

Takeaways From the Times Investigation Into 'The Unpunished'

Radical forces in Israeli society have moved from the fringes to the mainstream and put Israel's democracy in peril. Here are the takeaways from our investigation.

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Israeli Prime Minister Benjamin Netanyahu, left, and National Security Minister, Itamar Ben-Gvir in Israel's parliament last year. Abir Sultan/EPA, via Shutterstock



By [Ronen Bergman](#) and [Mark Mazzetti](#)

Ronen Bergman, a reporter in Israel, and Mark Mazzetti, based in Washington, interviewed more than 100 people, including current and former Israeli government officials, for this investigation.

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For decades, most Israelis have considered Palestinian terrorism the country's biggest security concern. But there is another threat that may be even more

destabilizing for Israel's future as a democracy: Jewish terrorism and violence, and the failure to enforce the law against it.

[Our years long investigation reveals how](#) violent factions within the Israeli settler movement, protected and sometimes abetted by the government, have come to pose a grave threat to Palestinians in the occupied territories and to the State of Israel itself. Piecing together new documents, videos and over 100 interviews, we found a government shaken by an internal war — burying reports it commissioned, neutering investigations it assigned and silencing whistle-blowers, some of them senior officials.

[It is a blunt account](#), told in some cases for the first time by Israeli officials, of how the occupation came to threaten the integrity of the country's democracy.

Settlers Pursuing a Theocratic State Have Become Lawmakers

Officials told us that once fringe, sometimes criminal groups of settlers bent on pursuing a theocratic state have been allowed for decades to operate with few restraints. Since Prime Minister Benjamin Netanyahu's coalition government came to power in 2022, elements of that faction have taken power — driving the country's policies, including in the war in Gaza.

The lawbreakers have become the law.

Bezalel Smotrich, the finance minister and the official in Netanyahu's government with oversight over the West Bank, was arrested in 2005 by the Shin Bet domestic security service for plotting road blockages to halt the Israeli withdrawal from Gaza. He was released with no charges. Itamar Ben-Gvir, Israel's national security minister, had been convicted multiple times for supporting terrorist organizations and, in front of television cameras in 1995, vaguely threatened the life of Prime Minister Yitzhak Rabin, who was murdered weeks later by an Israeli student.

Settler Violence Has Been Protected and Abetted for Decades

All West Bank settlers are in theory subject to the same military law that applies to Palestinian residents. But in practice, they are treated according to the civil law of the State of Israel, which formally applies only to territory within the state's borders. This means that Shin Bet might probe two similar acts of terrorism in the West Bank — one committed by Jewish settlers and one committed by Palestinians — and use wholly different investigative tools.



After the Arab-Israeli War of 1967, Israel controlled new territory in the West Bank, the Gaza Strip, the Sinai Peninsula, the Golan Heights and East Jerusalem. In 1979, it agreed to return the Sinai Peninsula to Egypt. Credit...The New York Times

The job of investigating Jewish terrorism falls to a division of Shin Bet known commonly as the Jewish Department. But it is dwarfed both in size and prestige by the Arab Department, the division charged mostly with combating Palestinian terrorism.

Jews involved in terror attacks against Arabs over the past decades have received substantial leniency, which has included reductions in prison time, anemic investigations and pardons. Most incidents of settler violence — torching vehicles, cutting down olive groves — fall under the jurisdiction of the police, who tend to ignore them. When the Jewish Department investigates more serious terrorist threats, it is often stymied from the outset, and even its successes have sometimes been undermined by judges and politicians sympathetic to the settler cause.

The two-tier situation has only become worse during the past year. We scrutinized a sample of three dozen cases from the West Bank since Oct. 7 that shows how much the legal system has decayed. In cases ranging from stealing livestock to arson to violent assault, not a single suspect was charged with a crime; in one case, a settler shot a Palestinian in the stomach while an Israel

Defense Forces soldier looked on, yet the police questioned the shooter for only 20 minutes and never as a criminal suspect.

Ami Ayalon, the head of Shin Bet in the late 1990s, told us that government leaders “signal to the Shin Bet that if a Jew is killed, that’s terrible. If an Arab is killed, that’s not good, but it’s not the end of the world.”

But Jews have also been targets of ultranationalists. Prime Minister Rabin was murdered after rabbis passed what amounted to a death sentence on him for his support of the Oslo peace process.

Critics Have Been Silenced and Investigations Buried

In 1981, after a group of professors in Jerusalem raised concern about possible collusion between the settlers and the authorities and illegal “private policing activity” against Palestinians in the occupied territories, Judith Karp, then Israel’s deputy attorney general for special duties, was asked to lead a committee to look into the issue. Their report found case after case of trespassing, extortion, assault and murder, even as the military authorities and the police did nothing or performed notional investigations that went nowhere.

The minister of the interior at the time responded to their report with a scolding. “I understood that he wanted us to drop it,” Karp told us.

Another report two decades later met a similar fate. Talia Sasson, who was tapped to draw up a legal opinion on the “unauthorized outposts,” found that in a span of just over three years, the Construction and Housing Ministry had issued dozens of illegal contracts in the West Bank. In some cases, the ministry even paid for their construction.

Sasson and her Justice Ministry colleagues called the separate laws under which they saw the West Bank being administered “utterly insane.”

The report had little impact, powerless against the machine in place to expand settlements.

Security Officials Are Speaking Out in Alarm

In the West Bank, a new generation of ultranationalists has taken an even more radical turn against the very notion of a democratic Israeli state. Their

objective is to tear down Israel's institutions and to establish "Jewish rule": anointing a king, building a temple in place of the Jerusalem mosques sacred to Muslims worldwide, imposing a religious regime on all Jews.

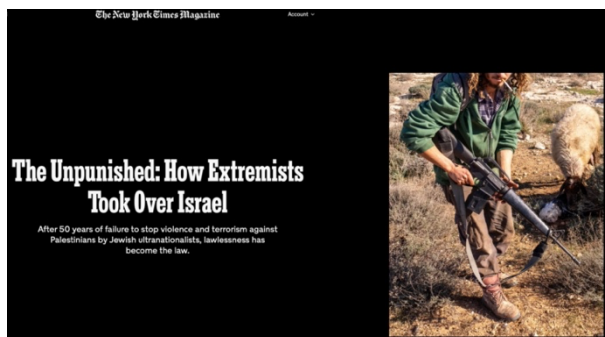
It was always clear, Lior Akerman, a former Shin Bet official, told us, "that those wild groups would move from bullying Arabs to damaging property and trees and eventually would murder people."

This past October, according to a classified document we saw, Maj. Gen. Yehuda Fox, the head of Israel's Central Command responsible for the West Bank, wrote a letter to his boss, the chief of Israel's military staff, saying that the surge of Jewish terrorism and violence carried out in revenge for the Oct. 7 attacks "could set the West Bank on fire."

Another document describes a meeting in March, when Fox wrote that since Smotrich took office, the effort to clamp down on illegal settlement construction has dwindled "to the point where it has disappeared."

Gaza has refocused the world's attention on Israel's long inability to address the question of Palestinian autonomy. But it is in the West Bank, in the hands of emboldened settlers, some of whom are now in power, that the corrosive effects of the occupation on both Palestinians and Israel's rule of law are most apparent.

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Is there ever a “democrat” in a democracy? Is democracy just something to manipulate to get your own way, a system to rig to get what you want then prevent your enemies from undoing? These people are not democrats at all.

There isn’t a democrat at all in Hamas either. Or the PLO leadership. Or the MBS gang in Saudi Arabia. Or Mr. Erdrojan in Turkey and the ayatollahs in Iran, both of whom tolerate a multiparty voting system because they have to, and it can be manipulated towards their ends.

Don’t most of these ultraright settlers look like pathetic people? Scraggly beards, scrawny. Otherwise insignificant, they find meaning in life being a “chosen people” and when they get together and yip like coyotes about it, they make it seem real for each of them personally.

In the Old Testament, for all of David’s psalms, contrition, and tears (after his egregious transgressions, e.g. Uriah the Hittite and Bathsheba, and in what all ways did he “love” Jonathan that might not have been “kosher”?), we find a truly unlikeable people. Read Deuteronomy and note the savage propensities—e.g. what happened to any woman (thought witless or wanton) found outside the city or camp unescorted—of the people for whom, it seemed, a draconian system of laws was the only hope for government. Even poor Yahweh, with his bizarre, psychotic, paranoid, bloody propensities, seems driven to them out of exasperation with a stiff-necked, slow learner, vicious, blood-thirsty people. The sterling and singular beauty of the Jewish tradition is its prophets with their social justice insistence, willing to take on all comers whatever the revenge received, but even the likes of Amos give way to vituperation. And my favourite, Elijah, when not slaying hundreds of prophets of Baal at a time, runs and hides in the wilderness like a jackal with its tail between its legs to avoid Jezebel. I think even the multitude of wonderful, humane, and especial-credit-to-the-species Jews on this planet would ruefully agree with me, at least in private. Whatever the grievous excesses of many, I see and concede no place for anti-Semitism (or Islamophobia) in this world. And I will, with proper consultation, consideration, and humility refuse to concede the right and power of anyone—Jewish, Arab, Farsi, Persian, or ____—to define either for me.

A strange people. No wonder they rejected the nonviolent, turn the other cheek, Galileean. But even his followers—and maybe he himself at times in the throes of his exasperation; I think life was a developmental “learning process” for him too—couldn’t resist giving way to imagining an apocalypse of violence in the End Times as the fitting, only, and necessary way to “fix the world.” TJB