war, as these groups enjoy protection due to their physical and psychological condition, and this law also aims to reduce the effects of armed conflicts, restrict the means of warfare, and the rules that states must follow in their relations, and this law has required that everyone be treated humanely without discrimination (What is International Humanitarian Law?, 2004),

The protection provided for in the provisions of international humanitarian law also extends to civilian facilities such as homes, shopping malls, medical units, cultural sites, places of worship and other facilities necessary for the civilian population's survival (ICRC International Committee of the Red Cross, 2014).

The core of humanitarian law is based on the Geneva Conventions and their Additional Protocols, as they are international treaties that form the backbone of international law concerned with limiting the effects of armed conflicts, and the "Fourth Geneva Convention relative to the Protection of Civilian Persons in Conflict" of 1949 is the basis of international humanitarian law in addition to the "Additional Protocols of

1977" (International Humanitarian Law, 2023).

"The First Protocol" protects victims of international armed conflicts. At the same time, "The Second Protocol" is the first international treaty concerned with the security of victims of non-international armed conflicts exclusively, and "The Third Additional Protocol" was adopted in 2005, establishing the red crystal emblem, which has the same legal status as the emblems of the Red Cross and Red Crescent, while the "First Geneva Convention" included the protection of the sick and wounded, in addition to the protection of health personnel, medical and religious units and medical transport, and includes two annexes on a draft agreement on hospitals, and a card for health and religion employees (ICRC, 2010).

The Second Geneva Convention is concerned with protecting wounded and sick soldiers who drowned at sea during the war (What is International Humanitarian Law?).

However, the Third Geneva Convention replaced the 1929 Prisoners of War Convention, under which the scope of legal protection relating to prisoners of war, the standards to be met in their places of captivity, their financial and relief resources, and the judicial procedures applicable to them were expanded, in addition to including the provision for the principle of the release of prisoners of war and their "repatriation without delay" after the cessation of hostilities (ICRC, 2010).

By referring to the provisions of the Fourth Geneva Convention concerning the situation of foreign occupation, it is necessary to refer first to **Article 47** thereof, which foreshadowed the extension of the temporal scope of the Fourth Geneva Convention even

in light of attempts to annex occupied territories in whole or in part (Imseis, 2003).

Article 49 of the same Convention dealt with the legal norms relating to occupied territory, stating that

"...The Occupying Power shall not deport or transfer part of its civilian population into the territory it occupies" (United Nations, 1949).

Accordingly, the Israeli settlement situation in the Palestinian territory, the increasing number of settlers in the Palestinian territory, and the illegal settlement policies pursued by Israel to seize Palestinian land for the construction and expansion of settlements have led to the forced displacement of the Palestinian population, the reduction of the area of land available to them for housing and the development of infrastructure, as well as the reduction of essential services necessary for Palestinians to maintain their livelihoods and survival, the accompanying settlement policies of exploitation of natural resources and water, and the fragmentation of the West Bank and its isolation from Jerusalem, which led to the reduction of essential services necessary for Palestinians to maintain their livelihoods and survival, and the right of the Palestinian people to self-determination and the establishment of a viable state was wasted (United Nations, 2012).

This constitutes a violation of the provisions of the Geneva Conventions, especially Article 49 of the Fourth Geneva Convention, in which Israel was aware of its content and the nature of the acts committed by it before it began to establish and build settlements in the West Bank, that can be inferred from the legal opinion submitted by the legal adviser of the Israeli Ministry of Foreign Affairs Theodor Mellon, to the Israeli government in 1967, that was confirmed after an extended period, according to the article

published by the magazine American Law in 2017 (Berman, 2023).

This was confirmed by the ICJ in its advisory opinion on the wall in 2004, in which it first referred to the applicability of the provisions of the Fourth Geneva Convention to the Palestinian territory in the West Bank and the Gaza Strip because they were not sovereign areas when they were occupied by Israel, as they were subject to Israeli sovereignty as a result of a war that broke out between two signatories to the Geneva Convention, this fatwa also included a reference to fears that Israel is seeking to annex Palestinian lands, which imposes facts on the ground, and affecting the future of the border between Palestine and Israel, in addition to the fact that the wall aims to serve settlement projects, which violates Article 49 as well as Article 53 of the Fourth Geneva Convention (Wafa, Opinion of the International Court of Justice on the Wall, 2024).

Which prohibits the Occupying Power from destroying movable and immovable private property of individuals and groups or the State or public authorities, except in exceptional cases related to military operations (United Nations, 1949).

The ICJ also affirmed, following its advisory opinion on the Israeli occupation in July of 2024, the illegality of the settlements established on the occupied Palestinian territory and the need to end the settlement presence in them for violating international conventions, as mentioned earlier (Law for Palestine, 2024).

Israeli settlements, which violate the Fourth Geneva Convention, are considered a war crime, according to the report issued on March 28, 2023 by the "High Commissioner for Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan", which included data on the development of illegal settlements

even under Israeli laws, and the increase in the number of settlers in the occupied Palestinian territory in the West Bank and Jerusalem to more than 700,000 settlers between Years 2012 to 2022 illegally reside in 279 settlements, fourteen of them are located in East Jerusalem, and the accompanying cases of forced displacement that affected a large segment of Palestinians in many areas, for example, the deportation of the residents of Masafer Yatta Zaras al-Tin and Wadi Qaddum in East Jerusalem, in addition to the forcible transfer of 1,450 Palestinians during the mentioned time period, and the demolition of 6,821 Palestinian- owned structures in the West Bank and East Jerusalem (United Nations, 2023).

However, based on the provisions of Article 33 of the Fourth Geneva Convention, which prohibited the imposition of threatening or terrorist measures on persons protected under it (United Nations, 1949), the egregious offences perpetrated by settler militias pose a grave threat to the lives, property, and personal safety of Palestinians, thereby infringing upon their rights as stipulated in international treaties. Acts that instil fear and terror among defenceless Palestinians, supported by Israeli governments who provide extensive weaponry to these militias, are regarded as acts of terrorism. These acts, carried out on behalf of the Israeli government, violate Article 33 of the Fourth Geneva Convention, which prohibits the use of terrorist measures against individuals under its protection.

The results of the Israeli settlement have the same legal implications since it violates the rights of Palestinians that are protected by human rights law in all areas of life, as stated above.

The provisions of Article 85 of the Additional Protocol to the Geneva Convention

of 1977 also stated that grave violations of the rights of civilians occur when they are targeted in indiscriminate attacks resulting in loss of life, serious physical harm, damage to civilian objects and facilities, or when occupation authorities transfer their civilian population to established lands under their control (International Committee of the Red Cross, 2016).

Accordingly, Israeli settlement policies that encourage its Jewish population to live in colonies on Palestinian-occupied land by providing all forms of support for them, and the crimes committed by settler militias against Palestinians are therefore also categorized as acts of terrorism, as well as the fact that settlers target Palestinian lives, inflict bodily violence on them, and destroy their property.

These terrorist crimes are conducted to destabilize the political and social system of Palestinians, causing harm and displacement of them, instilling fear and terror among them, destroying their property, exploiting natural resources, and flagrantly violating their rights as protected by international conventions to achieve the ultimate the illegal occupation's political, social, and economic goals, disregarding the welfare of the Palestinian population under occupation.

3.5.1.3 Regulations Concerning the Laws and Customs of War on Land, Annexed to the Fourth Convention on the Laws of War on Land, Signed at the Hague on 18 October 1907 "The Hague Rules"

These conventions are known by their name because they were adopted at the Peace Conferences held in The Hague, the Netherlands, in 1899 and 1907. They regulate the customs of war by codifying the rules that belligerent states must follow during a state of hostilities (Medecins Sans Frontiers, 2024).

In addition to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (Hague Conventions, 2024).

The Hague Conference in 1899 called for "the search for the most effective means to ensure the benefits of a real and lasting peace for all peoples", which is the goal behind its convening, and resulted in the establishment of a permanent arbitration court located in the Peace Zone in The Hague, to provide legal solutions to disputes between states, followed by the 1907 Conference, which had a more significant impact than its predecessor. These conferences sought to enforce the law to ensure peace and affirm equality between states (Jeannesson, 2020).

This Convention and its annexed regulations can be considered the legal framework that regulates the law of belligerent occupation, as it is the legal branch that governs "the occupation of enemy territory in time of war and after a ceasefire or armistice when civilians can be subjected to military occupation in the absence of a final political settlement"(Imseis, 2003). It governs the means and methods of war and the conduct of hostilities and occupation, unlike Geneva law, which focuses on protecting victims of war and armed conflicts and non-combatants who are no longer participating in hostilities and who are subject to the authority of one of the parties to the conflict (Hague Conventions, 2024).

The provisions of this Convention are mandatory because they include the rules of customary international law, which obliges all States to abide by its provisions, even if they are not party to it (ICRC, 2024).

Therefore, per the Hague Convention, the Israeli practice of seizing more than 60%

of the Palestinian land and a third of Jerusalem's land for the establishment of settlements is considered "looting" of land, which is an illegal act and not part of military necessity (Amnesty International, 2021).

These practices, including the construction of the separation wall, constitute a violation of the personal property of Palestinians, contrary to the provisions of Articles 46 and 52 of the Hague Convention (Wafa, Opinion of the International Court of Justice on the Wall, 2024), which require respect for people's lives and family honour and rights, respect for personal property and the inadmissibility of confiscation of it, respect for religious beliefs and rites, and not forcing municipalities and residents to provide services except to meet the needs of the occupying power with what is commensurate with the resources of the country (ICRC, 2024).

Although Israel is not a party to the Fourth Hague Convention, its provisions are binding on it and for all States due to its binding nature, derived from the rules of customary law that it has codified within its provisions by the ruling of the advisory opinion of the International Court of Justice referred to above (ECCP , 2014).

Thus, following the stipulations outlined in Article 2 of the International Convention for the Suppression of the Financing of Terrorism, which was signed on December 9, 1999 (United Nations, 1999), the encroachment on the life of Palestinians, encompassing their familial rights, personal property, beliefs, and religious practices, resulting from the policies of settlements in Palestinian land, can be categorized as criminal acts of terrorism.

These crimes are intended to instil fear and drive Palestinians to submit, pushing

them to obey the dictates and authority of the occupying forces, all in support of the occupation authorities' goals in the Palestinian land under Israeli control.

3.5.1.4 The UN Charter

In the aftermath of the Second World War in 1945 and its devastation, the UN was created with the fundamental purpose of maintaining international peace and security by exerting the necessary efforts to prevent conflicts, urging conflicting parties to make peace, and creating conditions for prosperity (Maintain International Peace and Security).

Article I of the Charter of the UN of 1945 stated the purposes of its establishment, which relate to maintaining international peace and security and taking effective measures to prevent what causes a threat to peace. These provisions drew the general framework for cooperation between countries based on developing friendly relations between them, taking measures that contribute to strengthening public peace, and promoting international cooperation to solve issues and problems in all economic, social, cultural and humanitarian fields, and also stressed the respect of human rights and fundamental freedoms regardless of religion, language or race or gender, in addition to emphasizing the equality of peoples in the right to self-determination (United Nations Charter).

Accordingly, the provisions of the Charter have mandatory status, and States Parties must comply with them (NWU, 2024).

The Charter of the UN has expanded the concept of peace, considering the elements of justice, as the concept of peace in the era of the UN is no longer limited to the state of absence of war only but extended to include everything that contradicts justice and violates peace (Rasool Soltani, 2017).

Whereas, based on the justification of the principles of maintaining international peace and security under the purposes of the UN, it is incumbent upon it to "suppress aggression and other types of occupation by force", as it is its responsibility to take effective economic, political or military measures in this regard (Bahouli, 2022).

This is following the contents of Chapters I and VII of the Charter (Ariye, 2014).

Over the years, the UN has faced many challenges to confront conflicts, most notably concerning the proclamation of the State of Israel in 1948 and the resulting bloodshed following the Arab-Israeli war that followed the Arab rejection of the proposal made by the UN Special Committee in 1947 to establish two Arab and Jewish states, with Jerusalem remaining under international administration (Ariye, 2014).

Following the 1967 war, or what is known as the "Alnaksa", Israel occupied the Palestinian territory and part of the Arab territories in Lebanon, Syria and Sinai in Egypt (Jazeera, Al, 2022),

On November 22, 1967, the Security Council passed Resolution 242, which called for Israel's withdrawal from the territories it occupied following the Naksa (Resolution 242 (1967), 1967), which was specific in the call for "an end to all claims or states of war and respect and recognition of the sovereignty, territorial integrity and political independence of every state in the region and its right to live in peace within secure and recognized borders free from threats or acts of force," although of vague of its wording (Center for Israel Education, 1967).

However, Israel did not abide by this resolution. The Security Council should have implemented the provisions of the Charter, taken strict measures to implement the

decision, and imposed punitive measures on Israel (Al-Hofy, 2023).

Israel has also violated UN resolutions related to the Palestinian-Israeli conflict and Israeli settlement in the Palestinian territory, the most important of which is Resolution No. 252 of 1968, which affirmed the inadmissibility of the acquisition of land through military invasion and stressed the invalidity of all measures and actions taken by Israel, including the confiscation of land and property that lead to changing the legal status of the city of Jerusalem (UN Security Council resolutions, 2024).

In addition to resolution No. 2851 on the illegality of Israeli settlements, resolution No. 446 condemns the construction of settlements (Alnaaeimatu, 2020).

Resolution No. 452 of 1979 expressed the illegality of Israel's settlement policy in the Palestinian territory, which constitutes a violation of the Fourth Geneva Convention. It demanded that Israel stop planning and building settlements in the territories occupied since 1967, including Jerusalem (UN Security Council resolutions, 2024).

In addition to Resolution No. 645 of 1980, which affirmed the illegality of the measures taken by Israel in the Arab territories since 1967, which aim to change the demographic and institutional character in the Palestinian territory, this resolution stressed that the settlement of immigrants by Israel constitutes a flagrant violation of the Fourth Geneva Convention and called for the dismantling of existing settlements and the cessation of construction in settlements (UN Security Council resolutions, 2024).

Resolution 471 of 1980 affirmed the applicability of the Fourth Geneva Convention to the territories occupied by Israel in 1967, including Jerusalem, expressed concern that Jews were allowed to commit crimes against the civilian Arab population and concern that

Israel did not provide the Palestinians with sufficient protect as an occupying power and called on Israel to compensate civilians for the damage caused to them as a result of the crimes committed against them and to emphasize the withdrawal from the territories occupied since 1967, including Jerusalem (UN Security Council resolutions, 2024).

In addition to other successive resolutions, the most important of which is Resolution No. 2334 of 2016, which was issued in support of previous resolutions issued by the Security Council regarding the Palestinian situation, which included the affirmation of Israel's commitment to its legal responsibilities by the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which was included in the advisory opinion of the ICJ in 2004 regarding the wall, and condemning the measures aimed at changing the demographic composition and status quo in the Palestinian territory occupied since 1967, including East Jerusalem, condemning the construction and expansion of settlements, land confiscation and the displacement of civilians (Security Council, 2016).

The resolution also expressed Israel's violation of the provisions of international humanitarian law regarding the transfer of Israelis to settlements and the demolition of Palestinian homes, expressed the Security Council's concern over the natural growth of Israeli settlements, which jeopardizes the two-state solution, and stressed the need to freeze settlement activities included in Resolution 1515 of 2003, including the "natural growth" of these settlements, in addition to reminding Israel of its obligations towards the Palestinians and condemning acts of violence against civilian (Security Council, 2016) s.

This decision can be considered the cornerstone for the ICC to conduct a comprehensive investigation into Israeli criminal acts in the Palestinian territory if there is political and legal will, especially since Palestine has been recognized as an observer state since 2012 (Qubeahu, 2016).

Additionally, the creation of Israeli settlements on Palestinian land and the horrible effects they have had on the life of Palestinians and the criminal activity of Zionist settlers are categorized as terrorist acts, as per aforementioned General Assembly Resolution No. 1566 and Resolution No. 60/43, which define terrorist acts as "criminal acts that are intended to instil fear among the general public or a specific group of individuals for political motives" (Medecins Sans Frontieres, 2024).

These acts of terrorism also contravene the previously cited UN Resolution 39/105 in 1948, which explicitly condemns state terrorism and any actions taken by states to undermine the political and social systems of independent states. It also calls on all nations to refrain from military intervention, occupation, use of force, weakening of political and social systems, destabilization, government overthrow, or any military action, regardless of pretexts (Musaeid, 2015).

The aforementioned UN resolutions are also broken by Israeli settlement practices and the terror crimes they contain, such as Resolution No. 44/29 of 1989, which denounced all types of terrorism and its practices, regardless of the perpetrator, are also violated by the settlement programs and the terrorist crimes they involve (Resolution 44/29, 1989).

According to The Special Committee on International Terrorism, this terror arises

from the occupation of land, the displacement of populations, coercing them to abandon their belongings and homes, and the exploitation of natural resources in impoverished nations (Ahmed, 2018). As a result, Israel's settlement practices, which uproot people, force them to evacuate their homes and property under duress and exploit their natural resources, amount to terrorism activities against Palestinians.

The suggestions put up by the Secretary-General of the United Nations in his report titled "A Safer World, Our Shared Responsibility," prepared in December 2004, defined terrorism as encompasses acts that are intended to cause death or serious physical harm to civilians or non-combatants, to intimidate a population or coerce a government or international organization into taking or refraining from specific actions (Medecins Sans Frontieres, 2024). Given that the crimes of the settler militias cause the deaths of unarmed Palestinians and severe physical harm to them, they are consistent with interpretations of the concept of terrorism.

Israel's involvement in supporting settler criminality is also contrary to Security Council resolution 1373 (2001), which condemned terrorism and established the Counter-Terrorism Committee to take measures to strengthen countries' legal and institutional capacity to combat terrorist activities at the regional and global levels, including criminalizing the financing of terrorism, freezing the funds of persons involved in terrorism, refraining from providing financial support to terrorist actors, criminalizing explicit and implicit assistance to terrorism within domestic laws, and holding those involved in terrorism accountable (Nations, United, 2001).

Furthermore, the provisions of the UN Charter, including the first and second paragraphs, emphasise the importance of upholding global peace and security, fostering

amicable relations between nations, and encouraging the peaceful resolution of international conflicts. This is further supported by the fact that terrorist activities hinder efforts to improve the overall efficiency of counterterrorism measures, as they represent the most significant danger to world peace and security, as stated in several United Nations resolutions, such as Resolution No. 2396 (STEWART, 2018) issued on December 21, 2017(S/RES/2396(2017), 2017).

Accordingly, the detrimental effects of settlement policies against Palestinians in the Palestinian territory and the criminality of settler gangs in violation of the fundamental rights of Palestinians guaranteed by international conventions further undermine efforts related to combating terrorism.

These crimes also violate the United Nations General Assembly resolution of "The United Nations Global Counter-Terrorism Strategy", which emphasized the importance of strengthening international cooperation, preventing terrorism, and combating all its various forms and highlighted the need to criminalize terrorist acts regardless of the individuals responsible, their motives, or the location and timing of these unjustifiable acts (United Nations, 2023).

Therefore, considering Israel's policies in constructing settlements and their detrimental impact on the rights of Palestinian citizens to their land, freedom, and quality of life across various domains, along with the support provided to settler militias by the Israeli government, these actions contravene UN resolutions that denounce terrorism and prohibit its promotion and financing by any party. Consequently, Israel can be regarded as a state engaged in systematic terrorism against Palestinian citizens.

3.5.1.5 Rome Statute of the International Criminal Court Of 1998

The Rome Statute is the founding treaty of the International Criminal Court (ICC) (How the Court works), which included an indication of the scope and details of the legal powers vested in the Court concerning its jurisdiction over persons who commit serious crimes of international concern (International Criminal Court, 2021),

It relates to four main crimes: **genocide, crimes against humanity** such as "murder, rape, imprisonment, enforced disappearance, enslavement, especially women and children, crimes of sexual slavery, torture, apartheid and deportation", and **war crimes** involving grave breaches of the Geneva Conventions in the context of armed conflict, including, for example, the recruitment of child soldiers, torture and killing of civilians and prisoners of war, intentional attacks against historical monuments, hospitals or facilities dedicated to education, religion, science or charitable purposes, as well as the **crime of aggression**, relating to the use of armed force against the integrity, sovereignty and independence of another state (How the Court works).

Palestine had acceded to the Rome Statute on January 2, 2015, and accepted the jurisdiction of the Court through the declaration submitted by it per the provisions of Article 12/3 of the Statute, and on January 16, 2015, the Prosecutor of the Court announced its acceptance of the preparation of a preliminary study on the situation in Palestine to create a full investigation (Palestine and the Rome Statute, 2024).

On the other hand, Israel refused to sign the statute and join the court (ArabCenter Washington DC, 2023).

What concerns us in this context is the implications of forcible transfer included in

the provisions of this Statute, in particular **Article 7/1/d** thereof, which stipulates that

"For the purposes of this Statute, a 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (d) The deportation or forcible transfer of population. " (International Criminal Court, 2021).

Where this article criminalizes practices related to deportation, illegal transfer, and population transfer in the context of a systematic or widespread attack against a civilian population under the provisions of Article 8 of the provisions of the Regulations (Net, 2024)).

That is, the forcible transfer of populations, the confiscation of their property, the establishment of detention centres and the denial of the right to acquire a nationality and the right to leave and return to the homeland fall within the inhumane acts per the Rome Statute, and per of the first and second martin of the "International Convention on the Suppression and Punishment of the Crime of Apartheid of 1973", which criminalized apartheid as a crime against humanity (United Nations, 1973).

It should also be noted in this regard that international criminal law defines crimes against humanity as crimes of persecution and racial discrimination based on the Apartheid above Convention and the Rome Statute because of the severe deprivation of individuals of their fundamental rights for ethnic and racial reasons, making it one of the most serious international crimes (A Threshold Crossed, 2021).

Therefore, under Article 7 of the Rome Statute, the forcible transfer of Palestinians

and their replacement with Jews constitutes a crime against humanity, as the occupying power carried out this deportation under several means and measures that led to it (Shtayyeh, Muhammad, 2022).

In the same context, Michael Lynk, the United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, called on the international community to consider the establishment of settlements a war crime as it violates the absolute prohibition of the transfer of settlers by the occupation authorities to the occupied Palestinian territory following the Rome Statute (United Nations, 2021).

Although the practices of the Israeli occupation, especially about the settlement of settlers in the Palestinian territory, are considered a crime that falls within the jurisdiction of the Criminal Court, Israel has not been held accountable under the pretext of the Court's lack of jurisdiction because Palestine was not a sovereign state when Israel occupied its territory, from its perspective, and under the pretext that it did not accede to the Rome Statute establishing the Court (ArabCenter Washington DC, 2023).

Regarding the subject of this thesis, the crimes that can be punished under the Rome Statute are serious offences that concern the international community, as Article 5 of the statute. These crimes include actions that seriously violate the laws and customs applicable to disputes under Article 8 of the Statute (United Nations, 1998).

Consequently, by examining the provisions of the Statute to ascertain the characteristics of the severe offences that can be punished under it, it is clear that it includes serious violations based on attacks against civilians not taking part in hostilities, knowing that such attacks will result in loss of civilian life, severe injury and damage to

them and their property, attacks on their dignity and humiliating treatment, and the transfer of their inhabitants to the territory under their control with the removal of the indigenous population from their lands.

Article 8 of the Rome Statute stipulates the criminalization of severe violations of the laws applicable to international armed and non-international conflicts within the framework of international law, particularly violations related to the Geneva Conventions of 1949.

As a result, the crimes covered by the Rome Statute's provisions significantly overlap with terrorist crimes in terms of their nature, goals, and general components as documented by the legal requirements of the international conventions previously mentioned and the pertinent UN resolutions.

The Rome Statute encompasses grave offences that fall under the Court's jurisdiction, including genocide, crimes against humanity, war crimes, and crimes of aggression (United Nations, 1998), so if a state engages in actions forbidden under international law. In that case, it can be considered as committing acts of terrorism to instil fear in the general public (Blakeley, *State Violence as State Terrorism*, 2012)

Therefore, the crimes carried out by armed settler gangs against defenceless Palestinian civilians infringe upon their inherent rights and liberties, not only violate the Rome Statute but also fall under the legal definition of terrorist crimes prohibited by international conventions and UN resolutions mentioned earlier. These acts demonstrate the characteristics of terrorism, which primarily involve the intentional killing and severe injury of civilians, as well as the deliberate infliction of terror and fear among them,

primarily what was codified in the International Convention for the Suppression of the Financing of Terrorism, signed in 1999.

Based on the previous statement, it is evident that Israel is funding settler gangs engaged in crimes of terrorism and supplying them with all necessary resources, assistance, and weapons to target vulnerable Palestinians. This support aims to bolster the expansionist settlement presence in the occupied Palestinian territory while neglecting its legal obligations to address settler terrorism, deter it, and hold the perpetrators accountable. Israel is considered one of the global participants in organized, international criminal terrorism, as the gang of settlers commit their crimes on behalf of Israel according to the state's responsibility.

Where the Special Committee on International Terrorism has identified that terrorism arises from the occupation of land, the displacement of populations, coercing them to abandon their belongings and homes, and the exploitation of natural resources in impoverished nations (Ahmed, 2018).

Therefore, the policies of the Israeli government that resulted in the occupation of Palestinian territory, uprooting Palestinian citizens from their homes and forcing them to abandon their land, as well as its encouragement of criminal activity by settler organizations, constitute criminal acts of state terrorism.

Chapter Four: Conclusion

4.1 Conclusion

The state may employ various tactics aimed at instilling fear among a significant number of individuals, including engaging in acts of warfare that contravene international law, conducting extrajudicial assaults on citizens, assassinating political figures, subjecting prisoners to degrading treatment and torture, launching indiscriminate attacks on civilians, participating in gang rape, utilizing civilians as human shields during military operations, destroying individuals' livelihoods, and imposing severe penalties on prisoners.

In this context, the Israeli occupation violates the legal principles governing the controls and regulations of an occupation, as outlined by international law. This renders the occupation itself illegal, mainly due to its prolonged duration and its settlement policies aimed at increasing the number of settlers in the occupied Palestinian territory. These policies involve the use of methods such as land confiscation and looting from Palestinian owners, indicating the Israeli occupation's intention to annex the land permanently.

The apartheid wall has further strengthened these connotations, which demonstrate the deceitful intentions of the Israeli occupation towards the Palestinian population by forcibly removing them from their territories and depriving them of their possessions and entitlements. This has greatly affected their means of subsistence and economic endeavours while also infringing upon their right to self-determination through the imposition of demographic alterations on the land.

Israeli governments offer diverse types of assistance to incentivize settlers, particularly extremists, to reside in settlements, thereby displacing the indigenous Palestinian population. This action blatantly contradicts the regulations of international law, as stated in reports by the UN and the ICJ per their advisory opinions issued in 2004 and 2024.

The Israeli government prioritizes the settlement project based on religious considerations, with full support from their security, legislative, and judicial institutions. Settler militias are also supported and armed, leading to an increase in settler criminal acts against unarmed Palestinians. These acts include violence resulting in death, damage to property, and violation of the rights of Palestinian citizens. This systematic terrorism practised by settler gangs, with the government's support, violates international law and United Nations resolutions that criminalize terrorism and require its combat.

The Israeli government's endorsement and implementation of settlement policies, despite their detrimental impact on the rights of Palestinian citizens across all domains of life, as well as their support for criminal settler militias by providing them with weapons and failing to hold them accountable, and the Israeli occupation army's indifference towards their acts of terrorism, in clear violation of international conventions on terrorism, indicate their complicity in state-sponsored terrorism, which is universally condemned.

4.2 Recommendations

- 1- To effectively address Israel's organized terrorism, it is imperative to meticulously record all crimes perpetrated by settler militias against unarmed Palestinians. This documentation will serve as a valuable resource in combating this crime.
- 2- Enhancing the involvement of international organizations dedicated to human rights in advocating for the rights of Palestinian individuals, hence safeguarding their existence within their homeland.
- 3- Enforcing the UN Charter by imposing sanctions on Israel to implement UN resolutions concerning the overall Palestinian situation. This includes resolutions regarding the withdrawal from occupied Palestinian territory, such as Resolution 242, as well as resolutions condemning settlements and calling for their dismantling.
- 4- Documentation is crucial in addressing Israel's systematic terrorism on the global stage. This can be achieved through various means, with the diplomatic track being the most significant. Diplomatic representatives of the State of Palestine in different countries should work towards garnering international support for the benefit of Palestinians. This can be done by informing countries about the current situation, particularly those parties to relevant international conventions. It is important to note that combating terrorism is matter of international priority, given the threat posed by terrorist acts. to ensure global tranquillity and safety.
- 5- To hold Israel responsible for the systematic acts of organized terrorism it commits against the Palestinian people, it is imperative to utilize the judicial process and bring the matter before the appropriate international courts. This is necessary to address Israel's efforts to annex Palestinian territories, particularly

- in Area C. The purpose is to ensure its accountability and compel it to provide compensation following the principles of international liability.
- 6- The path of judicial responsibility encompasses the illegal Israeli occupation of the Palestinian area since 1967, which involves the annexation of land in clear violation of international law.
 - 7- Submit the ICC with relevant documentation about the illegal crimes conducted by settler militias to bolster the ongoing genocide case concerning the conflict in Gaza.
 - 8- Filing a report to the ICC regarding the acts of terrorism committed by Israeli settler gangs.
 - 9- Modifications to the Rome Statute should be proposed to expand the jurisdiction of the ICC by encompassing accountability for terrorist offences, regardless of the entities involved, be it people, organizations, or nations.
 - 10- Follow the legal mechanisms to activate the advisory opinion of the decision of the ICJ issued in 2024 regarding the legal status of the Israeli occupation of the occupied Palestinian territory, by ending this prolonged illegal occupation, ending the existence of settlements built on Palestinian land.
 - 11- Encouraging researchers to focus on the issue of settlements and their connection to state terrorism as this issue extends beyond the violation of international law as a war crime and can be considered as organized terrorism by Israel.

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الملخص

تورطت المنظمات الصهيونية منذ ما قبل العام 1948 في الإرهاب الممنهج الهادف إلى الاستيلاء على الأرض الفلسطينية وتعزيز التواجد اليهودي فيها، والتي وبعد الإعلان عن قيام دولة إسرائيل في أيار من العام 1948 جرى العمل على إسباغ الشرعية القانونية على المنظمات الصهيونية من قبل الحكومات الإسرائيلية من خلال إدماج أعضائها ضمن الهياكل الرسمية للسلطات الحاكمة، والأحزاب السياسية، بل وتولى بعض أفرادها رئاسة الوزراء في إسرائيل مثل مناحيم بيغن وإسحاق شامير وشارون، بالإضافة إلى انخراط أفرادها في تشكيل الأجهزة الأمنية لا سيما جيش الاحتلال الإسرائيلي.

ومنذ احتلال إسرائيل للأرض الفلسطينية في العام 1967 سعت بشتى الوسائل إلى نهب مساحات كبيرة من الأرض والاستيلاء عليها سواء من خلال الآليات التشريعية أو القضائية، أو من خلال دعم الإجرام الذي ترتكبه ميليشيات المستوطنين ضد الفلسطينيين المدنيين العزل، حيث أدت سياسات الاستيطان وما نجم عنها من آثار سنية، وما رافقها من أفعال إجرامية ترتكبها عصابات المستوطنين المسلحين إلى انتهاك حقوق الفلسطينيين في أرضهم، وحقوقهم وحياتهم الأساسية المكفولة بموجب القوانين الدولية، كالحق في الحياة والحق في تقرير المصير، والحق في التعليم، والصحة، والتملك، وغيرها، وكل ذلك جرى تحت نظر ورعاية الحكومات الإسرائيلية، بل وبدعم منها.

وفي هذا الإطار، يحظى إجرام المستوطنين بالدعم من قبل الأجهزة التشريعية والأمنية والقضائية الإسرائيلية، بما يضمن تسهيل ارتكابهم لجرائمهم وضمان إفلاتهم من العقاب عن الأفعال الإرهابية التي يقترفونها بالنيابة عن إسرائيل ضد السكان الفلسطينيين، وذلك على نحو مخالف لأحكام القانون الدولي سيما منظومة حقوق الإنسان، وميثاق الأمم المتحدة، والاتفاقيات المعنية بحظر الإرهاب، وحظر تمويله، وضرورة مكافحته، مما جعل من إسرائيل دولة متورطة في الإرهاب المنظم.