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October 12, 2022

To:
Josep Borrell Fontelles
High Representative of the European Union
for Foreign Affairs and Security Policy

Re: **A request to impose EU targeted sanctions against the Israeli "Amana - the settlement movement of Gush Amunim" and its leader Zeev (Zambish) Hever**

1. I appeal to you on behalf of Human Rights organizations, movements and activists which support and accompany the communities of Palestinian shepherds and farmers, especially in the Jordan Valley and Hebron Hills, and are documenting the State of Israel and its security forces and settlers' crimes against these indigenous communities:

The Israeli organizations and movements:

Your Neighbor as Yourself, Machsom Watch, Combatants for Peace, Mothers Against Violence, Windows – Channels for Communication and Yesh Gvul.

The Israeli activists:

Tamar Lehahn, Dr. Hagar Gefen, Raaya Yaron, Dr. Snait Gissis, Dvorkah Oreg, Dubi Moran, Nuni Tal, Varda Heled, Daphna Cyrulnik Jung, Saralee Sherman, Ofer Neiman, Dalia Kerstein, Dr. Yael Zoran, Shaul Tcherikover, Irit Segoli, Dr. Hannah Safran, Dr. Dalia Sachs, Nadav lidror, Yair Bunzel, Dr. Bettina Birmanns, Marian Kadishay, Rivka Sum, Eli Zohar, Naomi Zohar, Dr. Diana Dolev, Rachel Chayut, Tamar Yaron, Dr. Talila Kosh, Itamar Feigenbaum, Amnon Lotenberg, Tzvi markovitz, Jonathan Ofer, Adi Argov, Guy Butavia, Shirly Nadav, Prof. Veronika Cohen, Nava Toledano, Jude Liemburg, Elyahu Avidor, Sima Sason, Irit Liberman, Iris Gur, Rivka Vitenberg, Prof. Avner Wishnizer, Eszter Korányi, Nirit Veiga, Ada Bilu, Naomi Benzer, Dr. Suheil Diab, Itai Levin, Karen Saar, Maya Katz, Amir Bader, Meryl Salpeter, Elchanan Blumenthal, Michael Katz, Dan Shaish, Aehab Massalha, Amir Noham, Amit Ben Haim, Avshalom Rov, Taly Cohen, Tali Bronshtein, Allyn Fisher Ilan, Dr. Salim Abbas, Amos Gvirtz, Prof. Avraham Oz, Nina Sebba, Stanley Sebba, Yossef Lidsky, Gilad Zohar, Angela Godfrey, Mauricio Lapchik, Edith

Breslauer, Meira Asher, Marcey Gayer, Itai Feitelson, Prof. Eran Makover, Gila Maroz Toth, Itamar Shapira, Ana Maria Birgier, Nurit Poper, Prof. Mira Balaban, Avital Toch Bar-Haim, Nitsan Zarchi, Rony Pisker, Prof. Yigal Bronner, Dr. Anat Matar, Rela Mazali, Shoshana London Sappir, Tal Sagi, Prof. Motty Perry, Orli Freidkes, Prof. Rachel Abramovitz, Sinai Peter, Menachem Golan, Orit Sharon, Yaacov Godo, Yuval Zuckerman, Aviva Konforty, Dr. Moshe Shalit, Sara Yitzchaki, Zhava Grinfeld, Nimrod Shapir, Simha Laman, Dr. Warda Sada, Or Goren, Dr. Uri Davis, Orly Avraham, Orna Lavi, Sandy Geva, Arnon Harel, Dror Tavory, Daniel Roth, Rakefet Shamai, Yohanan Darom, Ronen Skaletzky, Lior Wachtel, Oded Efrati, Nira Efrati, Or Negev, Dr. Yonat Ivzori, Ezekiel Clark, Prof. Yonathan Shapir, Dr. Shula Gilad, Fitzer Amit, Nurit Ofer, Netta Golan, Omer Karp, Reut Crystal, Oded Carmi, Galia Katsir, Jerome Hillel Bark, Ophir Elkana, Dr. Nurit Budinsky, Dr. Nura Resh, Yahav Erez, Shany Smadar, Mickey Fisher, Kerstin Södergren, Hadar Sagi, Naftali Sappir, Jessica Sharon, Jessica Nevo, Ruth Duek, Dr. Elliot Cohen, Prof. Victor J. Friedman, Tal Berglas, Vardit Goldner, Edna Zaretsky Toledano, Reut Stoler Ezra, Chaya Ofek, Omer Arvili, Daphne Banai, Dr. Tzvia Shapira, Prof. Daphna Golan, Raya Rotem, Yoav Hess and Bilha Sündermann Golan.

2. We appeal to you, since decisions on the adoption, renewal, or lifting of sanctions regimes are taken by the Council of the European Union, on the basis of proposals from the High Representative of the Union for Foreign Affairs and Security Policy¹.
3. As we'll explain below, our request for the EU to put targeted sanctions against the Israeli "Amana - the settlement movement of Gush Amunim" ("Amana movement") and its leader Zeev (Zambish) Hever, complies with EU guidelines, policy directives and other sanctions decisions. Also, our request complies with the EU's clear position that all settlement construction is illegal under international law and constitutes an obstacle to peace².
4. The communities of Palestinian shepherds and farmers in the West Bank are suffering from the severe impact of decades of illegal Israeli occupation, from the policy of ethnic cleansing and apartheid of the State of Israel, and the systematic and widespread violations of their rights that are recognized in the core humanitarian law treaties as the Geneva Conventions and especially in the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), and the Regulations Respecting the Laws and Customs of War on Land, annexed to the Hague Convention (II) of 1899 and (IV) of 1907; The core human rights treaties³ as the International Convention on Civil and Political Rights (1966), the International Convention on Economic, Social and Cultural Rights (1966), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989), and the International Convention on the Suppression

¹ https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions/overview-sanctions-and-related-tools_en

² <https://www.tv7israelnews.com/eu-all-settlements-illegal-under-international-law/>

³ According to the ICJ's *Wall* Advisory Opinion, "the protection offered by human rights conventions does not cease in case of armed conflict, save through the effect of provisions for derogation." (Legal Consequences of the Wall, para. 106)

and Punishment of the Crime of Apartheid (1976) ; Also, a long list of UN Security Council Resolutions (242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), and 1850 (2008), 2334 (2016)).

5. An informal subcontractor of the Israeli governments for the implementation of their policy of apartheid and ethnic cleansing in the West Bank, is the Amana movement.
6. Since this movement was established in 1976, it has established dozens of new settlements, as proudly advertised on its official website⁴. Although from time to time there was public "arm wrestling" between the various Israeli governments and the Amana movement, regarding the scope of building in the settlements, all Israeli governments provided infrastructure, security, and financing services for the illegal settlements built by Amana and even retrospectively gave their official approval to many of them. The Chief Justice Ester Hayut in paragraph 1 of her High Court of Justice ("HCJ") ruling no. 1308/17 Municipality of Silwad v. Knesset (published in Nevo, 9.6.2020), wrote that **"over the years, the Israeli authorities have been involved to one degree or another in the establishment of the Israeli settlements in the region, including by providing budgets for that"**.
7. Furthermore, the governments of Israel allow the Amana movement to be registered as a legal cooperative society (No. 570025742) despite its illegal activity. The illegality is not only according to international law, but also according to the rules established by the Israeli governments themselves. For example, in accordance with government decisions No. 150 of August 1996, No. 175 of March 1999, and No. 471 of October 1999, in order to establish a new settlement or expand an existing settlement in the West Bank, there is a need, at the very least, for the prior approval of the Minister of Defense. In addition, before establishing a new settlement, it is necessary to prepare an outline plan and obtain approvals from the relevant planning authorities, in accordance with the planning and construction laws applicable there.
8. Over the years, the Amana movement received funds from Israeli governments, many times in devious ways and usually without transparency.
9. Recently, part of the method was revealed in the HCJ hearings regarding the question of the legality of funding the Amana movement through the local councils of the settlements which receive funds from the Israeli governments. During the period from 2013 to 2015, Amana received a total of 100 million shekels in public funds through the local councils. On July 18, 2021, the HCJ ruled in case no. 1202/19, that the local councils may continue to hand over public funds to the Amana movement, and that its activity in the field of settlement can be considered a public purpose that meets the rules for receiving public funding⁵.
10. This arrangement is very convenient for the State of Israel: The Amana movement allows the Israeli governments to argue to the U.S. and the European Union that they do not approve the establishment of new settlements, but actually, behind the scenes, the Israeli governments support their construction through Amana.

⁴ <https://amana.co.il/amana-yishuvim/>

⁵ <https://www.haaretz.com/israel-news/2021-07-19/ty-article/.premium/high-court-rejects-petition-to-halt-public-funds-to-settlement-movement/0000017f-e1c5-d568-ad7f-f3efdc2c0000>

11. As mentioned, the Amana movement has been involved in the establishment of settlements for decades. The reason why a drastic step on the part of the European Union is needed right now is the movement's involvement in the establishment of settlers' "shepherd farms", which constitute an existential threat to the communities of Palestinian shepherds and farmers.
12. On February 20, 2021, the secretary general of the Amana movement, Ze'ev (Zambish) Hever, admitted that Amana established more than 30 settlers' "shepherd farms", in the West Bank, and explained that the impact of these farms is much larger than their buildings area, as the herds that are kept in them need extensive grazing land. The settlers' farms, Hever explained, "has more than twice the area of built-up settlements... each farm can guard an area of thousands of acres", and he promised to establish 10 more farms.⁶
13. Hever was right and indeed, the new settlers' "shepherd farms", through violence and with the help of the Israeli military and police, manage to take control of the last grazing and agricultural areas that are available for the Palestinian communities. This may be a death blow to them.
14. Not surprisingly, the Amana movement has set as its goal the ethnic cleansing of the most vulnerable Palestinian communities. The communities of Palestinian shepherds and farmers are suffering from high rates of poverty, food insecurity, inadequate water supply and unsafe drinking water, lack of electricity, fuel and medical services. These communities have no ability to survive other than grazing their herds and farming their lands.
15. Each such farm usually starts as a home for one couple of settlers with children. Among the workers are mostly troubled youth called "Hilltop Youth" who commit hate crimes and terrorize the Palestinian population in the area surrounding the farm.
16. Many of the settlers from the "shepherd farms", are terrorizing communities of Palestinian shepherds and farmers. From time to time, and almost on a daily basis near the farms, the settlers and their "Hilltop Youth" volunteers or workers use violence to expel the Palestinians and their herds from the pastures. This harassment includes throwing stones on the herds and on the Palestinians, driving their vehicles or riding horses within the herds and cultivated fields, setting attack dogs on the Palestinians and their herds, whipping the herds with sticks or whips, beating and pushing the Palestinians and threatening to shoot them with pistols, burning or threatening to burn the pastures, threatening to stab the Palestinians and conducting late-night uninvited threatening "visits" at the Palestinians' residences.
17. The communities of Palestinian shepherds and farmers have no way to compete on the grazing and farming areas with the Amana movement, which is politically and financially supported by the State of Israel, and with the violent

⁶ <https://www.haaretz.co.il/news/politics/.premium-1.9557640>

settlers who receive immunity and assistance from the Israeli military and police forces.

18. Many settlers from the farms are filing false complaints against the Palestinian shepherds and farmers, claiming that they (the Palestinians) attacked them or damaged their property. The Israeli army and police act in accordance with the settlers' instructions and complaints, arresting or evicting the Palestinians from the agricultural and grazing lands and thus assisting in the physical takeover of their lands. In many incidents the soldiers and policemen are present during the settlers' violence against the Palestinians, and don't lift a finger to stop it. Also, in many incidents the soldiers and policemen arrest the Palestinian shepherds and farmers who dare to complain against the settlers. Many times, when Israeli soldiers and policemen detain the Palestinian shepherds, their herds are left alone so that the animals spread out everywhere.
19. In September, 2022, the newspaper Haaretz reported that Israel's Civil Administration is pushing forward with a plan that would allow the legalization of dozens of "farms" across the West Bank, using a special new regulation that about 30 to 35 of the existing illegal farms would fit⁷.
20. Amana's "shepherd farms" project is a chokehold on the Palestinian farmers and shepherds, which if not stopped soon, may accelerate the ethnic cleansing of the Palestinians from large parts of the West Bank. By turning the Palestinians' lives into a living hell, Amana and its settlers hope to convince them to "voluntarily" leave their families' homes and lands.
21. Article 49 of the Fourth Geneva Convention (1949) forbids the forced transfer of protected persons to other parts of the occupied territory or to the area of the occupying power itself, as well as the settling of residents of the occupying power inside the occupied territory. Articles 146-147 define the forced transfer of protected inhabitants as a serious violation of the convention.
22. Among the war crimes listed in the Rome Statute (1998) is the transfer, directly or indirectly, by an occupying power of parts of its own population into the territory it occupies (Article 8(2)(b)(viii)). This is why on 3.3.2021, the former Chief Prosecutor of the ICC decided to open a criminal investigation into the situation in Palestine⁸, after the Honorable Judges decided on 5.2.2021 that the ICC has territorial jurisdiction in Palestine⁹.
23. The language of article 8 (2)(b)(viii) of the Rome Statute is similar to the language found in article 49 of the Fourth Geneva Convention, with the term "directly or indirectly" added: **"The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies,**

⁷ <https://www.haaretz.com/israel-news/2022-09-05/ty-article/.highlight/israel-moves-to-legalize-dozens-of-west-bank-farm-outposts/00000183-0c71-dd51-ada7-6efb88ae0000>

⁸ <https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>

⁹ <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/18-143> ; <https://www.icc-cpi.int/Pages/item.aspx?name=pr1566> ; <https://www.icc-cpi.int/itemsDocuments/palestine/210215-palestine-q-a-heb.pdf>

or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory.”

24. Already in 1993, the UN report about population transfers, determined that the consequences of settler projects were usually multifold, calamitous and long-term, including military subjugation, indigenous civilian misery, environmental degradation, separate and unequal social structures, entrenched legal discrimination, segregated labor markets, the denial of political rights and a cycle of repression, resistance and instability¹⁰.
25. The rights of the Palestinians effected by the Amana movement's "shepherd farms", include the freedom of movement, the ability to work, the rights to housing and to own and enjoy property, the inherent right to life, the right to liberty and security, the right to an adequate standard of living, and the right to be free from arbitrary interference with one's privacy, family and home.
26. In 2004, the EU Political and Security Committee (CFSP) agreed on some basic principles on the use of sanctions, their implementation, how to measure and control their impact. These basic principles are included in the "guidelines on the implementation and evaluation of restrictive measures" first adopted by the Council in 2003 and reviewed and updated in 2005, 2009, 2012 and 2017¹¹.
27. In December, 2020, the EU Council adopted a decision and a regulation establishing a global human rights sanctions regime, that will allow it to target individuals, entities and bodies – including state and non-state actors – responsible for, involved in or associated with serious human rights violations and abuses worldwide, no matter where they occurred. The restrictive measures provide for a travel ban applying to individuals, and the freezing of funds applying to both individuals and entities. In addition, persons and entities in the EU are forbidden from making funds available to those listed, either directly or indirectly.
28. As explained above, the Amana movement's "shepherd farms" project violates most of the international conventions that are noted in article 2(2) of the Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses¹².
29. It is impossible to dispute that the Amana movement's actions are a serious concern as regards the objectives of the common foreign and security policy set out in article 21 of the TEU¹³: **"The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law"**.

¹⁰ The human rights dimensions of population transfer, including the implantation of settlers : preliminary report (E/CN.4/Sub.2/1993/17)(1993): <https://digitallibrary.un.org/record/172392?ln=en>

¹¹ <https://www.consilium.europa.eu/en/policies/sanctions/>

¹² [https://eur-lex.europa.eu/legal-](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LL.2020.410.01.0001.01.ENG&toc=OJ%3AL%3A2020%3A410%3ATOC)

[content/EN/TXT/?uri=uriserv%3AOJ.LL.2020.410.01.0001.01.ENG&toc=OJ%3AL%3A2020%3A410%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LL.2020.410.01.0001.01.ENG&toc=OJ%3AL%3A2020%3A410%3ATOC)

¹³ https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

30. The EU's sanctions should be targeted against groups, organizations or individuals, to further the objectives of the CFSP, namely promoting international peace and security, preventing conflicts, supporting democracy, the rule of law and human rights and defending the principles of international law¹⁴. **As explained, sanctions on Amana movement and its leader Zeev Hever will fulfill all of these.**
31. The EU sanctions on Amana movement and its leader Zeev Hever, should include restrictions on admission (travel bans) and asset freezes. In addition, persons and entities in the EU should be forbidden from making funds available to them, either directly or indirectly
32. **We would be grateful for your prompt action and response.**



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¹⁴ https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions/overview-sanctions-and-related-tools_en