

1. *Takes note with appreciation* of the report of the high-level independent consultant appointed by the Secretary-General,<sup>72</sup> the comments thereon contained in the report of the Secretary-General<sup>71</sup> and the report of the Advisory Committee on Administrative and Budgetary Questions;<sup>74</sup>

2. *Decides* that the following interim measures should be taken pending consideration of the recommendations of the Secretary-General to be contained in the report requested in paragraph 5 below:

(a) The United Nations Institute for Training and Research should focus on providing training programmes and research activities related to training;

(b) The Secretary-General should consider taking appropriate measures related to the post of Director, taking into account the relevant recommendations of the high-level consultant;

(c) The Secretary-General is authorized to take the necessary steps with regard to the disposition of the headquarters building of the Institute, including its effective utilization or sale;

3. *Requests* that the budgetary proposals of the Institute continue to be submitted to the Advisory Committee on Administrative and Budgetary Questions for review and comment prior to approval by the Board of Trustees of the Institute;

4. *Reaffirms* that the activities of the Institute that are not funded from the General Fund of the United Nations Institute for Training and Research shall continue to be funded through voluntary contributions mobilized as special-purpose grants from Governments, intergovernmental organizations, foundations and other non-governmental sources;

5. *Requests* the Secretary-General, on the basis of the recommendations of the high-level consultant and the comments made thereon before the Second Committee of the General Assembly,<sup>75</sup> and in close consultation with the appropriate United Nations bodies, intergovernmental committees and offices of the Secretariat and in collaboration with the Board of Trustees of the Institute, as well as consultations with interested Governments, to prepare a report for submission to the General Assembly at its forty-seventh session, which would, *inter alia*:

(a) Contain an analysis of the terms of reference, programmes and budgets and financing of all research and/or training institutes with aims similar to those of the Institute;

(b) Indicate the extent to which a system-wide rationalization of research and training can be effected and a consequent role for the Institute defined;

(c) Contain an analysis of the various options for the location of the Institute;

(d) Provide further analysis and information on the feasibility of utilizing the Institute for training in peace-keeping operations, taking note of the pilot programmes of the Institute;

(e) Indicate the results of such consultations as may be held with the Rector of the United Nations University on the proposals of the high-level consultant to associate the Institute with the University;

(f) Propose ways and means to resolve the outstanding debt of the Institute to the United Nations;

The report of the Secretary-General should conclude with a set of specific proposals on the future of the Institute, including its future financing, and the number and level of staff;

6. *Requests* the Secretary-General and the Institute to consider, in consultation with the Advisory Committee on Administrative and Budgetary Questions, financial mechanisms in order to finance the General Fund of the Institute;

7. *Requests* the Secretary-General to submit the report requested in paragraphs 5 and 6 above and recommendations on the implementation of the present resolution in good time for action by the General Assembly at its forty-seventh session.

78th plenary meeting  
19 December 1991

46/199. **Adverse economic effects of Israeli settlements in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force and Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

*Recalling* Security Council resolution 465 (1980) of 1 March 1980, General Assembly resolution 45/74 of 11 December 1990 and other resolutions affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>76</sup> to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

*Expressing its concern* at the ongoing establishment by Israel, the occupying Power, of settlements in the occupied Palestinian territory and other Arab territories occupied since 1967, and the settlement of new immigrants therein,

1. *Takes note* of the report of the Secretary-General;<sup>77</sup>

2. *Deplores* the establishment of settlements by Israel in the Palestinian territory, including Jerusalem, and the other Arab territories occupied since 1967, and regards those practices as unlawful and therefore without any legal effect;

3. *Recognizes* that the continuing establishment of settlements and their ongoing enlargement in the Palestinian territory and the other Arab territories occupied by Israel since 1967 and the settlement of new immigrants have adverse consequences for the economic and social development of the Arab population of those territories;

4. *Strongly deplores* Israel's practices in the occupied Palestinian territory and other Arab territories occupied since 1967, in particular its extensive confiscation of land, its diversion of water resources, its depletion of the natural and economic resources of the occupied territories and its displacement and deportation of the population of those territories;

5. *Reaffirms* the inalienable right of the Palestinian people and the population of the Syrian Golan to their natu-

ral and economic resources, and regards any infringement thereof as being without any legal validity;

6. *Requests* the Secretary-General to submit to the General Assembly at its forty-seventh session, through the Economic and Social Council, a report on the economic and social consequences of the establishment of settlements by Israel in the Palestinian territory, including Jerusalem, and the Syrian Golan.

*79th plenary meeting  
20 December 1991*

**46/200. Target for World Food Programme pledges for the period 1993-1994**

*The General Assembly,*

*Recalling* the provisions of its resolution 2095 (XX) of 20 December 1965 to the effect that the World Food Programme is to be reviewed before each pledging conference,

*Noting* that the Programme was reviewed by the Committee on Food Aid Policies and Programmes of the World Food Programme at its thirty-first session and by the Economic and Social Council at its second regular session of 1991,

*Having considered* Economic and Social Council resolution 1991/78 of 26 July 1991 and the recommendation of the Committee on Food Aid Policies and Programmes,<sup>78</sup>

*Recognizing* the value of and continuing need for multi-lateral food aid as provided by the World Food Programme since its inception, both as a form of capital investment and for meeting emergency food needs,

1. *Establishes* for the period 1993-1994 a target for voluntary contributions to the World Food Programme of 1.5 billion United States dollars, of which not less than one third should be in cash and/or services, and expresses the hope that those resources will be substantially augmented by additional contributions from other sources in view of the prospective volume of sound project requests and the capacity of the Programme to operate at a higher level;

2. *Urges* States Members of the United Nations and members and associate members of the Food and Agriculture Organization of the United Nations and appropriate donor organizations to make every effort to ensure that the target is fully attained;

3. *Requests* the Secretary-General, in cooperation with the Director-General of the Food and Agriculture Organization of the United Nations, to convene a pledging conference for this purpose at United Nations Headquarters in 1992.

*79th plenary meeting  
20 December 1991*

**46/201. Assistance to the Palestinian people**

*The General Assembly,*

*Recalling* its resolution 45/183 of 21 December 1990,

*Taking into account* the *intifadah* of the Palestinian people in the occupied Palestinian territory against the Israeli occupation, including Israeli economic and social policies and practices,

*Rejecting* Israeli restrictions on external economic and social assistance to the Palestinian people in the occupied Palestinian territory,

*Concerned* about the economic losses of the Palestinian people as a result of the Gulf crisis,

*Aware* of the increasing need to provide economic and social assistance to the Palestinian people,

*Affirming* that the Palestinian people cannot develop their national economy as long as the Israeli occupation persists,

1. *Takes note* of the report of the Secretary-General;<sup>79</sup>

2. *Expresses its appreciation* to the States, United Nations bodies and intergovernmental and non-governmental organizations that have provided assistance to the Palestinian people;

3. *Requests* the international community, the United Nations system and intergovernmental and non-governmental organizations to sustain and increase their assistance to the Palestinian people, in close cooperation with the Palestine Liberation Organization, taking into account the economic losses of the Palestinian people as a result of the Gulf crisis;

4. *Calls* for treatment on a transit basis of Palestinian exports and imports passing through neighbouring ports and points of exit and entry;

5. *Also calls* for the granting of trade concessions and concrete preferential measures for Palestinian exports on the basis of Palestinian certificates of origin;

6. *Further calls* for the immediate lifting of Israeli restrictions and obstacles hindering the implementation of assistance projects by the United Nations Development Programme, other United Nations bodies and others providing economic and social assistance to the Palestinian people in the occupied Palestinian territory;

7. *Reiterates its call* for the implementation of development projects in the occupied Palestinian territory, including the projects mentioned in its resolution 39/223 of 18 December 1984;

8. *Calls* for facilitation of the establishment of Palestinian development banks in the occupied Palestinian territory, with a view to promoting investment, production, employment and income therein;

9. *Requests* the Secretary-General to report to the General Assembly at its forty-seventh session, through the Economic and Social Council, on the progress made in the implementation of the present resolution.

*79th plenary meeting  
20 December 1991*

**46/202. Impact of the recent evolution of East-West relations on the growth of the world economy, in particular on the economic growth and development of the developing countries, as well as on international economic cooperation**

*The General Assembly,*

*Recalling* its resolution S-18/3 of 1 May 1990, the annex to which contains the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, as well as its resolution 45/199 of 21 December 1990,

vatization, demonopolization, administrative deregulation and other relevant policies, to enhance cooperation with national and international research institutions, and to include all pertinent findings in relevant United Nations publications, including the *World Economic Survey*;

4. *Also requests* the Secretary-General to include in his report to the General Assembly at its forty-eighth session, to be submitted pursuant to its resolution 46/166 of 19 December 1991 on entrepreneurship, recommendations for action by the United Nations system in support of the present resolution.

*93rd plenary meeting  
22 December 1992*

**47/172. Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan**

*The General Assembly,*

*Taking note* of Economic and Social Council resolution 1992/57 of 31 July 1992,

*Recalling* its resolution 46/199 of 20 December 1991,

*Guided* by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force and recalling Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

*Recalling also* Security Council resolution 465 (1980) of 1 March 1980 and other resolutions affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>39</sup> to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

*Expressing its concern* at the establishment by Israel, the occupying Power, of settlements in the occupied Palestinian territory and other Arab territories occupied since 1967, including the settlements of new immigrants therein,

*Welcoming* the Middle East peace process started at Madrid on 30 October 1991 and recognizing that a complete freeze of settlement activity would significantly enhance the prospects for progress in this process,

1. *Takes note* of the report of the Secretary-General;<sup>42</sup>

2. *Deplores* the establishment of settlements by Israel in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967, and regards the settlements as illegal and an obstacle to peace;

3. *Recognizes* the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied by Israel since 1967, and on the Arab population of the Syrian Golan;

4. *Strongly deplores* Israel's practices in the occupied Palestinian territory and other Arab territories occupied since 1967, in particular its confiscation of land, its appropriation of water resources, its depletion of other economic resources and its displacement and deportation of the population of those territories;

5. *Reaffirms* the inalienable right of the Palestinian people and the population of the Syrian Golan to their natu-

ral and all other economic resources, and regards any infringement thereof as being without any legal validity;

6. *Requests* the Secretary-General to submit to the General Assembly at its forty-eighth session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution.

*93rd plenary meeting  
22 December 1992*

**47/173. Implications of the application of the new criteria for identifying the least developed countries in the implementation of the Programme of Action for the Least Developed Countries for the 1990s**

*The General Assembly,*

*Recalling* its resolution 45/206 of 21 December 1990, in which it endorsed the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries,<sup>6</sup> resolution 46/156 of 19 December 1991 on the implementation of the Programme of Action and resolution 46/206 of 20 December 1991 on the report of the Committee for Development Planning: criteria for identifying the least developed countries,

*Taking note* of the document entitled "A New Partnership for Development: The Cartagena Commitment",<sup>40</sup> adopted by the United Nations Conference on Trade and Development at its eighth session,

*Reaffirming* that the least developed countries have the primary responsibility for the formulation and effective implementation of national policies and priorities for their growth and development, and should continue to implement the commitments they undertook at the Paris Conference, and that the international community, in particular the donor countries, should implement fully and expeditiously their commitments in all areas, as set out in the Programme of Action,

*Reiterating* the need to strengthen international cooperation for sustainable development in order to support and complement the efforts of the least developed countries,

*Noting* the donors' determination, reflected in the Cartagena Commitment, to implement the commitments that they undertook in the Programme of Action with regard to official development assistance to the forty-one countries which were included in the list of the least developed countries at the time of the Second United Nations Conference on the Least Developed Countries,

*Noting also* that the Trade and Development Board, at the first part of its thirty-ninth session,<sup>43</sup> conducted the second annual review of progress in the implementation of the Programme of Action and also reviewed the question of appropriate adjustment of commitments in respect of targets and levels of official development assistance to the least developed countries in the light of the addition of six countries to the list of those countries after the Second United Nations Conference on the Least Developed Countries,

*Noting further* that, at the same session of the Trade and Development Board, donors expressed their intention to examine the effects that the countries newly added to



General Assembly

Distr.  
GENERAL

A/RES/48/212  
15 March 1994

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Forty-eighth session  
Agenda item 12

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Second Committee (A/48/715)]

48/212. Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan

The General Assembly,

Recalling its resolution 47/172 of 22 December 1992,

Taking note of Economic and Social Council resolution 1993/52 of 29 July 1993,

Reaffirming the principle of the permanent sovereignty of people under foreign occupation over their national resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force and recalling Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

Recalling Security Council resolution 465 (1980) of 1 March 1980 and other resolutions affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

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1/ United Nations, Treaty Series, vol. 75, No. 973.

Aware of the negative and grave economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory occupied since 1967, including Jerusalem, and on the Arab population of the Syrian Golan,

Welcoming the ongoing Middle East peace process started at Madrid, and in particular the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes and its Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization, in Washington, D.C., on 13 September 1993, 2/

1. Takes note of the report of the Secretary-General on the economic and social consequences of the establishment of settlements by Israel in the Palestinian territory, including Jerusalem, occupied since 1967, and the Syrian Golan; 3/

2. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967, are illegal and an obstacle to economic and social development;

3. Recognizes the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory occupied by Israel since 1967, including Jerusalem, and on the Arab population of the Syrian Golan;

4. Reaffirms the inalienable right of the Palestinian people and the population of the Syrian Golan to their natural and all other economic resources, and regards any infringement thereof as being illegal;

5. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution.

86th plenary meeting  
21 December 1993

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2/ A/48/486-S/26560, annex.

3/ A/48/188-E/1993/78.



**General Assembly**

Distr.  
GENERAL

A/RES/49/132  
24 February 1995

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Forty-ninth session  
Agenda item 12

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Second Committee (A/49/726)]

49/132.     Economic and social repercussions of the  
Israeli settlements on the Palestinian  
people in the Palestinian territory,  
including Jerusalem, occupied since 1967,  
and on the Arab population of the Syrian  
Golan

The General Assembly,

Recalling Economic and Social Council resolution 1994/45 of 29 July 1994,

Reaffirming the principle of the permanent sovereignty of people under foreign occupation over their national resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force and recalling Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

Recalling Security Council resolution 465 (1980) of 1 March 1980 and other resolutions affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling also Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying

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1/ United Nations, Treaty Series, vol. 75, No. 973.

Power, to continue to take and implement measures, including, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory,

Aware of the negative and grave economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, occupied since 1967, including Jerusalem, and on the Arab population of the Syrian Golan,

Welcoming the ongoing Middle East peace process started at Madrid, in particular the signing at Cairo on 4 May 1994 by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, of the first implementation agreement of the Declaration of Principles on Interim Self-Government Arrangements, 2/ namely, the Agreement on the Gaza Strip and the Jericho Area, 3/

1. Takes note of the note by the Secretary-General; 4/
2. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967, are illegal and an obstacle to economic and social development;
3. Recognizes the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory occupied by Israel since 1967, including Jerusalem, and on the Arab population of the Syrian Golan;
4. Reaffirms the inalienable right of the Palestinian people and the population of the Syrian Golan to their natural and all other economic resources, and regards any infringement thereof as being illegal;
5. Requests the Secretary-General to submit to the General Assembly at its fiftieth session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution.

92nd plenary meeting  
19 December 1994

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2/ A/48/486-S/26560, annex.

3/ A/49/180-S/1994/727, annex.

4/ A/49/169-E/1994/73.



**General Assembly**

Distr.  
GENERAL

A/RES/50/129  
6 March 1996

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Fiftieth session  
Agenda item 12

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Second Committee (A/50/615/Add.1)]

50/129. Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan

The General Assembly,

Recalling Economic and Social Council resolution 1995/49 of 28 July 1995,

Reaffirming the principle of the permanent sovereignty of people under foreign occupation over their national resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

Recalling Security Council resolution 465 (1980) of 1 March 1980 and other resolutions affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling also Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, inter alia,

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1/ United Nations Treaty Series, vol. 75, No. 973.



confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory,

Aware of the negative and grave economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, occupied since 1967, including Jerusalem, and on the Arab population of the occupied Syrian Golan,

Welcoming the ongoing Middle East peace process started at Madrid, in particular the two implementation agreements embodied in the Agreement on the Gaza Strip and Jericho Area, 2/ of 4 May 1994, and the interim agreement on the West Bank and Gaza Strip of 28 September 1995,

1. Takes note of the report of the Secretary-General; 3/
2. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967 are illegal and an obstacle to economic and social development;
3. Recognizes the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory occupied by Israel since 1967, including Jerusalem, and on the Arab population of the occupied Syrian Golan;
4. Reaffirms the inalienable right of the Palestinian people and the population of the occupied Syrian Golan to their natural and all other economic resources, and regards any infringement thereupon as illegal;
5. Requests the Secretary-General to submit to the General Assembly at its fifty-first session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution.

96th plenary meeting  
20 December 1995

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2/ A/49/180-S/1994/727, annex.

3/ See A/50/262-E/1995/59.



**General Assembly**

Distr.  
GENERAL

A/RES/51/133\*  
24 March 1997

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Fifty-first session  
Agenda item 85

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE  
ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS  
OF THE PALESTINIAN PEOPLE AND OTHER ARABS  
OF THE OCCUPIED TERRITORIES

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Special Political and Decolonization  
Committee (Fourth Committee) (A/51/592)]

51/133. Israeli settlements in the occupied  
Palestinian territory, including  
Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and  
affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, as well as relevant Security Council  
resolutions, including resolutions 242 (1967) of 22 November 1967,  
446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981)  
of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the  
Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the  
occupied Palestinian territory, including Jerusalem, and to the occupied  
Syrian Golan,

Welcoming the Middle East peace process started at Madrid and the  
agreements reached between the parties, in particular the Declaration of

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\* Reissued for technical reasons.

<sup>1</sup> United Nations, Treaty Series, vol. 75, No. 973.

Principles on Interim Self-Government Arrangements of 13 September 1993<sup>2</sup> and the Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,

Expressing grave concern over the decision of the Government of Israel to resume settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

Gravely concerned in particular about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994,

Taking note of the report of the Secretary-General,<sup>3</sup>

1. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. Calls upon Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. Demands complete cessation of all illegal Israeli settlement activities;

4. Stresses the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory.

83rd plenary meeting  
13 December 1996

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<sup>2</sup> A/48/486-S/26560, annex; see Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993, document S/26560.

<sup>3</sup> A/51/517.



**General Assembly**

Distr.  
GENERAL

A/RES/51/223  
14 March 1997

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Fifty-first session  
Agenda items 33 and 35

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/51/L.68 and Add.1)]

51/223. Israeli settlement activities in the occupied Palestinian territory, in particular in occupied East Jerusalem

The General Assembly,

Having considered the letters dated 21,<sup>1</sup> 25<sup>2</sup> and 27<sup>3</sup> February 1997 from the Permanent Observer of Palestine on behalf of the States members of the League of Arab States,

Expressing deep concern at the decision of the Government of Israel to initiate new settlement activities in the Jebel Abu Ghneim area in East Jerusalem,

Expressing concern about other recent measures that encourage or facilitate new settlement activities,

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<sup>1</sup> A/51/805-S/1997/149; see Official Records of the Security Council, Fifty-second Year, Supplement for January, February and March 1997, document S/1997/149.

<sup>2</sup> A/51/808-S/1997/157; see Official Records of the Security Council, Fifty-second Year, Supplement for January, February and March 1997, document S/1997/157.

<sup>3</sup> Official Records of the Security Council, Fifty-second Year, Supplement for January, February and March 1997, document S/1997/165.

Stressing that such settlements are illegal and a major obstacle to peace,

Recalling its resolutions on Jerusalem and other relevant General Assembly and Security Council resolutions,

Confirming that all legislative and administrative measures and actions taken by Israel which purport to alter the status of Jerusalem, including expropriation of land and properties thereon, are invalid and cannot change that status,

Reaffirming its support for the Middle East peace process and all its achievements, including the recent agreement on Hebron,

Concerned about the difficulties facing the Middle East peace process, including the impact these have on the living conditions of the Palestinian people, and urging the parties to fulfil their obligations, including under the agreements already reached,

Having discussed the situation at its 91st, 92nd and 93rd plenary meetings on 12 and 13 March 1997,

1. Calls upon the Israeli authorities to refrain from all actions or measures, including settlement activities, which alter the facts on the ground, pre-empting the final status negotiations, and have negative implications for the Middle East peace process;
2. Calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,<sup>4</sup> which is applicable to all the territories occupied by Israel since 1967;
3. Calls upon all parties to continue, in the interests of peace and security, their negotiations within the Middle East peace process on its agreed basis and the timely implementation of the agreements reached;
4. Requests the Secretary-General to bring to the attention of the Government of Israel the provisions of the present resolution.

93rd plenary meeting  
13 March 1997

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<sup>4</sup> United Nations, Treaty Series, vol. 75, Nos. 970 to 973.



## General Assembly

Distr.  
GENERAL

A/RES/52/66  
20 February 1998

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Fifty-second session  
Agenda item 87

### RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

*[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/52/617)]*

#### **52/66. Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan,

*Aware* of the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>2</sup> and the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,<sup>3</sup>

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<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> A/48/486-S/26560, annex; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26560.

<sup>3</sup> A/51/889-S/1997/357, annex; see *Official Records of the Security Council, Fifty-second Year, Supplement for April, May and June 1997*, document S/1997/357.

*Expressing grave concern* about the decision of the Government of Israel to resume settlement activities, including the construction of the new settlement in Jabal Abu Ghneim, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

*Gravely concerned in particular* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994,

*Taking note* of the report of the Secretary-General,<sup>4</sup>

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Demands* complete cessation of the construction of the new settlement in Jabal Abu Ghneim and of all Israeli settlement activities in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, *inter alia*, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory.

*69th plenary meeting  
10 December 1997*

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<sup>4</sup> A/51/517.



## General Assembly

Distr.  
GENERAL

A/RES/53/55  
10 February 1999

Fifty-third session  
Agenda item 84

### RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

*[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/53/598)]*

#### **53/55. Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan,

*Aware* of the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>2</sup> and the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,<sup>3</sup>

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<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> A/48/486-S/26560, annex; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26560.

<sup>3</sup> A/51/889-S/1997/357, annex; see *Official Records of the Security Council, Fifty-second Year, Supplement for April, May and June 1997*, document S/1997/357.



*Expressing grave concern* about the decision of the Government of Israel to resume settlement activities, including the construction of the new settlement in Jebel Abu Ghneim, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

*Gravely concerned in particular* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994,

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Demands* complete cessation of the construction of the new settlement in Jebel Abu Ghneim and of all Israeli settlement activities in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, *inter alia*, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

5. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

*78th plenary meeting  
3 December 1998*



## General Assembly

Distr.  
GENERAL

A/RES/54/78  
22 February 2000

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Fifty-fourth session  
Agenda item 89

### RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

*[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/54/576)]*

#### **54/78. Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including Jerusalem, and to the occupied Syrian Golan,

*Aware* of the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of

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<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

13 September 1993<sup>2</sup> and the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,<sup>3</sup>

*Expressing grave concern* about the continuation by Israel of settlement activities, including the ongoing construction of the new settlement at Jebel Abu-Ghneim, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

*Taking into consideration* the detrimental impact of Israeli settlement policies, decisions and activities on the Middle East peace process,

*Gravely concerned in particular* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler at Al-Khalil on 25 February 1994,

*Taking note* of the report of the Secretary-General,<sup>4</sup>

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Demands* complete cessation of the construction of the new settlement at Jebel Abu-Ghneim and of all Israeli settlement activities in the Occupied Palestinian Territory, including Jerusalem, and in the occupied Syrian Golan;

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

5. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on the implementation of the present resolution.

*71st plenary meeting  
6 December 1999*

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<sup>2</sup> A/48/486-S/26560, annex; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26560.

<sup>3</sup> A/51/889-S/1997/357, annex; see *Official Records of the Security Council, Fifty-second Year, Supplement for April, May and June 1997*, document S/1997/357.

<sup>4</sup> A/54/183.



# General Assembly

Distr.: General  
28 February 2001

**Fifty-fifth session**  
Agenda item 85

## **Resolution adopted by the General Assembly**

*[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/55/571)]*

### **55/132. Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including Jerusalem, and to the occupied Syrian Golan,

*Aware* of the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993,<sup>2</sup> and the subsequent implementation agreements,

*Expressing grave concern* about the continuation by Israel of settlement activities, including the ongoing construction of the settlement in Jabal Abu-Ghneim, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

*Taking into consideration* the detrimental impact of Israeli settlement policies, decisions and activities on the Middle East peace process,

*Gravely concerned in particular* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994, and during recent weeks,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> A/48/486-S/26560, annex.

*Taking note* of the report of the Secretary-General,<sup>3</sup>

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Demands* complete cessation of the construction of the settlement in Jabal Abu-Ghneim and of all Israeli settlement activities in the Occupied Palestinian Territory, including Jerusalem, and in the occupied Syrian Golan;

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

5. *Reiterates its call* for the prevention of illegal acts of violence by Israeli settlers, particularly in the light of recent developments;

6. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution.

*83rd plenary meeting  
8 December 2000*

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<sup>3</sup> A/55/263.



# General Assembly

Distr.: General  
14 February 2002

**Fifty-sixth session**  
Agenda item 88

## Resolution adopted by the General Assembly

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/56/550)]

### **56/61. Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including Jerusalem, and to the occupied Syrian Golan,

*Aware* of the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993,<sup>2</sup> and the subsequent implementation agreements,

*Expressing grave concern* about the continuation by Israel of settlement activities, including the ongoing construction of the settlement in Jabal Abu-Ghneim and in Ras Al-Amud in and around Occupied East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

*Taking into consideration* the detrimental impact of Israeli settlement policies, decisions and activities on the Middle East peace process,

*Gravely concerned in particular* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994, and during the past year,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> A/48/486-S/26560, annex.

*Taking note* of the report of the Secretary-General,<sup>3</sup>

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Demands* complete cessation of the construction of the settlement in Jabal Abu-Ghneim and of all Israeli settlement activities in the Occupied Palestinian Territory, including Jerusalem, and in the occupied Syrian Golan;

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

5. *Reiterates its call* for the prevention of illegal acts of violence by Israeli settlers, particularly in the light of recent developments;

6. *Requests* the Secretary-General to report to the General Assembly at its fifty-seventh session on the implementation of the present resolution.

*82nd plenary meeting  
10 December 2001*

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<sup>3</sup> A/56/216.



# General Assembly

Distr.: General  
24 February 2003

**Fifty-seventh session**  
Agenda item 77

## Resolution adopted by the General Assembly

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/57/521)]

### **57/126. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>2</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Aware* that Israeli settlement activities have involved, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

*Bearing in mind* the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

*Expressing grave concern* about the continuation by Israel of settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, including the ongoing construction of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> A/48/486-S/26560, annex.



*Gravely concerned* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated in the recent period and earlier by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994, and during the past year,

*Taking note* of the report of the Secretary-General,<sup>3</sup>

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, including the construction of the settlement in Jabal Abu-Ghneim;

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

5. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, particularly in the light of recent developments;

6. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution.

*73rd plenary meeting  
11 December 2002*

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<sup>3</sup> A/57/316.



# General Assembly

Distr.: General  
17 December 2003

**Fifty-eighth session**  
Agenda item 84

## Resolution adopted by the General Assembly on 9 December 2003

*[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/58/473 and Corr.1)]*

### **58/98. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Taking note* of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,<sup>2</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>3</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Welcoming* the presentation by the Quartet to the parties of the road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>4</sup> and noting its call for a freeze on all settlement activity,

*Aware* that Israeli settlement activities have involved, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> E/CN.4/2004/6.

<sup>3</sup> A/48/486-S/26560, annex.

<sup>4</sup> S/2003/529, annex.

land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

*Bearing in mind* the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

*Expressing grave concern* about the continuation by Israel of settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, including the construction and expansion of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem,

*Expressing grave concern also* about the construction by Israel of a wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and would cause the Palestinian people further humanitarian hardship,

*Reiterating its opposition* to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Gravely concerned* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated in the recent period,

*Taking note* of the relevant reports of the Secretary-General,<sup>5</sup>

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

4. *Demands* that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure from the Armistice Line of 1949 and is in contradiction to relevant provisions of international law;

5. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including

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<sup>5</sup> A/58/155, A/58/156, A/58/263, A/58/264 and A/58/310.

confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

6. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, particularly in the light of recent developments;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

*72nd plenary meeting  
9 December 2003*



# General Assembly

Distr.: General  
25 January 2005

**Fifty-ninth session**  
Agenda item 76

## Resolution adopted by the General Assembly on 10 December 2004

*[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/59/471)]*

### **59/123. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 58/292 of 6 May 2004, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies is a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,<sup>4</sup> and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.

<sup>4</sup> See A/ES-10/273 and Corr.1.

*Noting* that the Court concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,<sup>6</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>7</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling also* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>8</sup> and noting specifically its call for a freeze on all settlement activity,

*Aware* that Israeli settlement activities have involved, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

*Bearing in mind* the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, including the construction and expansion of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem,

*Expressing grave concern also* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

*Deeply concerned* that the wall’s route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Reiterating its opposition* to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Gravely concerned* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory,

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<sup>5</sup> Ibid., advisory opinion, para. 120.

<sup>6</sup> See A/59/256.

<sup>7</sup> A/48/486-S/26560, annex.

<sup>8</sup> S/2003/529, annex.

*Taking note* of the relevant reports of the Secretary-General,<sup>9</sup>

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant Security Council resolutions;

4. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

5. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

6. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and property, particularly in the light of recent developments;

7. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

*71st plenary meeting  
10 December 2004*

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<sup>9</sup> A/59/338, A/59/339, A/59/343, A/59/344, A/59/345 and A/59/381.



# General Assembly

Distr.: General  
18 January 2006

Sixtieth session  
Agenda item 31

## Resolution adopted by the General Assembly on 8 December 2005

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/60/477)]

### **60/106. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 59/123 of 10 December 2004, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,<sup>4</sup> and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970-973.

<sup>4</sup> See A/ES-10/273 and Corr.1.



*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,<sup>6</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>7</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling also* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>8</sup> and noting specifically its call for a freeze on all settlement activity,

*Aware* that Israeli settlement activities have involved, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

*Bearing in mind* the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, including the construction and expansion of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem and the so-called E-1 plan, aimed at connecting its illegal settlements around and further isolating Occupied East Jerusalem,

*Expressing grave concern also* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

*Deeply concerned* that the wall’s route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Reiterating its opposition* to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

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<sup>5</sup> Ibid., advisory opinion, para. 120.

<sup>6</sup> See A/60/271.

<sup>7</sup> A/48/486-S/26560, annex.

<sup>8</sup> S/2003/529, annex.

*Gravely concerned* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory,

*Acknowledging* the importance of the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and of the dismantlement of the settlements therein as a step towards the implementation of the road map,

*Taking note* of the relevant reports of the Secretary-General,<sup>9</sup>

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Welcomes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map;

4. *Calls upon* Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

5. *Emphasizes* the need for the parties to speedily resolve all remaining issues in the Gaza Strip, including the removal of rubble;

6. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant resolutions of the Security Council;

7. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

8. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

9. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and properties, particularly in the light of recent developments;

10. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the present resolution.

*62nd plenary meeting  
8 December 2005*

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<sup>9</sup> A/60/294-298 and A/60/380.



# General Assembly

Distr.: General  
15 January 2007

Sixty-first session  
Agenda item 32

## Resolution adopted by the General Assembly on 14 December 2006

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/61/408)]

### **61/118. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 60/106 of 8 December 2005, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,<sup>4</sup> and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970-973.

<sup>4</sup> See A/ES-10/273 and Corr.1.

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied by Israel since 1967,<sup>6</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>7</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling also* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>8</sup> and noting specifically its call for a freeze on all settlement activity,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

*Bearing in mind* the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities, including in and around East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, and concerned in particular about the construction and expansion of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem and Israel’s intentions to proceed with the so-called E-1 plan, aimed at connecting its illegal settlements around and further isolating Occupied East Jerusalem,

*Expressing grave concern also* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and which is causing serious humanitarian hardship and a serious decline of socio-economic conditions for the Palestinian people,

*Deeply concerned* that the wall’s route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Reiterating its opposition* to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

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<sup>5</sup> Ibid., advisory opinion, para. 120.

<sup>6</sup> See A/61/470.

<sup>7</sup> A/48/486-S/26560, annex.

<sup>8</sup> S/2003/529, annex.

*Gravely concerned* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory,

*Noting* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map,

*Taking note* of the relevant reports of the Secretary-General,<sup>9</sup>

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Notes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map;<sup>8</sup>

4. *Calls upon* Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

5. *Emphasizes* the need for the parties to speedily resolve all remaining issues in the Gaza Strip, including the removal of rubble;

6. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant resolutions of the Security Council;

7. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

8. *Stresses* the need for full implementation of the relevant Security Council resolutions regarding the Israeli settlements, including Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

9. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and properties, particularly in the light of recent developments;

10. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.

*79th plenary meeting  
14 December 2006*

<sup>9</sup> A/61/327-331 and A/61/500.



# General Assembly

Distr.: General  
10 January 2008

Sixty-second session  
Agenda item 33

## Resolution adopted by the General Assembly on 17 December 2007

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/62/405)]

### **62/108. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 61/118 of 14 December 2006, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970-973.

<sup>4</sup> See A/ES-10/273 and Corr.1.

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied by Israel since 1967,<sup>6</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>7</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling also* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>8</sup> and noting specifically its call for a freeze on all settlement activity,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

*Bearing in mind* the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, and concerned particularly about Israel’s construction and expansion of settlements in and around Occupied East Jerusalem, including its so-called E-1 plan, aimed at connecting its illegal settlements around and further isolating Occupied East Jerusalem, and in the Jordan Valley,

*Expressing grave concern also* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing serious humanitarian hardship and a serious decline of socio-economic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Palestinian Territory and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall’s route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Reiterating its opposition* to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

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<sup>5</sup> Ibid., advisory opinion, para. 120.

<sup>6</sup> See A/62/275.

<sup>7</sup> A/48/486-S/26560, annex.

<sup>8</sup> S/2003/529, annex.

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Gravely concerned* about the dangerous situation resulting from violent actions taken by the illegal armed Israeli settlers in the occupied territory,

*Noting* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map,

*Taking note* of the relevant reports of the Secretary-General,<sup>9</sup>

1. *Reaffirms* that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Notes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map<sup>8</sup> and the need for the parties to speedily resolve all remaining issues in the Gaza Strip;

4. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

5. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant resolutions of the Security Council, including resolution 465 (1980);

6. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

7. *Stresses* the need for full implementation of the relevant resolutions of the Security Council regarding the Israeli settlements, including Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

8. *Reiterates its calls* for the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and properties;

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<sup>9</sup> A/62/330-334 and A/62/360.



9. *Requests* the Secretary-General to report to the General Assembly at its sixty-third session on the implementation of the present resolution.

*75th plenary meeting  
17 December 2007*



# General Assembly

Distr.: General  
18 December 2008

Sixty-third session  
Agenda item 30

## Resolution adopted by the General Assembly on 5 December 2008

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/63/401)]

### **63/97. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 62/108 of 17 December 2007, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970-973.

<sup>4</sup> See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied by Israel since 1967,<sup>6</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>7</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling also* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>8</sup> and noting specifically its call for a freeze on all settlement activity,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other actions against the Palestinian civilian population that are contrary to international law,

*Bearing in mind* the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, and concerned particularly about Israel’s construction and expansion of settlements in and around Occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate Occupied East Jerusalem, and in the Jordan Valley,

*Expressing grave concern also* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socio-economic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall’s route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

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<sup>5</sup> See A/ES-10/273 and Corr.1, advisory opinion, para. 120; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

<sup>6</sup> See A/63/326.

<sup>7</sup> A/48/486-S/26560, annex.

<sup>8</sup> S/2003/529, annex.

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Gravely concerned* about the rising incidents of violence by illegal armed Israeli settlers in the Occupied Palestinian Territory against Palestinian civilians and their properties and agricultural lands,

*Noting* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map,

*Taking note* of the relevant reports of the Secretary-General,<sup>9</sup>

*Taking note also* of the special meeting of the Security Council convened on 26 September 2008,

1. *Reaffirms* that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Notes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map<sup>8</sup> and the need for the parties to speedily resolve all remaining issues in the Gaza Strip;

4. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem;

5. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of the relevant Security Council resolutions, including resolution 465 (1980);

6. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

7. *Reiterates its calls for* the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and their properties and agricultural lands, and stresses the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

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<sup>9</sup> A/63/482-484, 518 and 519; see also A/63/273.

8. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

*64th plenary meeting  
5 December 2008*



# General Assembly

Distr.: General  
19 January 2010

Sixty-fourth session  
Agenda item 32

## Resolution adopted by the General Assembly on 10 December 2009

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/64/406)]

### 64/93. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 63/97 of 5 December 2008, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970-973.

<sup>4</sup> See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.



*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied by Israel since 1967,<sup>6</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>7</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling also* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>8</sup> and noting specifically its call for a freeze on all settlement activity, including so-called “natural growth”, and the dismantlement of all settlement outposts erected since March 2001,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other actions against the Palestinian civilian population that are contrary to international law,

*Bearing in mind* the detrimental impact of Israeli settlement policies, decisions and activities on efforts to resume the peace process and to achieve peace in the Middle East,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, and concerned particularly about Israel’s construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, and intensifying settlement activities in the Jordan Valley,

*Expressing grave concern also* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socio-economic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall’s route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

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<sup>5</sup> See A/ES-10/273 and Corr.1, advisory opinion, para. 120; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

<sup>6</sup> See A/64/328.

<sup>7</sup> A/48/486-S/26560, annex.

<sup>8</sup> S/2003/529, annex.

*Deploring* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Gravely concerned* about the rising incidents of violence, harassment, provocation and incitement by illegal armed Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians and their properties and agricultural lands,

*Noting* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map,

*Taking note* of the relevant reports of the Secretary-General,<sup>9</sup>

*Taking note also* of the special meeting of the Security Council convened on 26 September 2008,

1. *Reaffirms* that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Also calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem;

4. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of the relevant resolutions of the Security Council, including resolution 465 (1980);

5. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

6. *Reiterates its call* for the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and their properties and agricultural lands, and stresses the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

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<sup>9</sup> A/64/332, A/64/340, A/64/354, A/64/516 and A/64/517.



7. *Requests* the Secretary-General to report to the General Assembly at its sixty-fifth session on the implementation of the present resolution.

*62nd plenary meeting  
10 December 2009*



# General Assembly

Distr.: General  
20 January 2011

Sixty-fifth session  
Agenda item 52

## Resolution adopted by the General Assembly on 10 December 2010

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/65/423)]

### **65/104. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 64/93 of 10 December 2009 as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.

<sup>4</sup> See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.



*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>6</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>7</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling also* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>8</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called “natural growth”, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the efforts to resume and advance the peace process, on the credibility of the peace process, and on the prospects for the achievement of peace in the Middle East,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

*Expressing grave concern in particular* about Israel’s construction and expansion of settlements in and around occupied East Jerusalem, including its so called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

*Expressing grave concern* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socio-economic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability,

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<sup>5</sup> See A/ES-10/273 and Corr.1, advisory opinion, para. 120; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

<sup>6</sup> See A/65/331.

<sup>7</sup> A/48/486-S/26560, annex.

<sup>8</sup> S/2003/529, annex.

and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Gravely concerned* about the rising incidents of violence, harassment, provocation and incitement by illegal armed Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands,

*Noting* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map, and stressing, in this regard, the road map obligation upon Israel to freeze settlement activity, including so-called "natural growth", and to dismantle all settlement outposts erected since March 2001,

*Taking note* of the relevant reports of the Secretary-General,<sup>9</sup>

*Taking note also* of the special meeting of the Security Council convened on 26 September 2008,

1. *Reaffirms* that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Also calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem;

4. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls, in this regard, for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 1515 (2003) of 19 November 2003;

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<sup>9</sup> A/65/326, A/65/355, A/65/365, A/65/366 and A/65/372.

5. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

6. *Reiterates its call* for the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites, and agricultural lands, and stresses the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.

*62nd plenary meeting  
10 December 2010*



# General Assembly

Distr.: General  
12 January 2012

Sixty-sixth session  
Agenda item 53

## Resolution adopted by the General Assembly on 9 December 2011

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/66/427)]

### **66/78. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 65/104 of 10 December 2010, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970-973.

<sup>4</sup> See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.



*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>6</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>7</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling also* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>8</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called “natural growth”, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the displacement of Palestinian families, the exploitation of natural resources and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the efforts to resume and advance the peace process, on the credibility of the peace process, and on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

*Expressing grave concern in particular* about Israel’s construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

*Expressing grave concern* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship

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<sup>5</sup> See A/ES-10/273 and Corr.1, advisory opinion, para. 120; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

<sup>6</sup> See A/66/358.

<sup>7</sup> A/48/486-S/26560, annex.

<sup>8</sup> S/2003/529, annex.

and a serious decline of socio-economic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Gravely concerned* about the rising incidents of violence, harassment, provocation and incitement by illegal armed Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands,

*Noting* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map, and calling, in this regard, for respect of the road map obligation upon Israel to freeze settlement activity, including so-called "natural growth", and to dismantle all settlement outposts erected since March 2001,

*Taking note* of the relevant reports of the Secretary-General,<sup>9</sup>

*Taking note also* of the special meeting of the Security Council convened on 26 September 2008, as well as of the meeting of the Council of 18 February 2011,

1. *Reaffirms* that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Also calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem;

4. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls, in this regard, for the full implementation of all the relevant resolutions of the Security Council,

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<sup>9</sup> A/66/356, A/66/362, A/66/364, A/66/373 and A/66/400.



including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 1515 (2003) of 19 November 2003;

5. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

6. *Reiterates its call* for the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites, and agricultural lands, and stresses the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution.

*81st plenary meeting  
9 December 2011*



# General Assembly

Distr.: General  
14 January 2013

Sixty-seventh session  
Agenda item 53

## Resolution adopted by the General Assembly on 18 December 2012

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/67/424)]

### **67/120. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 66/78 of 9 December 2011, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.

<sup>4</sup> See A/ES-10/273 and Corr.1.



*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>6</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>7</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling also* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>8</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the displacement of Palestinian families, the exploitation of natural resources and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the efforts to resume and advance the peace process, on the credibility of the peace process and on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

*Expressing grave concern in particular* about Israel’s construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

*Expressing grave concern* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is

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<sup>5</sup> Ibid., advisory opinion, para. 120.

<sup>6</sup> A/HRC/20/32; see also A/67/379.

<sup>7</sup> A/48/486-S/26560, annex.

<sup>8</sup> S/2003/529, annex.

fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Gravely concerned* about the rising incidents of violence, destruction, harassment, provocation and incitement by illegal armed Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands,

*Taking note* of the relevant reports of the Secretary-General,<sup>9</sup>

*Noting* the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980) and 1515 (2003) of 19 November 2003;

4. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

5. *Reiterates its call* for the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites, and agricultural lands, and stresses the need for the implementation of Security Council resolution

<sup>9</sup> A/67/332, A/67/338, A/67/372, A/67/375 and A/67/511.

904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

6. *Requests* the Secretary-General to report to the General Assembly at its sixty-eighth session on the implementation of the present resolution.

*59th plenary meeting  
18 December 2012*

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# General Assembly

Distr.: General  
16 December 2013

Sixty-eighth session  
Agenda item 52

## Resolution adopted by the General Assembly on 11 December 2013

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/68/425)]

### **68/82. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution [67/120](#) of 18 December 2012, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions [242 \(1967\)](#) of 22 November 1967, [446 \(1979\)](#) of 22 March 1979, [465 \(1980\)](#) of 1 March 1980, [476 \(1980\)](#) of 30 June 1980, [478 \(1980\)](#) of 20 August 1980, [497 \(1981\)](#) of 17 December 1981 and [904 \(1994\)](#) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970-973.

<sup>4</sup> See A/ES-10/273 and Corr.1.



*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>6</sup>

*Taking note also* of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>7</sup>

*Recalling* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>8</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling also* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>9</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Taking note* of its resolution [67/19](#) of 29 November 2012,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the efforts to resume and advance the peace process, on the credibility of the peace process and on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

*Expressing grave concern in particular* about Israel’s construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further

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<sup>5</sup> Ibid., advisory opinion, para. 120.

<sup>6</sup> A/HRC/20/32; see also A/68/376 and Corr.1.

<sup>7</sup> A/HRC/22/63.

<sup>8</sup> A/48/486-S/26560, annex.

<sup>9</sup> S/2003/529, annex.

isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

*Expressing grave concern* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced displacement of civilians and the de facto annexation of land,

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Gravely concerned* about the rising incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands,

*Taking note* of the relevant reports of the Secretary-General,<sup>10</sup>

*Noting* the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980) and 1515 (2003) of 19 November 2003;

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<sup>10</sup> A/68/313, A/68/355, A/68/378, A/68/502 and A/68/513.



4. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

5. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites, and agricultural lands;

6. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

7. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements;

8. *Requests* the Secretary-General to report to the General Assembly at its sixty-ninth session on the implementation of the present resolution.

*65th plenary meeting  
11 December 2013*



# General Assembly

Distr.: General  
16 December 2014

Sixty-ninth session  
Agenda item 51

## Resolution adopted by the General Assembly on 5 December 2014

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/69/454)]

### 69/92. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 68/82 of 11 December 2013, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.

<sup>4</sup> See A/ES-10/273 and Corr.1.

<sup>5</sup> *Ibid.*, advisory opinion, para. 120.



*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>6</sup>

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>7</sup>

*Recalling also* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>8</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling further* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>9</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Recalling* its resolution 67/19 of 29 November 2012,

*Noting* the accession by Palestine on 1 April 2014 to several human rights treaties and the core humanitarian law conventions,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the efforts to resume and advance the peace process, on the credibility of the peace process and on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

*Expressing grave concern in particular* about Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

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<sup>6</sup> A/HRC/25/67; see also A/69/301 and Corr.1.

<sup>7</sup> A/HRC/22/63.

<sup>8</sup> A/48/486-S/26560, annex.

<sup>9</sup> S/2003/529, annex.

*Expressing grave concern* about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the de facto annexation of land,

*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Gravely concerned* about the rising incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands,

*Taking note* of the relevant reports of the Secretary-General,<sup>10</sup>

*Noting* the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980) and 1515 (2003) of 19 November 2003;

4. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders;

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<sup>10</sup> A/69/128, A/69/316, A/69/327, A/69/347 and A/69/348; see also A/69/355.

5. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

6. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites, and agricultural lands;

7. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

8. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements;

9. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,<sup>11</sup> concerning the Guiding Principles on Business and Human Rights,<sup>12</sup> and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

10. *Requests* the Secretary-General to report to the General Assembly at its seventieth session on the implementation of the present resolution.

*64th plenary meeting  
5 December 2014*

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<sup>11</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>12</sup> A/HRC/17/31, annex.



# General Assembly

Distr.: General  
15 December 2015

Seventieth session  
Agenda item 55

## Resolution adopted by the General Assembly on 9 December 2015

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/70/497)]

### 70/89. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 69/92 of 5 December 2014, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.

<sup>4</sup> See [A/ES-10/273](#) and Corr.1.

<sup>5</sup> *Ibid.*, advisory opinion, para. 120.



*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>6</sup>

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>7</sup>

*Recalling also* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling further* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>9</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>10</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Recalling also* its resolution 67/19 of 29 November 2012,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and condemning those activities as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached

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<sup>6</sup> A/HRC/25/67; see also A/70/392.

<sup>7</sup> A/HRC/22/63.

<sup>8</sup> A/69/711-S/2015/1, annex.

<sup>9</sup> A/48/486-S/26560, annex.

<sup>10</sup> S/2003/529, annex.

between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

*Deploring* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the de facto annexation of land,

*Deploring in particular* Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

*Deploring* the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Condemning* acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Condemning also* all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

*Taking note* of the relevant reports of the Secretary-General,<sup>11</sup>

*Noting* the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the

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<sup>11</sup> [A/70/133](#), [A/70/312](#), [A/70/341](#), [A/70/351](#), [A/70/406](#) and Corr.1 and [A/70/421](#).



character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980) and 1515 (2003) of 19 November 2003;

4. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders;

5. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

6. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and agricultural lands;

7. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

8. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts;

9. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;

10. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention;

11. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,<sup>12</sup> concerning the Guiding Principles on Business and Human Rights,<sup>13</sup> and other

<sup>12</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>13</sup> [A/HRC/17/31](#), annex.

relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

12. *Requests* the Secretary-General to report to the General Assembly at its seventy-first session on the implementation of the present resolution.

*70th plenary meeting  
9 December 2015*

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# General Assembly

Distr.: General  
23 December 2016

Seventy-first session  
Agenda item 50

## Resolution adopted by the General Assembly on 6 December 2016

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/71/494)]

### **71/97. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution [70/89](#) of 9 December 2015, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions [242 \(1967\)](#) of 22 November 1967, [446 \(1979\)](#) of 22 March 1979, [465 \(1980\)](#) of 1 March 1980, [476 \(1980\)](#) of 30 June 1980, [478 \(1980\)](#) of 20 August 1980, [497 \(1981\)](#) of 17 December 1981 and [904 \(1994\)](#) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.

<sup>4</sup> See [A/ES-10/273](#) and Corr.1.



*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>6</sup>

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>7</sup>

*Recalling also* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling further* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>9</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>10</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Recalling also* its resolution [67/19](#) of 29 November 2012,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

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<sup>5</sup> Ibid., advisory opinion, para. 120.

<sup>6</sup> [A/HRC/31/73](#); see also [A/71/554](#).

<sup>7</sup> [A/HRC/22/63](#).

<sup>8</sup> [A/69/711-S/2015/1](#), annex.

<sup>9</sup> [A/48/486-S/26560](#), annex.

<sup>10</sup> [S/2003/529](#), annex.

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and condemning those activities as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

*Condemning* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the de facto annexation of land,

*Deploring in particular* Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

*Taking note* of the Quartet report of 1 July 2016,<sup>11</sup> and stressing its recommendations, as well as its recent statements, including of 30 September 2015, 23 October 2015, 12 February 2016 and 23 September 2016, in which the Quartet members concluded that, inter alia, the continuing policy of settlement construction and expansion, designation of land for exclusive Israeli use and denial of Palestinian development, including the recent high rate of demolitions, are steadily eroding the two-State solution,

*Deploring* the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern, in particular, about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Condemning* acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Condemning also* all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

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<sup>11</sup> [S/2016/595](#), annex.

*Taking note* of the relevant reports of the Secretary-General,<sup>12</sup>

*Noting* the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions [446 \(1979\)](#), [452 \(1979\)](#) of 20 July 1979, [465 \(1980\)](#), [476 \(1980\)](#) and [1515 \(2003\)](#) of 19 November 2003;

4. *Calls for* the consideration of measures of accountability, in accordance with international law, in the case of continued non-compliance, stressing that compliance with and respect for international humanitarian law and international human rights law is a cornerstone for peace and security in the region;

5. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the viability of the two-State solution;

6. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

7. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and their agricultural lands;

8. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution [904 \(1994\)](#), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including the confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

9. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts;

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<sup>12</sup> [A/71/315](#), [A/71/321](#), [A/71/352](#), [A/71/355](#), [A/71/364](#) and [A/71/392](#).

10. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;

11. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention;

12. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,<sup>13</sup> concerning the Guiding Principles on Business and Human Rights<sup>14</sup> and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

13. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the implementation of the present resolution.

*53rd plenary meeting  
6 December 2016*

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<sup>13</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>14</sup> [A/HRC/17/31](#), annex.



# General Assembly

Distr.: General  
14 December 2017

Seventy-second session  
Agenda item 54

## Resolution adopted by the General Assembly on 7 December 2017

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/72/448)]

### 72/86. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 71/97 of 6 December 2016, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981, 904 (1994) of 18 March 1994 and 2334 (2016) of 23 December 2016,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.





Occupied Palestinian Territory,<sup>4</sup> and recalling also General Assembly resolutions [ES-10/15](#) of 20 July 2004 and [ES-10/17](#) of 15 December 2006,

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>6</sup>

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>7</sup>

*Recalling also* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling further* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>9</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>10</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Recalling also* its resolution [67/19](#) of 29 November 2012,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

<sup>4</sup> See [A/ES-10/273](#) and [A/ES-10/273/Corr.1](#).

<sup>5</sup> *Ibid.*, advisory opinion, para. 120.

<sup>6</sup> [A/HRC/34/70](#); see also [A/72/556](#).

<sup>7</sup> [A/HRC/22/63](#).

<sup>8</sup> [A/69/711-S/2015/1](#), annex.

<sup>9</sup> [A/48/486-S/26560](#), annex.

<sup>10</sup> [S/2003/529](#), annex.

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and condemning those activities as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

*Deploring in particular* Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

*Taking note* of the Quartet report of 1 July 2016,<sup>11</sup> and stressing its recommendations, as well as its recent statements, including of 30 September 2015, 23 October 2015, 12 February 2016 and 23 September 2016, in which the Quartet members concluded that, inter alia, the continuing policy of settlement construction and expansion, designation of land for exclusive Israeli use and denial of Palestinian development, including the recent high rate of demolitions, are steadily eroding the two-State solution,

*Deploring* the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern, in particular, about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Condemning* acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Condemning also* all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

*Taking note* of the relevant reports of the Secretary-General, including pursuant to Security Council resolution 2334 (2016),<sup>12</sup>

*Noting* the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,

<sup>11</sup> S/2016/595, annex.

<sup>12</sup> A/72/296, A/72/314, A/72/538, A/72/539, A/72/564 and A/72/565.

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;
2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;
3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980), [1515 \(2003\)](#) of 19 November 2003 and [2334 \(2016\)](#);
4. *Recalls* the affirmation by the Security Council, in its resolution [2334 \(2016\)](#), that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;
5. *Condemns* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the de facto annexation of land;
6. *Calls for* the consideration of measures of accountability, in accordance with international law, in the light of continued non-compliance with the demands for a complete and immediate cessation of all settlement activities, stressing that compliance with and respect for international humanitarian law and international human rights law is a cornerstone for peace and security in the region;
7. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the viability of the two-State solution;
8. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>
9. *Reiterates its call* for the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and their agricultural lands;
10. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including the confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;
11. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts;

12. *Calls upon* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;

13. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention;

14. *Also recalls* that the Security Council, in its resolution 2334 (2016), called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

15. *Calls upon* all States, consistent with their obligations under international law and the relevant resolutions, and bearing in mind the advisory opinion of the International Court of Justice of 9 July 2004, not to render aid or assistance in maintaining the situation created by illegal settlement activities;

16. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,<sup>13</sup> concerning the Guiding Principles on Business and Human Rights<sup>14</sup> and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

17. *Requests* the Secretary-General to report to the General Assembly at its seventy-third session on the implementation of the present resolution.

*66th plenary meeting  
7 December 2017*

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<sup>13</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>14</sup> [A/HRC/17/31](#), annex.



Seventy-third session  
Agenda item 55

## Resolution adopted by the General Assembly on 7 December 2018

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/73/524)]

### 73/98. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 72/86 of 7 December 2017, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981, 904 (1994) of 18 March 1994 and 2334 (2016) of 23 December 2016,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.



Occupied Palestinian Territory,<sup>4</sup> and recalling also General Assembly resolutions [ES-10/15](#) of 20 July 2004 and [ES-10/17](#) of 15 December 2006,

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>6</sup>

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>7</sup>

*Recalling also* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling further* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>9</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>10</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Recalling also* its resolution [67/19](#) of 29 November 2012,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

<sup>4</sup> See [A/ES-10/273](#) and [A/ES-10/273/Corr.1](#).

<sup>5</sup> *Ibid.*, advisory opinion, para. 120.

<sup>6</sup> [A/HRC/34/70](#); see also [A/72/556](#).

<sup>7</sup> [A/HRC/22/63](#).

<sup>8</sup> [A/69/711-S/2015/1](#), annex.

<sup>9</sup> [A/48/486-S/26560](#), annex.

<sup>10</sup> [S/2003/529](#), annex.

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and condemning those activities as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

*Deploring in particular* Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

*Deploring* the plans to demolish the Palestinian village of Khan al-Ahmar, in contravention of international law, which would have serious consequences with regard to the displacement of its residents, severely threaten the viability of the two-State solution and undermine the prospect of peace, given the area's sensitive location and importance for preserving the contiguity of the Palestinian territory, and demanding the cessation of such plans,

*Taking note* of the Quartet report of 1 July 2016,<sup>11</sup> and stressing its recommendations, as well as its recent statements, including of 30 September 2015, 23 October 2015, 12 February 2016 and 23 September 2016, in which the Quartet members concluded that, inter alia, the continuing policy of settlement construction and expansion, designation of land for exclusive Israeli use and denial of Palestinian development, including the recent high rate of demolitions, are steadily eroding the two-State solution,

*Deploring* the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern, in particular, about the route of the wall in departure from the Armistice Line of 1949 and in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Condemning* acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Condemning also* all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

*Taking note* of the relevant reports of the Secretary-General, including pursuant to Security Council resolution [2334 \(2016\)](#),<sup>12</sup>

<sup>11</sup> [S/2016/595](#), annex.

<sup>12</sup> [A/73/357](#), [A/73/364](#), [A/73/410](#) and [A/73/420](#).

*Noting* the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980), 1515 (2003) of 19 November 2003 and 2334 (2016);

4. *Recalls* the affirmation by the Security Council, in its resolution 2334 (2016), that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;

5. *Condemns* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the de facto annexation of land;

6. *Calls for* the consideration of measures of accountability, in accordance with international law, in the light of continued non-compliance with the demands for a complete and immediate cessation of all settlement activities, which are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, stressing that compliance with and respect for international humanitarian law and international human rights law is a cornerstone for peace and security in the region;

7. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the viability of the two-State solution;

8. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>

9. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and their agricultural lands;

10. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including the confiscation of arms, aimed at preventing illegal acts of violence by



Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

11. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts;

12. *Calls upon* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;

13. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention;

14. *Also recalls* that the Security Council, in its resolution 2334 (2016), called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

15. *Calls upon* all States, consistent with their obligations under international law and the relevant resolutions, and bearing in mind the advisory opinion of the International Court of Justice of 9 July 2004, not to render aid or assistance in maintaining the situation created by illegal settlement activities;

16. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,<sup>13</sup> concerning the Guiding Principles on Business and Human Rights<sup>14</sup> and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

17. *Requests* the Secretary-General to report to the General Assembly at its seventy-fourth session on the implementation of the present resolution.

*48th plenary meeting  
7 December 2018*

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<sup>13</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>14</sup> [A/HRC/17/31](#), annex.



# General Assembly

Distr.: General  
26 December 2019

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## Seventy-fourth session

Agenda item 51

### Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

## Resolution adopted by the General Assembly on 13 December 2019

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/74/410)]

### 74/88. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

*The General Assembly,*

*Guided* by the principles and purposes of the Charter of the United Nations and the need to respect the obligations arising from the Charter and other instruments and rules of international law,

*Reaffirming* the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolutions [73/97](#) and [73/98](#) of 7 December 2018, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions [242 \(1967\)](#) of 22 November 1967, [446 \(1979\)](#) of 22 March 1979, [465 \(1980\)](#) of 1 March 1980, [476 \(1980\)](#) of 30 June 1980, [478 \(1980\)](#) of 20 August 1980, [497 \(1981\)](#) of 17 December 1981, [904 \(1994\)](#) of 18 March 1994 and [2334 \(2016\)](#) of 23 December 2016,

*Reaffirming* the applicability of the Regulations annexed to the Hague Convention IV of 1907, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup> to

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<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.



the Occupied Palestinian Territory, including East Jerusalem, and to other Arab territories occupied by Israel since 1967, including the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention,<sup>1</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>4</sup> and recalling also General Assembly resolutions [ES-10/15](#) of 20 July 2004 and [ES-10/17](#) of 15 December 2006,

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>5</sup>

*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>6</sup>

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>7</sup>

*Recalling also* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>8</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling further* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>9</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Recalling* its resolution [67/19](#) of 29 November 2012,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

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<sup>4</sup> See [A/ES-10/273](#) and [A/ES-10/273/Corr.1](#).

<sup>5</sup> *Ibid.*, advisory opinion, para. 120.

<sup>6</sup> [A/HRC/40/73](#); see also [A/74/507](#).

<sup>7</sup> [A/HRC/22/63](#).

<sup>8</sup> [A/48/486-S/26560](#), annex.

<sup>9</sup> [S/2003/529](#), annex.

*Condemning* settlement activities by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

*Deploring in particular* Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

*Deploring* the plans to demolish the Palestinian village of Khan al-Ahmar, in contravention of international law, which would have serious consequences with regard to the displacement of its residents, severely threaten the viability of the two-State solution and undermine the prospect of peace, given the area's sensitive location and importance for preserving the contiguity of the Palestinian territory, and demanding the cessation of such plans,

*Condemning* the demolition by Israel, in contravention of international law, of Palestinian buildings in the neighbourhood of Wadi al-Hummus in the village of Sur Bahir, south of occupied East Jerusalem,

*Taking note* of the Quartet report of 1 July 2016,<sup>10</sup> and stressing its recommendations, as well as its relevant statements in which the Quartet members concluded that, inter alia, the continuing policy of settlement construction and expansion, designation of land for exclusive Israeli use and denial of Palestinian development, including the recent high rate of demolitions, are steadily eroding the two-State solution,

*Deploring* the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern, in particular, about the route of the wall in departure from the Armistice Line of 1949 and in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Condemning* acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Condemning also* all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

*Taking note* of the relevant reports of the Secretary-General, including pursuant to Security Council resolution [2334 \(2016\)](#),<sup>11</sup>

<sup>10</sup> [S/2016/595](#), annex.

<sup>11</sup> [A/74/192](#), [A/74/219](#), [A/74/357](#) and [A/74/468](#).

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;
2. *Demands* that Israel accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, including the occupied Syrian Golan, and abide scrupulously by the provisions of the Convention, in particular article 49, and comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;
3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980), 478 (1980), 1515 (2003) of 19 November 2003 and 2334 (2016);
4. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the viability of the two-State solution;
5. *Recalls* the affirmation by the Security Council, in its resolution 2334 (2016), that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;
6. *Stresses* that the occupation of a territory is to be a temporary, de facto situation, whereby the occupying Power can neither claim possession nor exert its sovereignty over the territory it occupies, recalls in this regard the principle of the inadmissibility of the acquisition of land by force and therefore the illegality of the annexation of any part of the Occupied Palestinian Territory, including East Jerusalem, which constitutes a breach of international law, undermines the viability of the two-State solution and challenges the prospects for a just, lasting and comprehensive peace settlement, and expresses its grave concern at recent statements calling for the annexation by Israel of areas in the Occupied Palestinian Territory;
7. *Condemns* in this regard settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the annexation of land, whether de facto or through national legislation;
8. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>
9. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and their agricultural lands;
10. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures,

including the confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

11. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts;

12. *Calls upon* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;

13. *Calls for* measures of accountability, consistent with international law, in the light of continued non-compliance with the demands for a complete and immediate cessation of all settlement activities, which are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, stressing that compliance with and respect for international humanitarian law and international human rights law is a cornerstone for peace and security in the region;

14. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>12</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention and accountability, and calls upon all High Contracting Parties to the Convention to continue, individually and collectively, to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

15. *Also recalls* that the Security Council, in its resolution 2334 (2016), called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

16. *Calls upon* all States, consistent with their obligations under international law and the relevant resolutions, not to recognize, and not to render aid or assistance in maintaining, the situation created by measures that are illegal under international law, including those aimed at advancing annexation in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

17. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,<sup>13</sup> concerning the Guiding Principles on Business and Human Rights<sup>14</sup> and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

<sup>12</sup> A/69/711-S/2015/1, annex.

<sup>13</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>14</sup> A/HRC/17/31, annex.

18. *Requests* the Secretary-General to report to the General Assembly at its seventy-fifth session on the implementation of the present resolution.

*47th plenary meeting  
13 December 2019*

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# General Assembly

Distr.: General  
18 December 2020

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## Seventy-fifth session

Agenda item 53

### Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

## Resolution adopted by the General Assembly on 10 December 2020

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/75/412, para. 14)]

### 75/97. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

*The General Assembly,*

*Guided* by the principles and purposes of the Charter of the United Nations and the need to respect the obligations arising from the Charter and other instruments and rules of international law,

*Reaffirming* the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolutions [73/97](#) of 7 December 2018 and [74/88](#) of 13 December 2019, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, [446 \(1979\)](#) of 22 March 1979, [465 \(1980\)](#) of 1 March 1980, [476 \(1980\)](#) of 30 June 1980, [478 \(1980\)](#) of 20 August 1980, [497 \(1981\)](#) of 17 December 1981, [904 \(1994\)](#) of 18 March 1994 and [2334 \(2016\)](#) of 23 December 2016,

*Reaffirming* the applicability of the Regulations annexed to the Hague Convention IV of 1907, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to

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<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.





other Arab territories occupied by Israel since 1967, including the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention,<sup>4</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>5</sup> and recalling also General Assembly resolutions [ES-10/15](#) of 20 July 2004 and [ES-10/17](#) of 15 December 2006,

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>6</sup>

*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>7</sup>

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>8</sup>

*Recalling also* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>9</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling further* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>10</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Recalling* its resolution [67/19](#) of 29 November 2012,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living

<sup>4</sup> Ibid., No. 973.

<sup>5</sup> See [A/ES-10/273](#) and [A/ES-10/273/Corr.1](#).

<sup>6</sup> Ibid., advisory opinion, para. 120.

<sup>7</sup> [A/HRC/40/73](#); see also [A/74/507](#).

<sup>8</sup> [A/HRC/22/63](#).

<sup>9</sup> [A/48/486-S/26560](#), annex.

<sup>10</sup> [S/2003/529](#), annex.

side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

*Condemning* settlement activities by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

*Deploring in particular* Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

*Deploring* the plans to demolish the Palestinian village of Khan al-Ahmar, in contravention of international law, which would have serious consequences with regard to the displacement of its residents, severely threaten the viability of the two-State solution and undermine the prospect of peace, given the area's sensitive location and importance for preserving the contiguity of the Palestinian territory, and demanding the cessation of such plans,

*Condemning* the demolition by Israel, in contravention of international law, of Palestinian buildings in the neighbourhood of Wadi al-Hummus in the village of Sur Bahir, south of occupied East Jerusalem,

*Taking note* of the Quartet report of 1 July 2016,<sup>11</sup> and stressing its recommendations, as well as its relevant statements in which the Quartet members concluded that, inter alia, the continuing policy of settlement construction and expansion, designation of land for exclusive Israeli use and denial of Palestinian development, including the recent high rate of demolitions, are steadily eroding the two-State solution,

*Deploring* the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern, in particular, about the route of the wall in departure from the Armistice Line of 1949 and in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

*Condemning* acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Condemning also* all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

<sup>11</sup> S/2016/595, annex.

*Taking note* of the relevant reports of the Secretary-General, including pursuant to Security Council resolution [2334 \(2016\)](#),<sup>12</sup>

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Demands* that Israel accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, including the occupied Syrian Golan, and abide scrupulously by the provisions of the Convention, in particular article 49, and comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions [446 \(1979\)](#), [452 \(1979\)](#) of 20 July 1979, [465 \(1980\)](#), [476 \(1980\)](#), [478 \(1980\)](#), [1515 \(2003\)](#) of 19 November 2003 and [2334 \(2016\)](#);

4. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the viability of the two-State solution;

5. *Recalls* the affirmation by the Security Council, in its resolution [2334 \(2016\)](#), that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;

6. *Stresses* that the occupation of a territory is to be a temporary, de facto situation, whereby the occupying Power can neither claim possession nor exert its sovereignty over the territory it occupies, recalls in this regard the principle of the inadmissibility of the acquisition of land by force and therefore the illegality of the annexation of any part of the Occupied Palestinian Territory, including East Jerusalem, which constitutes a breach of international law, undermines the viability of the two-State solution and challenges the prospects for a just, lasting and comprehensive peace settlement, and expresses its grave concern at recent statements calling for the annexation by Israel of areas in the Occupied Palestinian Territory;

7. *Condemns* in this regard settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the annexation of land, whether de facto or through national legislation;

8. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

9. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and their agricultural lands;

<sup>12</sup> [A/75/328](#), [A/75/336](#) and [A/75/376](#).

10. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including the confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

11. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts;

12. *Calls upon* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;

13. *Calls for* measures of accountability, consistent with international law, in the light of continued non-compliance with the demands for a complete and immediate cessation of all settlement activities, which are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, stressing that compliance with and respect for international humanitarian law and international human rights law is a cornerstone for peace and security in the region;

14. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>13</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention and accountability, and calls upon all High Contracting Parties to the Convention to continue, individually and collectively, to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

15. *Also recalls* that the Security Council, in its resolution 2334 (2016), called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

16. *Calls upon* all States, consistent with their obligations under international law and the relevant resolutions, not to recognize, and not to render aid or assistance in maintaining, the situation created by measures that are illegal under international law, including those aimed at advancing annexation in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

17. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,<sup>14</sup> concerning the Guiding Principles on Business and Human Rights<sup>15</sup> and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding

<sup>13</sup> A/69/711-S/2015/1, annex.

<sup>14</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>15</sup> A/HRC/17/31, annex.

human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

18. *Requests* the Secretary-General to report to the General Assembly at its seventy-sixth session on the implementation of the present resolution;

19. *Decides* to include in the provisional agenda of its seventy-sixth session an item entitled “Israeli practices and settlement activities affecting the rights of the Palestinian people and other Arabs of the occupied territories”.

*41st plenary meeting  
10 December 2020*

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**Seventy-sixth session**

Agenda item 55

**Israeli practices and settlement activities affecting the rights of the Palestinian People and other Arabs of the occupied territories****Resolution adopted by the General Assembly  
on 9 December 2021**

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/76/417, para. 13)]

**76/82. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles and purposes of the Charter of the United Nations and the need to respect the obligations arising from the Charter and other instruments and rules of international law,

*Reaffirming* the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution [75/97](#) of 10 December 2020, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions [242 \(1967\)](#) of 22 November 1967, [446 \(1979\)](#) of 22 March 1979, [465 \(1980\)](#) of 1 March 1980, [476 \(1980\)](#) of 30 June 1980, [478 \(1980\)](#) of 20 August 1980, [497 \(1981\)](#) of 17 December 1981, [904 \(1994\)](#) of 18 March 1994 and [2334 \(2016\)](#) of 23 December 2016, and stressing the need for their implementation,

*Recalling further* the Universal Declaration of Human Rights,<sup>1</sup>

*Recalling* the International Covenant on Civil and Political Rights,<sup>2</sup> the International Covenant on Economic, Social and Cultural Rights<sup>3</sup> and the Convention

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<sup>1</sup> Resolution [217 A \(III\)](#).

<sup>2</sup> See resolution [2200 A \(XXI\)](#), annex.

<sup>3</sup> Ibid.



on the Rights of the Child,<sup>4</sup> and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Reaffirming* the applicability of the Regulations annexed to the Hague Convention IV of 1907, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>5</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>6</sup> to the four Geneva Conventions,<sup>7</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to other Arab territories occupied by Israel since 1967, including the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention,<sup>8</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>9</sup> and recalling also General Assembly resolutions [ES-10/15](#) of 20 July 2004 and [ES-10/17](#) of 15 December 2006,

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>10</sup>

*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>11</sup> as well as of other relevant recent reports of the Council,

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>12</sup>

*Recalling also* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>13</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling further* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>14</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Recalling* its resolution [67/19](#) of 29 November 2012,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

<sup>4</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>5</sup> *Ibid.*, vol. 75, No. 973.

<sup>6</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>7</sup> *Ibid.*, vol. 75, Nos. 970–973.

<sup>8</sup> *Ibid.*, No. 973.

<sup>9</sup> See [A/ES-10/273](#) and [A/ES-10/273/Corr.1](#).

<sup>10</sup> *Ibid.*, advisory opinion, para. 120.

<sup>11</sup> [A/HRC/40/73](#); see also [A/74/507](#).

<sup>12</sup> [A/HRC/22/63](#).

<sup>13</sup> [A/48/486-S/26560](#), annex.

<sup>14</sup> [S/2003/529](#), annex.

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

*Condemning* settlement activities by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

*Deploring in particular* Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

*Deploring* the plans to demolish the Palestinian village of Khan al-Ahmar, in contravention of international law, which would have serious consequences with regard to the displacement of its residents, severely threaten the viability of the two-State solution and undermine the prospect of peace, given the area's sensitive location and importance for preserving the contiguity of the Palestinian territory, and demanding the cessation of such plans,

*Condemning* the demolition by Israel, in contravention of international law, of Palestinian buildings in the neighbourhood of Wadi al-Hummus in the village of Sur Bahir, south of occupied East Jerusalem,

*Taking note* of the Quartet report of 1 July 2016,<sup>15</sup> and stressing its recommendations, as well as its relevant statements in which the Quartet members concluded that, inter alia, the continuing policy of settlement construction and expansion, designation of land for exclusive Israeli use and denial of Palestinian development, including the recent high rate of demolitions, are steadily eroding the two-State solution,

*Deploring* the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern, in particular, about the route of the wall in departure from the Armistice Line of 1949 and in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

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<sup>15</sup> S/2016/595, annex.



*Condemning* acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Condemning also* all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

*Taking note* of the relevant reports of the Secretary-General, including pursuant to Security Council resolution [2334 \(2016\)](#),<sup>16</sup>

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Demands* that Israel accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, including the occupied Syrian Golan, and abide scrupulously by the provisions of the Convention, in particular article 49, and comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions [446 \(1979\)](#), [452 \(1979\)](#) of 20 July 1979, [465 \(1980\)](#), [476 \(1980\)](#), [478 \(1980\)](#), [1515 \(2003\)](#) of 19 November 2003 and [2334 \(2016\)](#);

4. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders;

5. *Also stresses* the urgent need to reverse negative trends on the ground, including the building of settlements and the demolition of Palestinian homes, which are imperilling the viability of the two-State solution and entrenching a situation of unequal rights and discrimination, and are preventing the Palestinian people from exercising their fundamental rights;

6. *Recalls* the affirmation by the Security Council, in its resolution [2334 \(2016\)](#), that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;

7. *Stresses* that the occupation of a territory is to be a temporary, de facto situation, whereby the occupying Power can neither claim possession nor exert its sovereignty over the territory it occupies, recalls in this regard the principle of the inadmissibility of the acquisition of land by force and therefore the illegality of the annexation of any part of the Occupied Palestinian Territory, including East Jerusalem, which constitutes a breach of international law, undermines the viability of the two-State solution and challenges the prospects for a just, lasting and comprehensive peace settlement, and expresses its grave concern at recent statements calling for the annexation by Israel of areas in the Occupied Palestinian Territory;

<sup>16</sup> [A/76/304](#), [A/76/333](#) and [A/76/336](#).

8. *Condemns* in this regard settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the annexation of land, whether de facto or through national legislation;

9. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

10. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and their agricultural lands;

11. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including the confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory, recalls in this regard the report of the Secretary-General on the protection of the Palestinian civilian population,<sup>17</sup> and welcomes the Secretary-General's observations, including with respect to the expansion of existing protection mechanisms to prevent and deter violations;

12. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts;

13. *Calls upon* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;

14. *Calls for* measures of accountability, consistent with international law, in the light of continued non-compliance with the demands for a complete and immediate cessation of all settlement activities, which are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, stressing that compliance with and respect for international humanitarian law and international human rights law is a cornerstone for peace and security in the region;

15. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>18</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention and accountability, and calls upon all High Contracting Parties to the Convention to continue, individually and collectively, to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

<sup>17</sup> A/ES-10/794.

<sup>18</sup> A/69/711-S/2015/1, annex.

16. *Also recalls* that the Security Council, in its resolution 2334 (2016), called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

17. *Calls upon* all States, consistent with their obligations under international law and the relevant resolutions, not to recognize, and not to render aid or assistance in maintaining, the situation created by measures that are illegal under international law, including those aimed at advancing annexation in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

18. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,<sup>19</sup> concerning the Guiding Principles on Business and Human Rights<sup>20</sup> and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

19. *Requests* the Secretary-General to report to the General Assembly at its seventy-seventh session on the implementation of the present resolution;

20. *Decides* to include in the provisional agenda of its seventy-seventh session the item entitled “Israeli practices and settlement activities affecting the rights of the Palestinian people and other Arabs of the occupied territories”.

*49th plenary meeting  
9 December 2021*

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<sup>19</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>20</sup> [A/HRC/17/31](#), annex.



# General Assembly

Distr.: General  
15 December 2022

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## Seventy-seventh session

Agenda item 47

### Israeli practices and settlement activities affecting the rights of the Palestinian people and other Arabs of the occupied territories

## Resolution adopted by the General Assembly on 12 December 2022

[on the report of the Special Political and Decolonization Committee  
(Fourth Committee) (A/77/400, para. 14)]

### 77/126. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

*The General Assembly,*

*Guided* by the principles and purposes of the Charter of the United Nations and the need to respect the obligations arising from the Charter and other instruments and rules of international law,

*Reaffirming* the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution [76/82](#) of 9 December 2021, as well as those resolutions adopted at its tenth emergency special session,

*Recalling also* the relevant resolutions of the Security Council, including resolutions [242 \(1967\)](#) of 22 November 1967, [446 \(1979\)](#) of 22 March 1979, [465 \(1980\)](#) of 1 March 1980, [476 \(1980\)](#) of 30 June 1980, [478 \(1980\)](#) of 20 August 1980, [497 \(1981\)](#) of 17 December 1981, [904 \(1994\)](#) of 18 March 1994 and [2334 \(2016\)](#) of 23 December 2016, and stressing the need for their implementation,

*Recalling further* the Universal Declaration of Human Rights,<sup>1</sup>

*Recalling* the International Covenant on Civil and Political Rights,<sup>2</sup> the International Covenant on Economic, Social and Cultural Rights<sup>3</sup> and the Convention

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<sup>1</sup> Resolution [217 A \(III\)](#).

<sup>2</sup> See resolution [2200 A \(XXI\)](#), annex.

<sup>3</sup> Ibid.



on the Rights of the Child,<sup>4</sup> and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Reaffirming* the applicability of the Regulations annexed to the Hague Convention IV of 1907, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>5</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>6</sup> to the four Geneva Conventions,<sup>7</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to other Arab territories occupied by Israel since 1967, including the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention,<sup>8</sup>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>9</sup> and recalling also General Assembly resolutions [ES-10/15](#) of 20 July 2004 and [ES-10/17](#) of 15 December 2006,

*Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,<sup>10</sup>

*Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,<sup>11</sup> as well as of other relevant recent reports of the Council,

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>12</sup>

*Recalling also* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>13</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling further* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>14</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Recalling* its resolution [67/19](#) of 29 November 2012,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of

<sup>4</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>5</sup> *Ibid.*, vol. 75, No. 973.

<sup>6</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>7</sup> *Ibid.*, vol. 75, Nos. 970–973.

<sup>8</sup> *Ibid.*, No. 973.

<sup>9</sup> See [A/ES-10/273](#) and [A/ES-10/273/Corr.1](#).

<sup>10</sup> *Ibid.*, advisory opinion, para. 120.

<sup>11</sup> [A/HRC/49/87](#); see also [A/77/356](#).

<sup>12</sup> [A/HRC/22/63](#).

<sup>13</sup> [A/48/486-S/26560](#), annex.

<sup>14</sup> [S/2003/529](#), annex.

land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

*Condemning* settlement activities by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

*Deploring in particular* Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

*Deploring* the plans to demolish the Palestinian village of Khan al-Ahmar, in contravention of international law, which would have serious consequences with regard to the displacement of its residents, severely threaten the viability of the two-State solution and undermine the prospect of peace, given the area's sensitive location and importance for preserving the contiguity of the Palestinian territory, and demanding the cessation of such plans,

*Condemning* the demolition by Israel, in contravention of international law, of Palestinian buildings in the neighbourhood of Wadi al-Hummus in the village of Sur Bahir, south of occupied East Jerusalem, and of homes in Masafer Yatta, as well as other coercive measures potentially leading to the forced displacement and affecting over 1,200 Palestinian civilians,

*Taking note* of the Quartet report of 1 July 2016,<sup>15</sup> and stressing its recommendations, as well as its relevant statements in which the Quartet members concluded that, inter alia, the continuing policy of settlement construction and expansion, designation of land for exclusive Israeli use and denial of Palestinian development, including the recent high rate of demolitions, are steadily eroding the two-State solution,

*Deploring* the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern, in particular, about the route of the wall in departure from the Armistice Line of 1949 and in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

<sup>15</sup> S/2016/595, annex.

*Condemning* acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

*Condemning also* all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

*Taking note* of the relevant reports of the Secretary-General, including pursuant to Security Council resolution [2334 \(2016\)](#),<sup>16</sup>

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Demands* that Israel accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, including the occupied Syrian Golan, and abide scrupulously by the provisions of the Convention, in particular article 49, and comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions [446 \(1979\)](#), [452 \(1979\)](#) of 20 July 1979, [465 \(1980\)](#), [476 \(1980\)](#), [478 \(1980\)](#), [1515 \(2003\)](#) of 19 November 2003 and [2334 \(2016\)](#);

4. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders;

5. *Also stresses* the urgent need to reverse negative trends on the ground, including the building of settlements and the demolition of Palestinian homes, which are imperilling the viability of the two-State solution and entrenching a situation of unequal rights and discrimination, and are preventing the Palestinian people from exercising their fundamental rights;

6. *Recalls* the affirmation by the Security Council, in its resolution [2334 \(2016\)](#), that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;

7. *Stresses* that the occupation of a territory is to be a temporary, de facto situation, whereby the occupying Power can neither claim possession nor exert its sovereignty over the territory it occupies, recalls in this regard the principle of the inadmissibility of the acquisition of land by force and therefore the illegality of the annexation of any part of the Occupied Palestinian Territory, including East Jerusalem, which constitutes a breach of international law, undermines the viability of the two-State solution and challenges the prospects for a just, lasting and comprehensive peace settlement, and expresses its grave concern at recent statements calling for the annexation by Israel of areas in the Occupied Palestinian Territory;

<sup>16</sup> [A/76/304](#), [A/76/333](#), [A/76/336](#) and [A/77/493](#).

8. *Condemns* in this regard settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the annexation of land, whether de facto or through national legislation;

9. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

10. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and their agricultural lands;

11. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including the confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory, recalls in this regard the report of the Secretary-General on the protection of the Palestinian civilian population,<sup>17</sup> and welcomes the Secretary-General's observations, including with respect to the expansion of existing protection mechanisms to prevent and deter violations;

12. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts and end prevailing impunity in this regard;

13. *Calls upon* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;

14. *Calls for* measures of accountability, consistent with international law, in the light of continued non-compliance with the demands for a complete and immediate cessation of all settlement activities, which are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, stressing that compliance with and respect for international humanitarian law and international human rights law is a cornerstone for peace and security in the region;

15. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>18</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention and accountability, and calls upon all High Contracting Parties to the Convention to continue, individually and collectively, to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

<sup>17</sup> A/ES-10/794.

<sup>18</sup> A/69/711-S/2015/1, annex.



16. *Also recalls* that the Security Council, in its resolution 2334 (2016), called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

17. *Calls upon* all States, consistent with their obligations under international law and the relevant resolutions, not to recognize, and not to render aid or assistance in maintaining, the situation created by measures that are illegal under international law, including those aimed at advancing annexation in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

18. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,<sup>19</sup> concerning the Guiding Principles on Business and Human Rights<sup>20</sup> and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

19. *Requests* the Secretary-General to report to the General Assembly at its seventy-eighth session on the implementation of the present resolution;

20. *Decides* to include in the provisional agenda of its seventy-eighth session the item entitled “Israeli practices and settlement activities affecting the rights of the Palestinian people and other Arabs of the occupied territories”.

*52nd plenary meeting  
12 December 2022*

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<sup>19</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>20</sup> [A/HRC/17/31](#), annex.

**1992/55. Combating aridity, soil erosion, salinity, water-logging, desertification and the effects of drought in South Asia**

*The Economic and Social Council,*

*Recalling* its resolution 1991/97 of 26 July 1991,

*Taking note* of the interim note by the Secretary-General on the implementation of Economic and Social Council resolution 1991/97,<sup>119</sup>

*Stressing* that South Asia, one of the most populous regions in the world, contains significant areas subject to aridity, soil erosion, salinity, water-logging, desertification and the effects of drought, which affect the lives of millions of people and the entire environment of the region,

*Stressing also* the importance of the study requested in its resolution 1991/97 in the context of national and international cooperative efforts,

1. *Notes with concern* that the complete implementation of resolution 1991/97 could not be carried out and its results presented to the Council at its substantive session of 1992;

2. *Urges* the Secretary-General, in full compliance with resolution 1991/97, to submit the study to the General Assembly at its forty-seventh session.

*42nd plenary meeting  
31 July 1992*

**1992/56. Development of the energy resources of developing countries**

*The Economic and Social Council,*

*Reaffirming* the critical importance of the development of energy resources of developing countries and the need for measures by the international community to assist and support the efforts of developing countries, in particular the energy-deficient among them, to develop their energy resources in order to meet their needs through cooperation, assistance and investment in the fields of conventional and of new and renewable sources of energy, consistent with their national policies, plans and priorities,

*Reaffirming also* that the developing countries have the primary responsibility for the strategies and policies for exploration and development of their energy resources,

*Recognizing* the importance of sustainable development,

1. *Takes note with appreciation* of the report of the Secretary-General on energy exploration and development trends in developing countries;<sup>120</sup>

2. *Reaffirms* that an adequate flow of external resources in support of the national efforts of developing countries, in particular the energy-deficient among them, is needed to finance, within the legislative framework of each country, the exploration and development of their energy resources;

3. *Requests* the Secretary-General to keep the matter under constant review and to submit to the Economic and Social Council at its substantive session of 1994 a report on the efforts made in this regard;

4. *Also requests* the Secretary-General to report to the Economic and Social Council at its substantive session of 1994 on the role of the United Nations in devising ways and means of mobilizing the international community to increase efforts for comprehensive national, bilateral and

multilateral measures to accelerate the exploration and development of energy resources in developing countries, with full respect for their national sovereignty;

5. *Further requests* the Secretary-General to draw this matter to the attention of the Committee on New and Renewable Sources of Energy and Energy for Development at its first substantive session.

*42nd plenary meeting  
31 July 1992*

**1992/57. Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan**

*The Economic and Social Council,*

*Recalling* General Assembly resolution 46/199 of 20 December 1991,

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force and Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

*Recalling also* Security Council resolution 465 (1980) of 1 March 1980 and other resolutions affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>37</sup> to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

*Expressing its concern* at the establishment by Israel, the occupying Power, of settlements in the occupied Palestinian territory and other Arab territories occupied since 1967, including the settlements of new immigrants therein,

1. *Takes note* of the report of the Secretary-General;<sup>121</sup>

2. *Deplores* the establishment of settlements by Israel in the Palestinian territory, including Jerusalem, and the other Arab territories occupied since 1967, and regards the settlements as unlawful and without any legal effect;

3. *Recognizes* the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied by Israel since 1967, and on the Arab population of the Syrian Golan;

4. *Strongly deplores* Israel's practices in the occupied Palestinian territory and other Arab territories occupied since 1967, in particular its confiscation of land, its appropriation of water resources, its depletion of other economic resources and its displacement and deportation of the population of those territories;

5. *Reaffirms* the inalienable right of the Palestinian people and the population of the Syrian Golan to their natural and all other economic resources, and regards any infringement thereof as being without any legal validity;

6. *Requests* the Secretary-General to submit to the General Assembly at its forty-eighth session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution.

*42nd plenary meeting  
31 July 1992*

mitted to the General Assembly through the Economic and Social Council.

45th plenary meeting  
29 July 1993

**1993/52. Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan**

*The Economic and Social Council,*

*Taking note of General Assembly resolution 47/172 of 22 December 1992,*

*Recalling its resolution 1992/57 of 31 July 1992,*

*Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force and recalling Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,*

*Recalling also Security Council resolution 465 (1980) of 1 March 1980 and other resolutions affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>43</sup> to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,*

*Expressing its concern at the establishment by Israel, the occupying Power, of settlements in the occupied Palestinian territory and other Arab territories occupied since 1967, including the settlements of new immigrants therein,*

*Welcoming the Middle East peace process started at Madrid on 30 October 1991 and recognizing that a complete freeze of settlement activity would significantly enhance the prospects for progress in that process,*

1. *Takes note of the report of the Secretary-General on the economic and social consequences of the establishment of settlements by Israel in the Palestinian territory, including Jerusalem, occupied since 1967, and the Syrian Golan;<sup>145</sup>*

2. *Deplores the establishment of settlements by Israel in the Palestinian territory, including Jerusalem, and the other Arab territories occupied since 1967, and regards the settlements as illegal and an obstacle to peace;*

3. *Recognizes the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied by Israel since 1967, and on the Arab population of the occupied Syrian Golan;*

4. *Strongly deplors Israel's practices in the occupied Palestinian territory and other Arab territories occupied since 1967, in particular its confiscation of land, its appropriation of water resources, its depletion of other economic resources and its displacement and deportation of the population of those territories;*

5. *Reaffirms the inalienable right of the Palestinian people and the population of the occupied Syrian Golan to their natural and all other economic resources, and regards any infringement thereof as being without any legal validity;*

6. *Requests the Secretary-General to submit to the General Assembly at its forty-ninth session, through the*

Economic and Social Council, a report on the progress made in the implementation of the present resolution.

45th plenary meeting  
29 July 1993

**1993/53. Fourth replenishment of the International Fund for Agricultural Development**

*The Economic and Social Council,*

*Recalling its resolution 1988/73 of 29 July 1988 on the third replenishment of the International Fund for Agricultural Development,*

*Bearing in mind General Assembly resolution 47/149 of 18 December 1992 on food and agricultural development, in which the Assembly expressed concern about the increase in hunger and malnutrition and reaffirmed that the right to food was a universal human right,*

*Taking note of General Assembly resolution 47/197 of 22 December 1992 on international cooperation for the eradication of poverty in developing countries, in which the Assembly, *inter alia*, urged all donors to contribute generously to the fourth replenishment of the International Fund for Agricultural Development,*

*Bearing in mind resolution CM/Res.1471 (LVIII) on the fourth replenishment of the International Fund for Agricultural Development, adopted by the Council of Ministers of the Organization of African Unity at its fifty-eighth ordinary session, held at Cairo from 21 to 26 June 1993,<sup>146</sup>*

*Reiterating its deep concern about the increasing number of human beings, especially women, who, as a result of acute poverty, continue to suffer from hunger and chronic undernutrition,*

*Stressing the need further to strengthen international cooperation to overcome poverty and hunger and the urgent requirement to ensure adequate financing for this purpose,*

*Noting with appreciation the contribution made by the International Fund for Agricultural Development in addressing the needs of the rural poor, particularly small-holding farmers, the landless, rural women and other marginalized groups,*

*Stressing the necessity of ensuring that the International Fund for Agricultural Development has sufficient resources to consolidate in the years to come the breakthroughs in the fight against hunger and poverty made in its operations over the past fifteen years,*

1. *Calls upon all countries to demonstrate the political will and flexibility to strengthen multilateral support for addressing the problems of hunger and poverty;*

2. *Appeals to all States members of the International Fund for Agricultural Development, the Organisation for Economic Cooperation and Development and the Organization of Petroleum Exporting Countries, and other developing countries, to continue to make every possible effort in the negotiating process in order to complete expeditiously the fourth replenishment of the International Fund for Agricultural Development, at the highest possible level, before the end of 1993.*

45th plenary meeting  
29 July 1993

signed by the Governments of Jordan and Israel on 25 July 1994,<sup>114</sup>

1. *Welcomes* the peace process started at Madrid, and supports the subsequent bilateral negotiations;

2. *Stresses* the importance of, and need for, achieving a comprehensive, just and lasting peace in the Middle East;

3. *Expresses its full support* for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements, signed by the State of Israel and the Palestine Liberation Organization, the subsequent Agreement on the Gaza Strip and the Jericho Area, signed by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, the Agreement between Israel and Jordan on the Common Agenda, and the Washington Declaration signed by the Governments of Jordan and Israel on 25 July 1994, which constitute important initial steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements reached;

4. *Stresses* the need for achieving rapid progress on the other tracks of the Arab-Israeli negotiations within the peace process;

5. *Welcomes* the results of the Conference to Support Middle East Peace, convened in Washington, D.C., on 1 October 1993, and the subsequent work of the World Bank Consultative Group, and urges Member States to provide economic, financial and technical assistance to the Palestinian people during the interim period;

6. *Calls upon* all Member States also to extend economic, financial and technical assistance to parties in the region and to render support for the peace process;

7. *Considers* that an active United Nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles can make a positive contribution;

8. *Encourages* regional development and cooperation in the areas where work has already begun within the framework of the Madrid Conference.

*49th plenary meeting  
29 July 1994*

**1994/45. Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan**

*The Economic and Social Council,*

*Recalling* General Assembly resolution 48/212 of 21 December 1993,

<sup>114</sup> A/49/300-S/1994/939, annex; see *Official Records of the Security Council, Forty-ninth Year, Supplement for July, August and September 1994*, document S/1994/939.

*Reaffirming* the principle of the permanent sovereignty of people under foreign occupation over their national resources,

*Guided* by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

*Recalling* Security Council resolution 465 (1980) of 1 March 1980 and other resolutions affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>115</sup> to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

*Recalling also* Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, *inter alia*, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory,

*Aware* of the negative and grave economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, occupied since 1967, including Jerusalem, and on the Arab population of the Syrian Golan,

*Welcoming* the ongoing Middle East peace process started at Madrid, in particular the signing at Cairo on 4 May 1994 by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people of the first implementation agreement of the Declaration of Principles on Interim Self-Government Arrangements,<sup>67</sup> namely, the Agreement on the Gaza Strip and the Jericho Area,<sup>68</sup>

1. *Takes note* of the note by the Secretary-General;<sup>116</sup>

2. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967 are illegal and an obstacle to economic and social development;

3. *Recognizes* the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory occupied by Israel since 1967, including Jerusalem, and on the Arab population of the Syrian Golan;

4. *Reaffirms* the inalienable right of the Palestinian people and the population of the Syrian Golan to their natural and all other economic resources, and regards any infringement thereof as being illegal;

5. *Requests* the Secretary-General to submit to the General Assembly at its fiftieth session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution.

*49th plenary meeting  
29 July 1994*

<sup>115</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>116</sup> A/49/169-E/1994/73.

6. *Requests* the Executive Secretaries of the Economic Commission for Africa and the Economic Commission for Europe to take an active part in the follow-up to the project and to report to the Council at its substantive session of 1997;

7. *Requests* the Secretary-General to provide formal support and, to the extent that priorities permit, necessary resources, within the regular budget, to the Economic Commission for Africa and the Economic Commission for Europe in order to enable them to carry out the above-mentioned activities.

*56th plenary meeting  
27 July 1995*

**1995/49. Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan**

*The Economic and Social Council,*

*Recalling* General Assembly resolution 49/132 of 19 December 1994,

*Recalling also* its resolution 1994/45 of 29 July 1994,

*Reaffirming* the principle of the permanent sovereignty of people under foreign occupation over their national resources,

*Guided* by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force and recalling Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

*Recalling* Security Council resolution 465 (1980) of 1 March 1980 and other resolutions affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>115</sup> to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

*Recalling also* Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, *inter alia*, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory,

*Aware* of the negative and grave economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan,

*Welcoming* the ongoing Middle East peace process started at Madrid, in particular the signing at Cairo, on 4 May 1994, by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, of the first agreement on the implementation of the Declaration of Principles on Interim Self-Government Arrangements,<sup>116</sup> namely, the Agreement on the Gaza Strip and the Jericho Area,<sup>115</sup>

1. *Takes note* of the report of the Secretary-General;<sup>116</sup>

2. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967 are illegal and an obstacle to economic and social development;

3. *Recognizes* the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied by Israel since 1967, and on the Arab population of the occupied Syrian Golan;

4. *Reaffirms* the inalienable right of the Palestinian people and the population of the Syrian Golan to their natural and all other economic resources, and regards any infringement thereof as being illegal;

5. *Requests* the Secretary-General to submit to the General Assembly at its fifty-first session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution.

*57th plenary meeting  
28 July 1995*

**1995/50. Operational activities of the United Nations for international development cooperation segment**

*The Economic and Social Council,*

*Recalling* General Assembly resolutions 44/211 of 22 December 1989, 46/219 of 20 December 1991 and, in particular, resolution 47/199 of 22 December 1992, in which the Assembly requested the Secretary-General to submit to it, through the Economic and Social Council, a comprehensive analysis of its implementation,

*Recalling also* General Assembly resolution 48/162 of 20 December 1993 and Economic and Social Council resolution 1994/33 of 28 July 1994,

*Recalling* that, in accordance with resolution 48/162, the role of the Council in the operational activities of the United Nations for international development cooperation segment includes the provision to the United Nations system of cross-sectoral coordination and overall guidance on a system-wide basis,

*Recognizing* that appropriate recommendations regarding the need to increase substantially resources for operational activities for development on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries, should be further considered in the open-ended working group of the General Assembly on a new funding system for operational activities for development, established pursuant to Assembly resolution 48/162, annex I, section III.B,

*Having considered* the note by the Secretariat on the triennial policy review of operational activities for development within the United Nations system<sup>117</sup> and the report on the annual sessions of the United Nations funds and programmes,

*Deeply concerned* about the decrease in resources allocated to the operational activities for development of the United Nations system,

1. *Takes note* of the note by the Secretariat;<sup>117</sup>

2. *Reaffirms* that the strengthening of the efficiency and effectiveness of the operational activities of the United

<sup>115</sup> See A/49/180-S/1994/727.

<sup>116</sup> A/50/262-E/1995/59.

<sup>117</sup> E/1995/98.

**1996/39. International Research and Training Institute for the Advancement of Women**

*The Economic and Social Council,*

*Recalling* its resolution 1995/45 of 27 July 1995, in which it took note of the report of the Board of Trustees of the International Research and Training Institute for the Advancement of Women on its fifteenth session,<sup>105</sup>

*Recalling also* General Assembly resolution 50/163 of 22 December 1995, in which the Assembly took note of the same report,

*Taking note* of the analysis done by the Board of Trustees and its recommendation that the Institute not only report to the Third Committee of the General Assembly, but also to the Second Committee of the General Assembly, under the relevant agenda items, in order to improve the coordination and synergy of its programmes with other economic and social issues,

*Recognizing* the important role played by the Institute at the Fourth World Conference on Women and in the follow-up to that Conference,

*Also recognizing* the equally important contributions that the Institute is making in its area of expertise to activities related to the International Conference on Population and Development, the World Summit for Social Development, the fiftieth anniversary of the United Nations, the United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996, and the International Year of Older Persons,

*Reaffirming* the original mandate and distinct capacity of the Institute to carry out research and training for the advancement of women, as stipulated in General Assembly resolution 3520 (XXX) of 15 December 1975,

1. *Takes note* of the report of the Board of Trustees of the International Research and Training Institute for the Advancement of Women on its sixteenth session and the decisions contained therein;<sup>106</sup>

2. *Commends* the work of the Institute on the issues addressing the process of the economic and political empowerment of women; statistics and indicators in gender issues; women, natural resources and sustainable development: water, waste management and renewable sources of energy; and issues related to different groups, such as elderly, displaced, refugee and migrant women;

3. *Also commends* the Institute for its efforts to further develop active and close cooperation with the specialized and related agencies of the United Nations system, and with other

organs, programmes and institutions, so as to promote programmes that contribute to the advancement of women;

4. *Reiterates* the importance of maintaining the level of resources devoted to independent research and related training activities that are crucial for the empowerment of women;

5. *Calls upon* States and intergovernmental and non-governmental organizations to contribute through voluntary contributions and pledges to the United Nations Trust Fund for the International Research and Training Institute for the Advancement of Women, thus enabling the Institute to continue to respond effectively to its mandate.

*51st plenary meeting  
26 July 1996*

**1996/40. Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan**

*The Economic and Social Council,*

*Recalling* General Assembly resolution 50/129 of 20 December 1995,

*Recalling also* its resolution 1995/49 of 28 July 1995,

*Reaffirming* the principle of the permanent sovereignty of people under foreign occupation over their national resources,

*Guided* by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

*Recalling* Security Council resolution 465 (1980) of 1 March 1980 and other resolutions in which the Security Council affirmed the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>19</sup> to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

*Recalling also* Security Council resolution 904 (1994) of 18 March 1994, in which, *inter alia*, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, among others, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory,

*Aware* of the negative and grave economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem,

<sup>105</sup> E/1995/80.

<sup>106</sup> E/1996/56.

occupied since 1967, and on the Arab population of the occupied Syrian Golan,

*Welcoming* the ongoing Middle East peace process started at Madrid, in particular the signing in Washington, on 13 September 1993, by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, of the Declaration of Principles on Interim Self-Government Arrangements,<sup>16</sup> and the signing in Washington, on 28 September 1995, of the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip,

1. *Takes note* of the report prepared by the Economic and Social Commission for Western Asia;<sup>107</sup>

2. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967 are illegal and an obstacle to economic and social development;

3. *Recognizes* the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied by Israel since 1967, and on the Arab population of the occupied Syrian Golan;

4. *Reaffirms* the inalienable right of the Palestinian people and the population of the Syrian Golan to their natural and all other economic resources, and regards any infringement thereof as being illegal;

5. *Requests* the Secretary-General to submit to the General Assembly at its fifty-second session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution.

*51st plenary meeting  
26 July 1996*

#### **1996/41. Follow-up to General Assembly resolution 50/227: initiation of reviews**

*The Economic and Social Council,*

*Recalling* General Assembly resolutions 45/264 of 13 May 1991, 46/235 of 13 April 1992, 48/162 of 20 December 1993 and 50/227 of 24 May 1996, as well as Council agreed conclusions 1995/1 of 28 July 1995<sup>20</sup> and Council decision 1996/203 of 9 February 1996,

*Reaffirming* the role assigned to the Council in the implementation of General Assembly resolution 50/227,

*Conscious* of the specific call made by the General Assembly for relevant intergovernmental bodies to fully implement the measures contained in its resolution 50/227,

*Noting* that, according to paragraph 67 of annex I to resolution 50/227, the Council should regularly review the agenda of its general segment,

*Noting also* that, pursuant to paragraph 70 of annex I to resolution 50/227, the Council is to undertake a review of the mandates, composition, functions and working methods of its functional commissions and expert groups and bodies,

*Recalling* General Assembly resolution 50/113 of 20 December 1995, in which the Assembly mandated the special session of the Assembly, scheduled in June 1997, to review, *inter alia*, the future role of the Commission on Sustainable Development, including its relationship with the United Nations Environment Programme,

*Noting* that, pursuant to paragraph 71 of annex I to resolution 50/227, the Council should consider, as a matter of priority, the role, working methods and relationship with other bodies of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources,

*Taking into consideration* that, in accordance with paragraphs 74 and 75 of annex I to resolution 50/227, the Council should provide for the review of the regional commissions with a view to strengthening and enhancing their effectiveness,

*Noting* that the globalization and interdependence that characterize the world economy have greatly increased the tasks of the regional commissions in their role of assisting their Member States to cope with opportunities and challenges as well as risks,

*Noting also* that the agreements and commitments adopted at the recent United Nations conferences have further compounded the tasks of the regional commissions in assisting Member States in implementing such agreements and commitments,

*Noting with satisfaction* the efforts undertaken by a number of regional commissions to initiate a significant reform process, including the setting of priorities based on a dialogue with their intergovernmental bodies,

1. *Decides* to consider as a matter of priority, at its resumed substantive session to be held before the end of 1996, the possible changes in and/or adjustments to its agenda with a view to ensuring that all issues included in resolution 50/227 will be examined by the Council;

##### *A. General segment*

2. *Also decides* to consider, also as a matter of priority, at the resumed substantive session, a review of the agenda of the Council's general segment in accordance with paragraph 67 of annex I to resolution 50/227;

##### *B. Functional commissions and expert groups and bodies*

3. *Reaffirms* that the review of the mandates, composition, functions and working methods of its functional

<sup>107</sup> A/51/135-E/1996/51, annex.



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## Fifty-seventh session

Item 78 of the provisional agenda\*

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General\*\***

1. The present report is submitted in pursuance of General Assembly resolution 56/61 of 10 December 2000, the operative part of which reads as follows:

*“The General Assembly,*

*“...*

*“1. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;*

*“2. Calls upon Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;*

*“3. Demands complete cessation of the construction of the settlement in Jabal Abu-Ghneim and of all Israeli settlement activities in the Occupied Palestinian Territory, including Jerusalem, and in the occupied Syrian Golan;*

*“4. Stresses the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to*

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\* A/57/150.

\*\* This document is submitted late so as to include the most up-to-date information possible.



be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

“5. *Reiterates* its call for the prevention of illegal acts of violence by Israeli settlers, particularly in the light of recent developments;

“6. *Requests* the Secretary-General to report to the General Assembly at its fifty-seventh session on the implementation of the present resolution.”

2. On 10 June 2002, the Secretary-General addressed a note verbale to the Government of the State of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Israeli Government inform him of any steps the Government had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.
  3. No reply had been received at the time of the preparation of the present report.
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# General Assembly

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## Fifty-eighth session

Item 85 of the provisional agenda\*

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General**

1. The present report is submitted in pursuance of General Assembly resolution 57/126 of 11 December 2002, the operative part of which reads as follows:

*“The General Assembly,*

*“...*

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, including the construction of the settlement in Jabal Abu-Ghneim;

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

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\* A/58/150.

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

5. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, particularly in the light of recent developments;

6. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution.”

2. On 10 June 2003, the Secretary-General addressed a note verbale to the Government of the State of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

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# General Assembly

Distr.: General  
9 September 2004

Original: English

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## Fifty-ninth session

Item 77 of the provisional agenda\*

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General\*\***

1. The present report is submitted in pursuance of General Assembly resolution 58/98 of 9 December 2003, the operative part of which reads as follows:

*“The General Assembly,*

*“...*

*“1. Reaffirms that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;*

*“2. Calls upon Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;*

*“3. Reiterates its demand for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;*

*“4. Demands that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure from the Armistice Line of 1949 and is in contradiction to relevant provisions of international law;*

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\* A/59/150.

\*\* The present document was submitted after the deadline established by the General Assembly so as to give the Government concerned the maximum possible time to submit its comments.

“5. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

“6. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, particularly in the light of recent developments;

“7. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.”

2. On 6 August 2004, the Secretary-General addressed a note verbale to the Government of the State of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.
3. No reply had been received at the time of the preparation of the present report.

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# General Assembly

Distr.: General  
24 August 2005

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## Sixtieth session

Item 33 of the provisional agenda\*

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General**

1. The present report is submitted in pursuance of General Assembly resolution 59/123 of 10 December 2004, the operative part of which reads as follows:

*“The General Assembly,*

*“...*

*“1. Reaffirms that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;*

*“2. Calls upon Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;*

*“3. Reiterates its demand for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant Security Council resolutions;*

*“4. Demands that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;*

*“5. Stresses the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures,*

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\* A/60/150.

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including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

“6. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and property, particularly in the light of recent developments;

“7. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.”

2. On 14 July 2005, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

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# General Assembly

Distr.: General  
12 September 2006

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## Sixty-first session

Item 30 of the provisional agenda\*

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General\*\***

1. The present report is submitted in pursuance of General Assembly resolution 60/106 of 8 December 2005, the operative part of which reads as follows:

*“The General Assembly,*

*“...*

*“Reaffirms that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;*

*“2. Calls upon Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;*

*“3. Welcomes the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map;*

*“4. Calls upon Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international*

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\* A/61/150.

\*\* The present document was submitted late so as to include the maximum number of replies from Governments.





humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

“5. *Emphasizes* the need for the parties to speedily resolve all remaining issues in the Gaza Strip, including the removal of rubble;

“6. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant resolutions of the Security Council;

“7. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

“8. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

“9. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and properties, particularly in the light of recent developments;

“10. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the present resolution.”

2. On 29 June 2006, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.
3. No reply had been received at the time of the preparation of the present report.



# General Assembly

Distr.: General  
12 September 2007

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## Sixty-second session

Item 34 of the provisional agenda\*

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General**

1. The present report is submitted in pursuance of General Assembly resolution 61/118 of 14 December 2006, the operative part of which reads as follows:

*“The General Assembly,*

*“...*

*“1. Reaffirms that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;*

*“2. Calls upon Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;*

*“3. Notes the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map;*

*“4. Calls upon Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;*

*“5. Emphasizes the need for the parties to speedily resolve all remaining issues in the Gaza Strip, including the removal of rubble;*

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\* A/62/150.



“6. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant resolutions of the Security Council;

“7. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

“8. *Stresses* the need for full implementation of the relevant Security Council resolutions regarding the Israeli settlements, including Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

“9. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and properties, particularly in the light of recent developments;

“10. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.”

2. On 14 May 2007, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. On 14 May 2007, the Secretary-General addressed a note verbale to all permanent missions, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that Governments inform him of any steps they had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution. The Permanent Mission of Cuba forwarded a note verbale dated 10 July 2007 providing, in pertinent part, the following information:

“The separation wall constructed by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem, constitutes one of the most serious violations of the Fourth Geneva Convention of 1949. It has left more than 20 thousand Palestinians without means of earning a living. It has destroyed thousands of hectares of land and water wells in the West Bank, constituting the de facto confiscation of around 60 per cent of the territory, including East Jerusalem.”

5. The Permanent Mission of Argentina forwarded a note verbale dated 3 August 2007 containing, in pertinent part, the following information:

“Argentina continues to take the position that Israeli settlements in the occupied territories constitute a unilateral act which prejudices the results of negotiations concerning the definitive juridical status of the territories. In conformity with the road map, Argentina supports calls for the freezing of all settlement activities and other associated measures related to this matter.”



# General Assembly

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## Sixty-third session

Agenda item 30

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General**

#### *Summary*

In its resolution 62/108, the General Assembly requested the Secretary-General to submit to the Assembly at its sixty-third session a report on the implementation of the resolution. The present report, which has been prepared by the Office of the United Nations High Commissioner for Human Rights, is submitted pursuant to that resolution. The period covered by the report is January to August 2008.

The report addresses the continuation of the construction of Israeli settlements in the occupied Arab territories with its associated system and violence by Israeli settlers against Palestinians.



## I. Introduction

1. In its resolution 62/108 of 17 December 2007, the General Assembly expressed, inter alia, grave concern about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, particularly about Israel's construction and expansion of settlements in and around East Jerusalem. It also expressed concern about the dangerous situation resulting from violent actions taken by the armed Israeli settlers in the occupied territory.

2. In the light of recent reports of the High Commissioner for Human Rights to the Human Rights Council (A/HRC/7/76 and A/HRC/8/17), which address the humanitarian situation in the Gaza Strip in 2008 and also deal with the killing of Palestinian and Israeli civilians as well as the firing of rockets against Israeli civilian areas, and of the submission, pursuant to General Assembly resolution 62/109, of the report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory (A/63/518), the present report addresses progress made in the implementation of resolution 62/108 concerning, specifically, the continuation in the construction of settlements in the occupied territory with its associated regime, as well as violence by Israeli settlers.

## II. Legal background

### A. International humanitarian law

3. The most relevant international humanitarian law standards concerning the responsibilities of Israel in the Occupied Palestinian Territory as the occupying Power are set out in the Hague Regulations and the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.<sup>1</sup> In its 2004 advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories* (see A/ES-10/273 and Corr.1), the International Court of Justice recalled that, while Israel is not a party to the 1907 Convention with respect to the Laws and Customs of War on Land, to which the Hague Regulations are annexed, the provisions of the Regulations have become part of customary international law. It also concluded that the Fourth Geneva Convention is applicable in the Palestinian territories which before the 1967 conflict lay to the east of the Green Line and which, during that conflict, were occupied by Israel. Since then, a number of United Nations resolutions have reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory.<sup>2</sup>

4. The advisory opinion and a number of United Nations resolutions have all affirmed that Israel's practice of constructing settlements — in effect, the transfer by an occupying Power of parts of its own civilian population into the territory it occupies — constitutes a breach of the Fourth Geneva Convention. In addition to the construction of the settlements, other activities related to settlements are also illegal. These include the requisition of land, the destruction of houses and orchards, the construction of roads meant for the use of settlers only, the exploitation of

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<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> See, for example, Security Council resolutions 446 (1979), 465 (1980), 469 (1980) and 471 (1980) and General Assembly resolution 61/118.

natural resources within the occupied territory and the alteration of the character and status of the Occupied Palestinian Territory. The international community has also raised concerns regarding the depletion of natural resources as a result of settlements.<sup>3</sup>

## **B. International human rights law**

5. In its advisory opinion, the International Court of Justice concluded that the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child are applicable within the occupied territory.<sup>4</sup> The position of United Nations human rights treaty bodies, which mirrors that of the International Court of Justice, is that Israel as a State party to international human rights instruments, continues to bear responsibility for implementing its human rights conventional obligations in the Occupied Palestinian Territory, to the extent that it continues to exercise jurisdiction in those territories.<sup>5</sup> The Court also noted that the obligations of Israel under the International Covenant on Economic, Social and Cultural Rights include an obligation not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to Palestinian authorities (para. 112).

## **III. Israeli settlements in the Occupied Palestinian Territory and their impact on the enjoyment of human rights**

6. The issue of Israeli settlements in the West Bank remains central to the question of the Occupied Palestinian Territory. From 1967 to the end of 2007, Israel established 120 settlements in the West Bank, excluding East Jerusalem, which were recognized by the Ministry of the Interior of Israel as Israeli “communities” within

<sup>3</sup> See, for example, Security Council resolution 465 (1980), in which the Security Council, taking note of the reports of the Commission of the Council established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, expressed its concern and requested the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation.

<sup>4</sup> See paras. 102-113. The Court concluded that the protections offered by human rights conventions do not cease in cases of armed conflict and that the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child are applicable in respect of individuals within its jurisdiction of a State, even concerning those individuals under its jurisdiction outside its own territory.

<sup>5</sup> An examination of the concluding observations of various United Nations treaty bodies confirms this view. In its concluding observations on Israel of 2003 (CCPR/CO/78/ISR), the Human Rights Committee reiterated that the provisions of the International Covenant on Civil and Political Rights apply to the benefit of the population of the occupied territories for all conduct by the State party’s authorities or agents in those territories that affect the enjoyment of rights enshrined in the Covenant. Similarly, in its concluding observations on Israel of 2003 (E/C.12/1/Add.90), the Committee on Economic, Social and Cultural Rights reaffirmed its view that the State party’s obligations under the Covenant apply to all territories and populations under its effective control. The Committee on the Elimination of Racial Discrimination drew a similar conclusion in its concluding observations on Israel of 2007 (CERD/C/ISR/CO/13, para. 32).

the occupied territory. Twelve other settlements are located on land annexed by Israel in 1967 and made part of the Israeli municipality of Jerusalem. In addition, there are approximately 100 “outposts”, which are settlements unauthorized and unrecognized by the Israeli authorities.<sup>6</sup> The 16 settlements built in the Gaza Strip and 3 settlements in the northern West Bank were dismantled in 2005 during implementation of the so-called disengagement plan.

7. Israeli settlement construction in the West Bank has taken place under every Government since the 1967 Arab-Israeli war. In 2007, there were more than 450,000 settlers living in 149 settlements in the West Bank, including East Jerusalem. According to the Israeli Ministry of the Interior, the settler population in the West Bank, excluding East Jerusalem, increased by 5.1 per cent, from an estimated 268,163 in January 2007 to 282,362 in January 2008.<sup>7</sup> According to United Nations sources, almost 40 per cent of the West Bank is now taken up by Israeli infrastructure associated with the settlements, including roads, barriers, buffer zones and military bases.

8. According to figures from the Israeli Central Bureau of Statistics, construction in the settlements has increased in 2008 by a factor of 1.8 in comparison with the same period in 2007. The Israeli Ministry of Housing initiated 433 new housing units during the period from January to May 2008, compared with just 240 housing units during the period from January to May 2007.<sup>8</sup>

9. According to recent reports,<sup>9</sup> as of August 2008, more than 1,000 new buildings were in the process of being constructed in the settlements, of which approximately 2,600 were housing units. Approximately 55 per cent of these new structures are located to the east of the separation wall. The number of tenders for construction in the settlements has increased by 540 per cent in 2008 (417 housing units, compared with just 65 in 2007). The number of tenders in East Jerusalem has increased by 3,728 per cent (1,761 housing units, compared with 46 in 2007). Furthermore, 125 new structures have been added to existing outposts, including 30 permanent houses.

10. Until the end of the 1970s, the Government of Israel claimed that the construction of settlements was undertaken and the associated regime of special roads implemented on the grounds of military necessity and security. In the 1990s, the justification for the closure regime imposed on Palestinians resident in the Occupied Palestinian Territory shifted, the emphasis being placed on the need to protect Israeli settlers and the settlements themselves.<sup>10</sup>

<sup>6</sup> Data available from B'Tselem (<http://www.btselem.org/english/settlements/>).

<sup>7</sup> See <http://www.reliefweb.int>. The figure does not consider the approximately 200,000 settlers in East Jerusalem. According to the Office for the Coordination of Humanitarian Affairs, in 2007, there were more than 450,000 settlers living in 149 settlements in the West Bank, including East Jerusalem (“The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank”, July 2007).

<sup>8</sup> Construction initiated by the Israeli Housing Ministry accounted for 64 per cent of all of the construction counted in the West Bank by the Central Bureau of Statistics in recent months (Peace Now, “Eliminating the Green Line”, August 2008, available at <http://www.peacenow.org>).

<sup>9</sup> See Peace Now, “Eliminating the Green Line”, August 2008.

<sup>10</sup> See Israeli High Court of Justice, *Tabib et al. v. Minister of Defence* (202/81) Piskei Din 36(2)622 and *Ayub et al. v. Minister of Defence et al.* (258/79), Piskei Din 33(2)113, 119, quoted in “Forbidden Roads: Israel’s Discriminatory Road Regime in the West Bank” B’Tselem, 2004, p. 7.

11. The Government of Israel committed itself, under phase I of the road map, to freeze all settlement activity from March 2001 (S/2003/529, annex). This was consistent with the recommendation contained in the Mitchell report of 2001, which states that Israel should freeze all settlement activity, including the “natural growth” of existing settlements, and that the kind of security cooperation desired by Israel cannot for long coexist with settlement activity.<sup>11</sup>

12. The existence of settlements restricts the freedom of movement of Palestinians resident in the West Bank in several ways. The areas included within the municipal boundaries of settlements are designated “closed areas”, and Palestinians are prohibited from entering those areas unless they hold a specific permit (usually restricted to labourers and settlers themselves).<sup>12</sup> The actual built-up area settlements and their municipal boundaries consists of some 9 per cent of the total territory of the West Bank.<sup>13</sup> Furthermore, additional land is included within the settlement regional jurisdiction. This includes land reserved for agricultural and industrial areas attached to settlements, areas for future settlement boundary expansion, and military closed areas around settlements, all of which are prohibited to Palestinians.

13. Despite the claim of the Government of Israel that the internal closure system within the West Bank is imposed on Palestinian residents there for security purposes, most of those internal restrictions on movement are largely premised on the protection of Israeli settlers and settlements and are designed to provide settlers with unobstructed travel capacity between settlements and to Israel itself.<sup>14</sup> None of the restrictions on the freedom of movement of Palestinians apply to Israeli settlers or Israeli citizens travelling throughout the West Bank.<sup>15</sup>

14. The example of Gaza is illustrative of the relationship between the existence of settlements and the closure system imposed on Palestinians living in the West Bank. Following the Israeli disengagement and removal of the settlements from the Gaza Strip in August 2005, the need for internal closure became non-existent. This fact suggests that the presence of Israeli settlements in the West Bank has a similar effect in relation to the need to maintain the internal closure system operating there.

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<sup>11</sup> Report of the Sharm el-Sheikh Fact-Finding Committee, 30 April 2001, available at [www.yale.edu/lawweb/avalon/mideast/mitchell\\_plan.htm](http://www.yale.edu/lawweb/avalon/mideast/mitchell_plan.htm).

<sup>12</sup> Order Regarding Security Regulations (Judea and Samaria) (No. 378) (5730-1970), Declaration Concerning Closing an Area.

<sup>13</sup> World Bank, “Movement and Access Restrictions”, May 2007, available at <http://domino.un.org/unispal.nsf/>.

<sup>14</sup> Office for the Coordination of Humanitarian Affairs, “The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank”. The report states: “As violence escalated in September 2000, the closure regime focused on those West Bank roads mainly used by Israelis to severely restrict Palestinian movement. These continuing measures are justified by the Government of Israel as necessary to protect Israeli citizens from terrorist attacks. As this report demonstrates, these measures are also intimately linked to maintaining settler access and their quality of life. The roads have become corridors to link settlements to Israel. They have also fragmented the West Bank, into a series of enclaves, isolating Palestinian communities from each other” (p. 124).

<sup>15</sup> A clear example is the restrictions on the movement of Palestinians within the market area of Hebron, justified as part of the general operational plan that is designed to provide security to the Jewish settlement bloc in the city (World Bank, “Movement and Access Restrictions”).



15. The right to an adequate standard of living is guaranteed under article 11 of the International Covenant on Economic, Social and Cultural Rights. That right encompasses the right to food, the right to the highest attainable standard of health, the right to water, the right to necessary social services, the right to clothing and the right to housing. The enjoyment of all of those rights by Palestinians living in the occupied territory has been negatively affected by the impact of the settlements, including the associated security regime to protect the settlements and by repeated instances of settler violence.

16. The freedom of movement of Palestinians living in the West Bank has been limited by a number of measures designed to increase the security of the settlements. Some roads in the West Bank have been designated for the use of settlers only, with a complete ban on the use of such roads by Palestinians. Likewise, Palestinians are not permitted to approach the settlement areas for the purposes of farming or herding.<sup>16</sup>

17. The right of Palestinians in the West Bank to own property has consequentially been affected by the settlements. The building of settlements has entailed expropriation and destruction of private Palestinian lands contrary to articles 53 of the Fourth Geneva Convention and articles 46, 52 and 23 (g) of the Hague Regulations. Land owned by Palestinian farmers has been requisitioned and homes have been demolished in order to construct settlements. In addition, the construction of the barrier and roads for the exclusive use of settlers has caused further appropriation of land.

### **Confiscation of land**

18. It is estimated that that 33 per cent of settlements and land incorporated into settlement areas is private land owned by Palestinians.<sup>17</sup> Much of this private land was expropriated by the State of Israel on grounds of military necessity, or under land appropriation laws. Evidence suggests that initially the establishment of settlements was justified on the grounds of military necessity and security. As with the road system, it was claimed during the 1970s that the settlements served a security function. This was sanctioned by the Israeli High Court of Justice, thereby justifying the expropriation of Palestinian private land.<sup>18</sup> However, in 1979, the Court ruled that a proposed settlement was not legal, since it was evident to the Court that it was intended not to serve a temporary security purpose but to be permanent.<sup>19</sup>

19. Following that decision, the Government of Israel has shifted its policy of expropriation of private land based on military necessity and security grounds to one of constructing settlements on public or State lands or appropriating land under the civil laws in place since before the occupation. The Government of Israel has since

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<sup>16</sup> These restrictions are in violation of article 12 of the International Covenant on Civil and Political Rights, article 5 (d) of the Committee on the Elimination of Racial Discrimination, article 13 of the Universal Declaration of Human Rights and article 10(2) of the Convention on the Rights of the Child.

<sup>17</sup> World Bank, "Movement and Access Restrictions"; "Breaking the Law in the West Bank: The Private Land Report", Peace Now, November 2006.

<sup>18</sup> High Court of Justice, *Arub et al. v. Minister of Defence et al.* (258/79), Piskei Din 33(2)113, 119.

<sup>19</sup> High Court of Justice, *Douykat v. Government of Israel*, Piskei Din 34(1), 13 (1979) ("Elon Moreh Case"); see *Palestine Yearbook of International Law*, 1984, p. 134.

declared that land in the West Bank is to be considered State land until proven otherwise.<sup>20</sup> This is done under Ottoman land laws according to which land left fallow for three years reverts to the State.<sup>21</sup> Land may be seized either because no one can prove ownership in accordance with the required standard of evidence or because the area in which the land is situated is declared a closed military zone which farmers are prohibited from entering. After three years, such unused land may be declared abandoned according to the Ottoman land law, and ownership reverts to the State. Accordingly, it is estimated that as much as two thirds of land in the West Bank could be classified as State lands. The Planning Council of the Civil Administration may then apportion the land to existing or new settlements. Once the land is apportioned to a settlement, Palestinians are prohibited from accessing the area. The seizure of land in such circumstances or the declaration of a closed military zone necessarily has an impact on the freedom of movement of Palestinians and restricts their freedom to choose a residence by preventing access to homes and land. The Government of Israel claims that such settlements do not violate international humanitarian law since they are constructed on public lands and do not displace the inhabitants of the Occupied Palestinian Territory.

20. More recently, particularly following the Oslo Accords of 1993, an alternative method of expropriating Palestinian land for the construction of settlements has been employed under the Jordanian planning laws,<sup>22</sup> which permit expropriation for

<sup>20</sup> B'Tselem, "Israeli Settlement in the Occupied Territories as a Violation of Human Rights: Legal and Conceptual Aspects", 1997, available at [www.btselem.org](http://www.btselem.org).

<sup>21</sup> In the early 1980s, the Government of Israel reinterpreted the Ottoman land code to permit the Commander of the Israeli Defense Forces in the West Bank to declare as "State land" uncultivated miri land that had not been registered during the British Mandate or Jordanian rule. Between 1980 and 1984, the Government of Israel declared some 80,000 hectares of the West Bank as State land — sometimes without formally notifying the farmers who had cultivated it for generations (B'Tselem, "Land Grab: Israel's Settlement Policy in the West Bank", 2002). Furthermore, lands enclosed within closed areas or closed military zones, when left uncultivated for three years are also declared State lands and the land largely apportioned for settlements (M. Benvenisti, *The West Bank Data Project: A survey of Israel's policies*, American Enterprise Institute for Policy Research, Washington, D.C., 1984, p. 32). Some areas declared State land were not actually enclosed within closed zones immediately, and in some circumstances farmers continued to cultivate such land. However, with lands now enclosed within the seam zone, to which access has been denied to the owners, it appears that such land will be declared State lands and appropriated for further settlement construction or expansion.

<sup>22</sup> In Area C of the West Bank, the Government of Israel retains authority for zoning and construction planning permits. The Jordanian City, Village and Building Planning Law (No. 79) (1966) serves as the basis for all planning activities, and its provisions are used to determine the size, zoning and location of each unit of land. It determines three levels of plans — regional outline plans, general local outline plans and detailed plans — and corresponding institutional systems such as the Supreme Planning Council and district and local planning committees, and determines the mechanisms for consultations, public participation, publication and objections. The ambit of the law applies to housing, industry, roads and public institutions. The law was modified by military order in 1971, and subsequent amendments transferred the power from the Jordanian Ministry of the Interior to the Military Commander of the West Bank and introduced major changes, particularly to the planning system, by replacing Palestinians on the planning committees with Israeli security forces officials and settlers: Order Concerning the City, Village and Building Planning Law (Judea and Samaria) (No. 418) (5371-1971), sect. 2(2)(3). The Supreme Planning Council became a part of the Civil Administration, and all district planning committees and planning authorities of village councils were eliminated, their powers transferred to the Supreme Planning Council of the Civil Administration. See also World Bank, "Movement and access restrictions".

the “benefit of the population”, despite the fact that access by the Palestinian population to such lands within settlement boundaries is prohibited. Israeli control of the Supreme Planning Council, which forms part of the Civil Administration, particularly in Area C,<sup>23</sup> has also been instrumental in promoting the growth of settlements and limiting the development of Palestinian towns and villages.<sup>24</sup>

#### **IV. Israeli settlement activities in the Occupied Palestinian Territory**

21. As already noted, the settlements are supported by a road network that includes roads reserved for the use of settlers, and others that are restricted to Palestinian residents at certain times, which impede the freedom of movement of Palestinian communities. The construction of the barrier to include settlement areas also contributes to the isolation of Palestinian communities. More than 80 per cent of all Israeli settlers living in the West Bank reside on the western side of the barrier. The barrier’s route weaves between some Palestinian villages and neighbourhoods, contributing to the fragmentation of the West Bank into a series of Palestinian enclaves separated from one another by settlements, outposts, military areas, natural reserves, the wall and the restricted/prohibited roads.

##### **A. The wall**

22. According to available maps, the route of the wall in the West Bank has been largely determined by the location of settlements and the security of settlers.<sup>25</sup> The other side of this rationale, according to the Office for the Coordination of Humanitarian Affairs, is that densely populated Palestinian areas that are inside the Jerusalem municipal boundary are separated from the city by the wall.

23. The wall encircles settlements built around Jerusalem and within the West Bank and connects them to Israel, ensuring that Israeli settlers, 80 per cent of whom reside to the west of the wall, have unimpeded access to Jerusalem. The settler population and the land area of settlements have rapidly expanded, helped by the existence of the wall, which creates a de facto demarcation. At the same time, the wall weaves around and between East Jerusalem and West Bank towns and villages, dividing Palestinian communities and neighbourhoods in several places.

24. Public pronouncements by senior officials of the Government of Israel would seem to indicate that the construction of the wall and the determination of its route by the Government is not premised solely on security considerations, but is to a great degree determined by the desire to include on the Israeli side of the wall as many Israeli settlements as possible and to exclude as many Palestinians as

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<sup>23</sup> The division of the West Bank under the 1993 Oslo Accords resulted in the majority of the territory, Areas B and C, remaining under Israeli control, leaving Palestinian “A” areas in isolated, non-contiguous zones. Israeli settlements were located mostly in Area C in a contiguous area of territory linked to Israel itself. Most of the main roads fell into Area C. Travel between “A” areas necessitated passing through areas controlled by Israel and along Israeli-controlled roads.

<sup>24</sup> See “Land Grab: Israel’s Settlement Policy in the West Bank” B’Tselem, May 2002, p. 85.

<sup>25</sup> Maps are available at [http://www.ochaopt.org/?module=displaysection&section\\_id=130&static=0&format=html](http://www.ochaopt.org/?module=displaysection&section_id=130&static=0&format=html).

possible.<sup>26</sup> A political purpose connected with the wall is suggested by statements made by the former Prime Minister, Ariel Sharon, and the then Minister of Justice, Tzipi Livni.<sup>27</sup> Further, the Israeli State Attorney's Office has acknowledged that the expansion of settlements was taken into account in the planning of the route of sections of the barrier.<sup>28</sup>

25. It is important to note that, upon completion, 87 per cent of the wall will be located inside the West Bank, and that 9.8 per cent of West Bank territory, including East Jerusalem, will be cut off from the rest of the West Bank. Approximately 420,000 settlers in 80 settlements and 285,000 Palestinians (including in East Jerusalem) will be located between the wall and the Green Line. Approximately 125,000 Palestinians in 28 communities will be surrounded on three sides by the wall, and 26,000 Palestinians in 8 communities will be surrounded on four sides.<sup>29</sup>

## B. Bypass roads

26. The severe restrictions on Palestinian access to certain roads within the Occupied Palestinian Territory is one of the policies sustaining settlements. As with the wall, roads are being built allegedly for the security of Israeli settlers and settlements. The concept of the bypass road system is aimed at enabling Israeli settlers to travel between settlements without having to pass through Palestinian-inhabited areas.

27. Since 1967, Israel has established a network of roads throughout the Occupied Palestinian Territory, allegedly to support military needs and to improve infrastructure for the benefit of the Palestinian people.<sup>30</sup> The construction of roads in the West Bank has been sanctioned by the High Court of Justice of Israel on the basis of military necessity and the security of Israeli citizens.<sup>31</sup>

<sup>26</sup> See "The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank", Office for the Coordination of Humanitarian Affairs, p. 124, which states: "The construction of the barrier since 2002 has further fragmented the West Bank and has reinforced the permanence of the settlements. The route of the barrier is determined by the settlements. The barrier cuts deep into the West Bank, looping around the settlements, stretching 22 km to encircle Ariel settlement at its most intrusive point. Without the settlements, the barrier could follow the Green Line with minimal disruption to Palestinian life."

<sup>27</sup> Ariel Sharon, while addressing members of the Jewish community in Paris on 28 July 2005, stated that as a result of the wall "Israel has gained unprecedented political achievements", including "a guarantee that the major population centres in Judea and Samaria (that is, the West Bank) will remain part of Israel in any final status agreement; and there will be no return to the 1967 borders" (E/CN.4/2006/29, para. 26). The Israeli Minister of Justice, Tzipi Livni, acknowledged on 30 November 2005 that "one does not have to be a genius to see that the fence will have implications for the future border. This is not the reason of its establishment, but it could have political implications". (*Ha'aretz*, 1 December 2005).

<sup>28</sup> See High Court of Justice, *Beit Sourik Village Council et al. v. Government of Israel et al.* (2056/04), sect. 80.

<sup>29</sup> See "The Humanitarian Impact of the Barrier: Four Years After the Advisory Opinion of the International Court of Justice on the Barrier", Office for the Coordination of Humanitarian Affairs, July 2008, update No. 8.

<sup>30</sup> See "Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank", Office for the Coordination of Humanitarian Affairs.

<sup>31</sup> See High Court of Justice, *Tabib et al. v. Minister of Defence* (202/81), Piskei Din 36(2) 622; High Court of Justice, *Ayub et al. v. Minister of Defence et al.* (258/79), Piskei Din 33(2) 113, 119. Quoted in "Forbidden Roads", pp. 8-9.

28. Maps produced by the Office for the Coordination of Humanitarian Affairs show that a two-tiered road system has been established throughout the West Bank in which the main roads are reserved for the exclusive use of Israeli settlers and Israeli security personnel, while Palestinians are confined to a secondary network of roads that are in inferior condition. The maps reveal that the vast majority of Israeli-built roads in the West Bank form a network linking the Israeli settlements with one another and to Israel itself.<sup>32</sup> The Office has estimated that Palestinians are denied free access to approximately 1,500 km of road within the West Bank.

29. In some instances, Israeli settlers themselves have commenced road construction illegally on privately owned Palestinian land without obtaining prior authorization and without subsequent action or intervention by the Israeli security forces.

### C. Prohibited roads

30. Roads in the West Bank fall into three categories: completely prohibited, partially prohibited and restricted-use roads.<sup>33</sup> According to the Office for the Coordination of Humanitarian Affairs, prohibited roads include some 20 major and regional roads throughout the West Bank. Most prohibited roads comprise the major north-south and east-west routes in the West Bank. These are reserved for settlers, Israeli security forces and non-Palestinian international passport holders, including international United Nations staff.<sup>13</sup> Travel on these roads by Palestinian residents and vehicles bearing Palestinian number plates is completely forbidden. Emergency services and commercial vehicles are also covered by this blanket prohibition.<sup>34</sup>

31. Access to some prohibited roads is controlled by staffed checkpoints, while in other cases access is prevented by physical barriers such as earth mounds, fences, iron gates and trenches. Where a prohibited road cuts across a Palestinian road, Palestinians are forbidden from crossing the prohibited road by car. In order to cross the prohibited road, Palestinians must alight from their vehicle, cross the road on foot and find another vehicle on the other side to continue their journey.<sup>35</sup>

32. Partially prohibited roads are those for which a special permit is required; such permits are applied for in the same manner as normal movement permits for individuals. Some public-transport companies have been granted permits, including bus companies, which run buses between the checkpoints that regulate access to all major Palestinian cities.

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<sup>32</sup> It seems that some of the roads in the West Bank were planned so as to place a physical barrier to inhibit Palestinian development, since their routes often cut through Palestinian areas to create fragmented enclaves. In fact, the Settlement Plan for 1983-1986 specifically stated that a primary consideration in choosing the route of a road and the placement of settlements should be to limit the expansion and construction of Palestinian villages; see "Land Grab: Israel's Settlement Policy in the West Bank", B'Tselem, May 2002, chap. 8; see also "Forbidden Roads", p. 6.

<sup>33</sup> *Waiting for Justice: Al-Haq: 25 Years of Defending Human Rights (1979-2004)*, p. 87; see also "Forbidden Roads".

<sup>34</sup> See "The question of freedom of movement and the impact of the 'separation barrier' on it in the territories occupied by Israel", European Union, 2006.

<sup>35</sup> See *Waiting for Justice*; "Forbidden Roads"; and "The Question of Freedom of Movement".

33. Palestinian travel is entirely or partially prohibited on some 41 roads and sections of roads throughout the West Bank, including many of the main arterial routes covering some 700 km of road.<sup>36</sup>

34. Restricted roads are those that can be accessed only through an intersection at which a checkpoint stands. Individuals travelling on such roads who are not from the local area must have a permit. On passing the checkpoint, all vehicles are searched, and permits are checked by Israeli security forces. There are usually significant delays involved in passing through these checkpoints.<sup>37</sup> In the West Bank, Palestinian vehicles that are stopped for any suspected infringement of traffic laws will be searched and confiscated if the driver is found not to have the appropriate permit.

35. The road-classification system and the physical obstructions present on roads throughout the West Bank, in conjunction with the permit system, serve to divide the West Bank into six separate areas and to control or inhibit the movement of Palestinians in the Occupied Palestinian Territory. The prohibition on travel along many main roads means that Palestinians must make long and convoluted detours to reach their destination, often on substandard roads. According to the Office for the Coordination of Humanitarian Affairs, since the restrictions apply also to commercial vehicles, there is a significant increase in the time required for, and the cost of, transporting produce and other commodities throughout the West Bank.

36. The establishment of roads reserved for the exclusive use of the occupants of settlements is discriminatory and in violation of the prohibition against discrimination based on article 3 (1), article 13 and article 27 of the Fourth Geneva Convention. International human rights law insists that there must be no unlawful discrimination even in times of national emergency, such as has not been declared by the Government of Israel.

## D. Checkpoints

37. Access to the restricted or prohibited road network is controlled by flying (i.e., temporary and moveable) and permanent checkpoints. Furthermore, there is a variety of physical barriers, such as earth mounds, fences, gates, trenches and earth walls, which physically prohibit Palestinians from accessing such roads. The effect of the prohibited and restricted road network, coupled with checkpoints and other physical obstacles to travel, is that circuitous and lengthy journeys are required to travel from one village to another or from one area to another, or that people are unable to travel between them at all. This inevitably disrupts many aspects of the daily life of Palestinians (see <http://www.ochaopt.org>).

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<sup>36</sup> For example, routes 463, 466 and 443 (linking Jerusalem and the settlements surrounding it with Tel Aviv) and 557 (from Elon Moreh and Itamar settlements, effectively isolating 14,000 Palestinian villages from Nablus and the rest of the West Bank) are solely for use by Israeli citizens; see "The Question of Freedom of Movement"; see also "Forbidden Roads".

<sup>37</sup> See "Forbidden Roads".

## V. Settler violence in the occupied territory

38. There have been reports of incidents of violence committed by Israeli settlers, including vandalism of crops, the killing of livestock, the poisoning of water wells, the blocking of roadways, the destruction of cars and the verbal abuse of and assaults on Palestinians. According to the Office for the Coordination of Humanitarian Affairs, from January 2008 until the end of July, 270 incidents of violence committed by settlers were reported, resulting in injury to approximately 50 Palestinians. International humanitarian workers have also been attacked; for instance, in July 2008, a group of Palestinian children walking to a summer camp in Tuwani village (Hebron) were attacked by settlers, and the international worker accompanying them was injured.

39. On 10 May 2008, settlers from areas south of Bethlehem reportedly took over a Palestinian house belonging to the Arts church in the south of the city. Allegedly, Israeli soldiers were present but did not intervene. On 30 May, settlers threw stones at a Palestinian house located close to the southern fence of Kiryat Arba settlement; soldiers who were present allegedly failed to halt the attack.<sup>38</sup> Over a period of three days in mid-June 2008, hundreds of settlers reportedly besieged the villages of Howwrah, Boreen and 'inYbous, south of Nablus. The settlers were reported to have blocked the main road leading from the villages to Nablus. On the second day, the settlers allegedly set fire to and destroyed 100 dunums of land planted with olive trees on a hill near Howwrah village. It was reported that Palestinian firemen who came to extinguish the fire were stopped by Israeli security forces.<sup>39</sup> The particular nature of those attacks, targeting property including agricultural land belonging to Palestinian farmers, is significant in the broader context of land appropriation.

40. In January 2007, B'Tselem, an Israeli human rights organization, launched the "Shooting Back" advocacy project, through which the organization provides video cameras to Palestinians living close to settlements, with the stated purpose of bringing the reality of their lives under occupation to the attention of the Israeli and international public, exposing and seeking redress for violations of human rights. Since January 2007, many of the attacks have been filmed and brought to the attention of the authorities and of the public.<sup>40</sup>

41. It appears that the Israeli authorities have failed to adequately ensure public order to protect Palestinians from criminal attacks by settlers. Some incidents of settler violence were allegedly not investigated promptly or at all by the Israeli authorities, in violation of article 43 of the Hague Regulations, which obliges the occupying Power to take all measures within its power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

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<sup>38</sup> "Settler Violence Report: May and June 2008", Alternative Information Centre, July 2008.

<sup>39</sup> Settler violence incidents are also reported in *The Humanitarian Monitor*.

<sup>40</sup> All documented attacks are available at <http://www.btselem.org/english/OTA/?WebbTopicNumber=01&image.x=14&image.y=7>.

## VI. Israeli settlements in the occupied Syrian Golan

42. As at the end of June 2008, some 18,000 Israeli settlers were estimated to be living in 32 settlements in the occupied Syrian Golan.<sup>41</sup> Construction of infrastructure and housing was pursued actively in 2007 and early in 2008, notwithstanding calls by the international community to halt construction in the occupied territories and despite the fact that the Golan Heights is on the agenda of recent peace talks between the Syrian Arab Republic and Israel.<sup>42</sup>

43. The detrimental impact of the Israeli occupation of the Golan on the livelihoods of the local population relates to the restrictions on land cultivation and farming. The alleged confiscation of land belonging to Syrian citizens, the uprooting and destruction of trees and seedlings, and discrimination with regard to access to water and construction permits affect Syrian citizens living in the occupied Golan. The consequent economic difficulties have been exacerbated by a particularly harsh winter, which destroyed much of the 2007 harvest. Land that is left uncultivated is subject to confiscation by the Israeli authorities.<sup>43</sup>

44. According to the Arab community of Majdal Shams, the Israeli water authority had initially allocated 750 cubic metres (m<sup>3</sup>) of water per dunum of land to Israeli settlers. Arab farmers were allocated a quota of 150 m<sup>3</sup> per dunum. Recently the two quotas have been reduced to 450 m<sup>3</sup> and 90 m<sup>3</sup>, respectively. As a result of these unequal quotas, Syrian citizens are unable to produce the same quantity of high-quality apples per dunum of land as Israeli settlers in the region. In addition, Syrian citizens directly pay more for water as a result of an indirectly discriminatory tariff system. These conditions, as well as discrimination with regard to subsidies, combined with a high dependency on the Israeli market, mean that cultivation has become increasingly difficult for Syrian citizens of the Golan.<sup>43</sup>

45. Such practices are contrary to the standards and principles set out by the International Labour Organization concerning equality of opportunity and treatment in employment and occupation, which include the right to equal access to natural and other resources, including subsidies, without discrimination.

## VII. Recommendations

**46. In view of the worsening human rights situation in the occupied Palestinian territory, the protection of both Palestinian and Israeli civilians requires action by all parties and the international community. As such, all parties to the conflict should cease all actions violating international human rights and humanitarian law.**

**47. The Government of Israel should abide by its commitments as stated in the road map and reiterated in the Annapolis joint statement of November 2007, namely, to immediately dismantle settlement outposts erected since March 2001 and to freeze, consistent with the Mitchell report, all settlement activity (including natural growth of settlements).**

<sup>41</sup> See <http://www.securitycouncilreport.org/site/c.g1KWLeMTIsG/b.4311487/>.

<sup>42</sup> See *Ha'aretz*, 27 May 2008; <http://www.haaretz.com/hasen/spages/987462.html>.

<sup>43</sup> See "The situation of workers of the occupied Arab territories", International Labour Organization, at <http://www.ilo.org>.



48. **The Government of Israel should take action to halt attacks by Israeli settlers against the civilian population of the occupied territory and ensure that a proper investigation is carried out in regard to incidents caused by such settlers and that redress is given to the victims of such violence.**

49. **The General Assembly and the international community should actively promote the implementation of its decisions, resolutions and recommendations and those of the Security Council, the International Court of Justice and the United Nations human rights mechanisms, including treaty bodies and special procedure mandate-holders.**

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Agenda item 32

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General**

#### *Summary*

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 63/97, in which the Secretary-General was requested to report to the Assembly at its sixty-fourth session on the implementation of the resolution. The period covered by the report is September 2008 to August 2009.

The report addresses the continuation of Israeli settlement activities in the occupied Arab territories and its impact on the human rights of the residents.



## **I. Introduction**

1. In its resolution 63/97, the General Assembly expressed grave concern about the continuation by Israel, the Occupying Power, of settlement activities in the Occupied Palestinian Territory, in violation of international humanitarian law, United Nations resolutions and agreements reached by the parties, particularly about Israel's construction and expansion of settlements in and around East Jerusalem. It also expressed concern about the dangerous situation resulting from violent actions taken by armed Israeli settlers in the Occupied Palestinian Territory.

2. Furthermore, the General Assembly, in the same resolution, reaffirmed that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan were illegal and called upon Israel to strictly comply with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem. In addition, the resolution reiterated its demand for the complete and immediate halt of all Israeli settlement activities, including in East Jerusalem and the occupied Syrian Golan.

3. The General Assembly also called for the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and their properties and agricultural lands, and stressed the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers. The resolution also called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory.

4. The present report addresses progress made in the implementation of resolution 63/97 concerning, specifically, Israeli settlement activities in the occupied territories, as well as violence by Israeli settlers. Other relevant issues referred to in the resolution are covered by the report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory (A/64/517).

5. The present report needs to be read in conjunction with the previous report of the Secretary-General on this question (A/63/519). Such issues as the confiscation of land, the wall, the bypass and prohibited roads and checkpoints presented previously are not repeated here. The previous report also provided the historical background of the issues of Israeli settlements. The present report provides an update on the settlements and highlights additional concerns. The report relies heavily on information made publicly available by the Office for the Coordination of Humanitarian Affairs (see <http://www.ochaopt.org>).

## **II. Legal background**

### **A. International humanitarian law**

6. The most relevant international humanitarian law standards concerning Israel's responsibilities in the Occupied Palestinian Territory as the Occupying Power are set out in the Fourth Geneva Convention relative to the Protection of Civilian Persons

in Time of War and in the Hague Regulations, which are recognized as part of customary international law.<sup>1</sup>

7. Article 49 of the Fourth Geneva Convention stipulates specifically that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”. Israel’s continued settlement activities are in flagrant violation of this provision, as confirmed by the International Court of Justice in its advisory opinion on the wall. This has also been confirmed repeatedly by a number of United Nations resolutions, including, most recently, by General Assembly resolution 63/97 and Human Rights Council resolution 10/18.

8. The Hague Regulations prohibit an occupying power from undertaking permanent changes in the occupied area unless they are due to military needs in the narrow sense of the term or unless they are undertaken for the benefit of the local population. The occupying power must refrain from changing the character, status or demographic composition of the occupied territory. It is also bound to protect the rights of protected persons in occupied territories. In addition to the construction of the settlements themselves, other settlement-related activities, such as the confiscation of land, the destruction of houses and orchards, the construction of roads meant for settlers only and the exploitation of natural resources, including water, within the occupied territory and altering the character and status of the Occupied Palestinian Territory, are also prohibited by international law. Concerns over the use and depletion of natural resources as a result of settlements have been raised by the international community on numerous occasions.<sup>2</sup>

## **B. International human rights law**

9. Israel has ratified several of the most important international human rights treaties, including the International Convention on the Elimination of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

<sup>1</sup> In its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* of 2004 (see A/ES-10/273 and Corr.1), the International Court of Justice concluded that the Fourth Geneva Convention was applicable in the Palestinian territories which, before the 1967 conflict, lay to the east of the Green Line and which, during that conflict, were occupied by Israel. Since then a significant number of United Nations resolutions have reaffirmed the applicability of the Fourth Geneva Convention, the most recent being Human Rights Council resolutions S-9/1 and 10/18 and General Assembly resolutions 63/96, 63/97 and 63/201. In its advisory opinion, the Court recalled that while Israel was not a party to the Hague Convention Respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV), to which the Hague Regulations are annexed, the provisions of the Hague Regulations had become part of customary international law.

<sup>2</sup> See various General Assembly resolutions, including 63/201. Also see Security Council resolution 465 (1980), whereby the Council, taking note of the reports of the Commission of the Security Council established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, expressed its concern and requested the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, and to investigate the reported serious depletion of natural resources, particularly water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation.

the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

10. In its advisory opinion on the wall, the International Court of Justice affirmed that the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child were applicable in respect of acts carried out by and legal obligations of Israel in the Occupied Palestinian Territory (see A/ES-10/273, paras. 102-113). The position of United Nations human rights treaty bodies mirrors that of the International Court of Justice, namely, that as a party to international human rights instruments, Israel continues to bear responsibility for implementing its human rights obligations in the Occupied Palestinian Territory under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of Racial Discrimination to the extent that it continues to exercise jurisdiction in those territories.<sup>3</sup> The Court also noted that Israel's obligations under the International Covenant on Economic, Social and Cultural Rights include "an obligation not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to Palestinian authorities" (A/ES-10/273, para. 112).

11. Israel's establishment of settlements in the Occupied Palestinian Territory has affected numerous rights of Palestinian residents that are enshrined in international human rights law. In particular, the Government of Israel has imposed severe restrictions on the freedom of movement of Palestinians in the vicinity of the settlements, including through the building of the wall, checkpoints, road closures and a road network open only to settlers and Israeli citizens. Those restrictions on freedom of movement have in turn generated violations of a wide range of other human rights, such as the right to education, the right to work, the right to an adequate standard of living, the freedom of religion and the right to the highest attainable standard of health, which, as mentioned above, are dealt with in more depth in another report (A/64/517).

### **III. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and their impact on the enjoyment of human rights**

#### **A. Overview**

12. As noted in the previous report of the Secretary-General to the General Assembly (A/63/519), settlements represent an obstacle to the creation of the future Palestinian state. The Government of Israel committed itself, under phase 1 of the road map, to freeze all settlement activity from March 2001 (S/2003/529, annex). This was consistent with the recommendation contained in the report of the Sharm

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<sup>3</sup> An examination of the concluding observations of different United Nations treaty bodies confirms this view. See A/HRC/8/17, para. 7; CERD/C/ISR/CO/13, para. 32, CRC/C/15/Add.195, CAT/C/ISR/CO/4, para. 11, and A/60/38, part two, paras. 221-268.

el-Sheikh Fact-Finding Committee of 2001, which stated that Israel should freeze all settlement activity, including the so-called “natural growth” of existing settlements, and that the kind of security cooperation desired by Israel could not be reconciled with settlement activity.

13. Despite the commitments made by the Government of Israel to cease settlement activity and international calls to halt expansion, settlements in the Occupied Palestinian Territory continue to expand in violation of Israel’s obligations under international humanitarian law. The Office for the Coordination of Humanitarian Affairs reports that by the end of 2008, about 485,800 settlers were residing in 121 settlements in the West Bank, including 195,000 in 12 settlements in East Jerusalem. Statistics indicate that in 2008 the settler population, excluding in East Jerusalem, grew by 4.6 per cent, a much faster rate than the general population elsewhere in Israel (1.6 per cent). According to the Israeli non-governmental organization B’Tselem, some 40 per cent of the growth in the settler population outside of East Jerusalem was the result of persons emigrating from elsewhere in the world or Israel, as opposed to natural growth.

14. As at June 2009, some of the major construction projects in progress included those in Ma’ale Adumim and Giv’at Zeev Illit (around East Jerusalem), where around 900 and 800 housing units, respectively, were being built. Hundreds of other housing units are being constructed in Beitar Illit and Modin Illit. In more than 22 other settlements in the West Bank, construction ranging from the building of 1 or 2 to 50 villas is actively being carried out.

15. Despite a policy of the Government of Israel that settlements should not be built on privately owned Palestinian land, there is evidence, reported by the non-governmental organization Peace Now, that this is not always the case and that land owned privately by Palestinian residents of the Occupied Palestinian Territory has been expropriated for the building of settlements. An illustrative example is that of Ofra settlement, populated by 2,700 persons some 24 kilometres east of the Green Line (i.e. inside the occupied territory), of which some 60 per cent of land had already been registered to Palestinian residents before 1967.

16. In practice, large swaths of land around settlements are often de facto closed off to Palestinian residents, either by the Government of Israel or by the settlers themselves with the tacit approval of the Israeli security forces. While this had been occurring for many years, it was further institutionalized by the Government of Israel in 2002 through the “special security area” framework, by which closed areas 300 metres wide (later expanded to 400 metres) are established around many settlements. In March and April 2008, B’Tselem obtained from the Government of Israel information showing that, as a result of those measures having been taken around 12 settlements, their overall area had increased from 3,235 dunams to 7,794 dunams. More than half of the land that has reportedly been effectively expropriated under this framework is private land owned by Palestinians. In some cases, such as Ma’ale Adumim, 86 per cent of the lands on which settlement units are built are privately owned.

17. Peace Now recently reported that the Government of Israel was planning to construct at least 73,300 housing units in the West Bank, 15,000 of which had received final governmental approval. Close to 5,700 of those units are reportedly to be constructed in East Jerusalem.

18. In addition to settlements, there are currently around 100 “outposts” throughout the West Bank. Outposts are settlements that are not authorized by the Government of Israel and are therefore illegal under Israeli law, in addition to being illegal under international law. Nevertheless, the establishment of new outposts continued over the past year. In some of those, including Kida, Toka B and C, Lehavat Yitzar, Givat Harel, Ahiya and Neve Daniel North in the West Bank, permanent structures are being built, while the extensive expansion of factories in the industrial area in Areil and Barkan (central West Bank) is also being carried out.

19. According to the Office for the Coordination of Humanitarian Affairs in response to concerns raised by several States, the Government of Israel announced in May 2009 that it would dismantle outposts existing in various locations in the West Bank.

20. Although the existence and expansion of settlements affects nearly all Palestinians in the Occupied Palestinian Territory, the most vulnerable are the Bedouins in Area C, many of whom are refugees from the Negev. As herders and livestock owners, they are prevented from grazing their animals within 3 kilometres of nearby settlements in many areas and have frequent demolitions carried out against them by Israeli security forces<sup>4</sup> or the Israeli civil administration. Generally, Bedouins are becoming increasingly vulnerable and dependent on externally funded projects, which provide them with basic needs such as water and dry fodder.

## **B. Settlements in East Jerusalem**

21. Between 1948 and June 1967, Jerusalem was divided in two: West Jerusalem, which consisted of an area of about 38 square kilometres, was under Israeli control, and East Jerusalem, which contained an area of some 6 square kilometres, was under Jordanian control (as was the rest of the West Bank). In June 1967, following the 1967 war, Israel annexed some 70 square kilometres beyond the municipal boundaries of West Jerusalem, on which it imposed Israeli law.

22. International law prohibits the annexation of territory occupied pursuant to an armed conflict.<sup>5</sup> Israel’s annexation of East Jerusalem constitutes a flagrant violation of international law.

23. According to the Office for the Coordination of Humanitarian Affairs, 12 settlements have been constructed in East Jerusalem since its annexation, and the settler population stands at approximately 195,000.

24. In addition to having approved the expansion of settlements in East Jerusalem, the Government of Israel has implemented a number of other policies the result of which is to change the demography of East Jerusalem. In particular, the policies of the Government of Israel regarding urban planning in East Jerusalem, the dispensing of building permits and the demolition of homes built without permits have a

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<sup>4</sup> Including border police, Israeli police and Israel Defense Forces.

<sup>5</sup> Article 2, paragraph 4, of the Charter of the United Nations, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV), annex) and Security Council resolution 242 (1967) which emphasized the inadmissibility of the acquisition of territory by war.

discriminatory impact on Palestinian residents of East Jerusalem.<sup>6</sup> Furthermore, according to B'Tselem, the revocation of residency and social benefits of Palestinian residents who stay abroad for a continuous period of seven years or who are unable to prove that they reside in East Jerusalem are also discriminatory and are clearly aimed at ensuring that the maximum number of Palestinians leave the city (see, e.g., CERD/C/ISR/CO/13, para. 20). Those policies and practices are in violation of human rights obligations on non-discrimination, in particular as elaborated in article 2 of the International Covenant on Civil and Political Rights; articles 2 and 5 of the International Convention on the Elimination of Racial Discrimination and article 2 of the International Covenant on Economic, Social and Cultural Rights. They also affect the right to self-determination, guaranteed under article 1 of the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. In addition, those policies affect a number of other human rights of the Palestinian residents of East Jerusalem, such as their right to adequate housing (article 11 of the International Covenant on Economic, Social and Cultural Rights) and their right to privacy and family life (articles 17 and 23 of the International Covenant on Civil and Political Rights and article 10 of the International Covenant on Economic, Social and Cultural Rights).

25. In addition, the Government of Israel has been planning to construct a new settlement between Ma'ale Adumim (a large settlement 14 kilometres east of Jerusalem housing approximately 33,000 people) and East Jerusalem. The proposed settlement (commonly known as the E1, for "East 1" plan) consists of around 3,500 housing units for approximately 15,000 people, as well as commercial areas and tourism buildings. This would reportedly entail the removal of close to 2,700 Jahalin Bedouins, who live a traditional semi-nomadic life in the area. According to the Office for the Coordination of Humanitarian Affairs, all of the West Bank east of Ma'ale Adumim has been declared a closed military area by the Israeli military, and access is prohibited to all Palestinians.

#### **IV. Israeli settler violence in the Occupied Palestinian Territory**

26. Violent acts by settlers against the Palestinian population of the Occupied Palestinian Territory continued. Data compiled by the United Nations Office for the Coordination of Humanitarian Affairs indicates that settler-related incidents<sup>7</sup> have increased significantly over recent years. The Office documented 391 such incidents in 2008, as compared with 243 in 2007 and 182 in 2006. The number of Palestinians killed or injured as a result of settler violence also increased significantly, from

<sup>6</sup> For example, the land available for Palestinians in East Jerusalem for the construction of houses is a mere 13 per cent of East Jerusalem, much of which is already built up. Even there it is difficult to obtain permits. Also, the density, known as the plot ratio, permitted is half, or in some cases much less than half, that found in neighbouring Israeli settlements in East Jerusalem, or in West Jerusalem, thus limiting the possibility of housing for Palestinians. Between 1996 and 2000, for example, the number of recorded building violations was four and a half times higher in Israeli areas (17,382 violations) than in the Palestinian areas of East Jerusalem (3,847 violations). In spite of this, the number of demolition orders issued in West Jerusalem was merely one fourth (86 orders) the number in East Jerusalem (348).

<sup>7</sup> Including violence committed by settlers against Palestinians as well as other violations, such as the damaging of Palestinian property and trespassing.



74 in 2006 to 92 in 2007 and 195 in 2008.<sup>8</sup> In 2008, the Office noted that a significant majority of such violent acts had been carried out by groups of settlers as opposed to individuals, as had generally been the case before 2006.

27. The Office also reports that settler-related incidents in 2009 are continuing. It notes that the number of violent acts resulting in Palestinian casualties in 2009 may be slightly lower compared with 2008. On the other hand, the number of Palestinian persons injured by settlers remains at the high level of 2008, with 269 settler-related incidents as at September 2009 41 of which resulted in the injury of 108 Palestinians.<sup>9</sup> Israeli settlers living in many areas have a special dispensation regarding the owning and carrying of firearms, and many settlements maintain their own volunteer paramilitary forces, some of which are heavily armed.

28. The Office for the Coordination of Humanitarian Affairs reports that as at December 2008, approximately half of all Palestinian injuries from settler violence were suffered by women and children. Defence for Children International — Palestine Section, an international non-governmental organizations, documented 25 cases of settler violence directed at children from early 2008 to August 2009.<sup>10</sup> Settlers often commit violent acts against Palestinian residents with impunity. The Office for the Coordination of Humanitarian Affairs reported in 2008 that the majority of settler incidents recorded since 2006 had been committed by groups of Israeli settlers against Palestinian civilians as they performed their daily tasks — walking to school or to market, grazing their livestock, tending their fields or harvesting their crops. Children as young as 8 years old and elderly people as old as 95 have been targets of attacks. The full extent of settler violence is difficult to capture in part because settler harassment has become such a routine part of life for some Palestinians. Many incidents go unreported unless they have a significant result. In some areas, such as in the part of Hebron city under Israeli control or in the villages surrounding Yitzhar settlement in the Nablus governorate, the Office has recorded routine settler harassment and intimidation of Palestinian civilians by means of a variety of techniques, from the threat of force to its actual use.

**29. Recent events in the Palestinian village of Safa (Hebron) and the Bedouin community of Umm al-Khayr (southern West Bank) are illustrative.<sup>11</sup> Safa is bordered by the Israeli settlements of Bat Ayin to the north and Gush Etzion to the north-east. Following a murder that took place in the centre of Bat Ayin settlement by an unknown assailant on 3 April 2009, at about 2200 hours, dozens of Israel security forces entered Safa from different directions, using megaphones to order all men in the village to come out to the street. Several Palestinians were beaten by Israeli security forces and some were arrested. Several days later, on 8 April, settlers from both settlements, escorted by**

<sup>8</sup> It should be noted that these data rely on the monitoring efforts of the Office for the Coordination of Humanitarian Affairs and are not necessarily comprehensive.

<sup>9</sup> In 2008, 3 settlers were killed and 27 were wounded over the course of 2008 by Palestinians. The International Crisis Group notes that the presence of settlements also generates Palestinian violence; international observers and settlers report recent Palestinian attacks, including drive-by shootings, Molotov cocktails, bombs at settlement gates and a series of stabbings.

<sup>10</sup> In one case, for example, a lone 15-year-old boy was reportedly assaulted, for no apparent reason, by a group of more than 20 settlers.

<sup>11</sup> These are only a few of several cases that the United Nations is monitoring that illustrate the extent of the violations occurring to Palestinians owing to settlements and settlers' violence. For case studies see A/HRC/12/37 and A/HRC/12/48.

troops, gathered to the north and east of Safa. Both the settlers and Israeli security forces opened fire at Palestinian civilians with firearms, sound bombs and tear gas canisters. The attacks continued for 90 minutes, peaking when troops broke into the village and raided houses, wounding nine Palestinian civilians (see A/HRC/12/37, paras. 62-70).

30. The Bedouin herding community of Umm al-Khayr lives on land — parts of which are privately owned by the community — that is in close proximity to several settlements.<sup>12</sup> The Bedouin community currently lives literally within metres of a settlement fence and suffers persistent harassment from settlers, with settler youth often lining up along the fence at night to throw stones and hurl verbal abuse. Security guards of the settlement, together with Israel Defense Forces, regularly make incursions into the village and search houses, claiming that there are “terrorists” planning to attack — despite the fact that there has never been any attack on the settlement. Despite several complaints to the police and the civil administration, in particular over the course of 2008, no serious investigation appears to have been conducted.

31. Since the summer of 2008, representatives of the Israeli civil administration, police officers and the security guards of the settlement have on different occasions verbally informed members of the community that they would no longer be allowed access to the area of the surrounding land that constitutes the bulk of their grazing land. Israel Defense Forces are now regularly positioned on top of one of the hills that is currently off limits to members of the community, ensuring that they are unable to have access to the area and are forced to take a long, roundabout route to graze their livestock.

32. Furthermore, a new security road that is currently under construction around Karmel settlement passes only 50 metres from the community’s main water cistern. The community is denied access to the cistern while daily work on the road is carried out. Finally, the community has been subject to home demolitions. Most recently, on 29 October 2008, six homes and one food store were demolished, displacing 57 persons (including 28 children). The stated reason for the demolition was that the buildings concerned did not have building permits, which are nearly impossible to obtain in Area C. The information available to the Office of the United Nations High Commissioner for Human Rights indicates that in 2007, more than 90 per cent of applications for building permits in Area C were rejected (see A/HRC/12/37).

33. In May 2008, Yesh Din, an Israeli non-governmental organization, published figures indicating that only 8 per cent of complaints involving settler-related incidents resulted in indictments. Some 87 per cent of assault complaints filed were reportedly closed without indictment. Overall, 92 per cent of cases involving criminal trespass, seizure of land and damaging of Palestinian crops were closed with no further action taken. Not a single property damage complaint was closed with an indictment. Although those figures rely on Yesh Din’s monitoring efforts and are not comprehensive, Yesh Din states that no official body maintains comprehensive data on such investigations. The overwhelming majority (94 per cent) of the cases monitored by Yesh Din were closed owing to failures in the

<sup>12</sup> Until 2000, many members of the community performed labour in Israel and earned income. However, as restrictions on holders of West Bank identification entering Israel increased, this became impossible, and now the raising of livestock is one of the main sources of income.

investigation, such as failing to identify the perpetrator or to collect sufficient evidence. Yesh Din documented several cases in which the effort put into the investigation of serious crimes committed by settlers fell seriously short of that required to hold alleged perpetrators accountable and combat impunity. They included cases in which victims' complaints and testimonies were recorded in Hebrew rather than Arabic (the language in which the testimonies was given) and cases in which the police investigators did not visit the crime scene or when testimonies were not collected from key witnesses. According to Yesh Din, in a number of cases a decision was made to close the investigation even though there was sufficient prima facie evidence to prosecute the suspects. In one case, the police failed to conduct any investigation into the alibi of one settler whose identity card had been found at the scene of vandalized Palestinian crops.

34. In July 2009, in a letter from the Ministry of Justice to the Office of the United Nations High Commissioner for Human Rights, the Ministry stated that in 2007, 491 investigations against Israeli settlers for "disturbances of peace" were opened in the West Bank, leading to 57 indictments against 73 persons. In 2008, 525 investigations were opened, leading to 106 indictments against 140 persons.

35. Even when Israeli security forces are present at the scene, the information gathered by non-governmental organizations while carrying out field monitoring and collecting testimony suggests that their intervention to protect Palestinian residents is rare. Settlers are rarely arrested for committing violent acts. Numerous cases have also been documented in which the Israeli security forces facilitates, or even participates in, violence by settlers.<sup>13</sup>

36. There have been instances in which settlers were prosecuted. B'Tselem reports that in December 2008, a resident of the Yitav settlement in the north-eastern part of the West Bank was sentenced to 16 months of imprisonment after shooting and paralyzing for life an unarmed Palestinian civilian. On the other hand, even in high-profile cases where there is incontrovertible evidence against the settler, effective prosecution and sentencing can be lacking. In July 2009, the Israeli Prosecutor's office reportedly stated that it would drop charges against a settler who had been caught on film shooting at Palestinians at close range during the aforementioned incident in December 2008. Although the settler had initially been charged with intention to cause grievous bodily harm, the Prosecutor's office refrained from pursuing the prosecution, stating that doing so might result in the revealing of secret evidence.

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<sup>13</sup> In one case documented by Defence for Children International — Palestine, on 3 April 2009 two Palestinian boys (one 15-year-old and one 16-year-old) were attacked, for no apparent reason, by three Israeli border police officers and a settlement security guard in a field near Ma'on settlement in Hebron. After being chased and assaulted, the two boys were reportedly put in a police vehicle and transported to a nearby checkpoint, where they were taken out of the vehicle, handcuffed, kicked and beaten in front of approximately 20 other Israeli security force troops. The troops then stood by as a group of six or seven settlers, passing nearby, started throwing stones at the boys. The boys were eventually released when representatives from an international non-governmental organizations, which the boys were unable to identify, arrived on the scene and negotiated their release with the troops. In several other cases, settlers have been filmed committing violent acts against Palestinians in the presence, and sometimes even with the participation, of Israeli security forces.

## V. Situation of Palestinian workers in Israeli settlements

37. According to the International Labour Organization (ILO), thousands of Palestinian women, men and children work in settlements in the West Bank, mainly in industrial and agricultural areas. It is estimated that some 26,000 Palestinian workers are employed in seven major settlements and industrial zones alone. Working in settlements is in many cases the only viable way to secure a livelihood for many Palestinians; however, as reported by ILO, the Palestinian workers are vulnerable to exploitation and violations of rights.

38. Many of the Palestinians who work in Israeli settlements and industrial zones are exposed to what ILO describes as “hazardous work environments without appropriate occupational safeguard and health measures in place”. In addition, the existence of (Palestinian) child labour in Israeli settlements, particularly in numerous agricultural fields of the Jordan valley, is of great concern. ILO estimates that some 1,900 children work in those settlements, including some who perform dangerous work on date plantations, in violation of the Convention on the Rights of the Child, to which Israel is a State party, which states in article 32, paragraph 1, that children have the right to be protected from economic exploitation and from performing any work that is likely to be hazardous.

39. Although Israeli settlers working in settlements are represented by the Israeli national trade union, Palestinian trade unions are prohibited from operating in settlements. This discriminatory treatment has resulted in a situation in which Palestinian labourers are vulnerable to violations of their rights, with far less access to remedies than Israeli workers. While it is possible for a Palestinian worker in a settlement to take legal action against his employer with the aid of an Israeli national trade union, reports indicate that in reality Palestinian workers face far more obstacles in obtaining such assistance than Israeli workers do.

## VI. Water resources and pollution

40. As the Occupying Power, Israel is obligated to ensure that the Palestinian population is able to realize its right to an adequate standard of living, the highest attainable standard of health and adequate housing and food, as elaborated in articles 11 and 12 of the International Covenant of Economic, Social and Cultural Rights, including their right to water. As noted by the Committee on Economic, Social and Cultural Rights, “the right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival. ... The right to water is also inextricably related to the right to the highest attainable standard of health ... and the rights to adequate housing and adequate food .... The right should also be seen in conjunction with other rights enshrined in the International Bill of Human Rights, foremost amongst them the right to life and human dignity” (E/C.12/2002/11, para. 3). Moreover, the obligation to guarantee that the right to water is enjoyed without discrimination prohibits any discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to water.

41. Israel, as the Occupying Power, is also responsible under international law for the well-being, including public health and hygiene, of the occupied population. Article 56 of the Fourth Geneva Convention imposes on the occupying State primary responsibility for ensuring public health and hygiene in order to prevent the spread of disease and epidemics. The obligation to protect water sources is also derived from the occupying State's duty to ensure "public order and safety". This duty includes not only the negative obligation to refrain from harming the local population, for example, by damaging or polluting water sources and their supply, but also the positive obligation to take suitable measures to protect the population from dangers to which it is exposed. Furthermore, the Hague Regulations state that the occupying State "shall be regarded only as administrator and usufructuary" of the natural resources of the occupied territory.

42. The Government of Israel exploits the natural resources in the West Bank for the use of Israeli citizens in Israel and, in particular, in the settlements in the West Bank (see A/64/354). Although much of the West Bank is extremely arid, it is home to significant water resources, including underground deposits. One of the first acts of the Israeli military occupying forces in 1967 was to take control of all water resources and to prohibit any person from owning or establishing a well without prior authorization. The Government of Israel then proceeded to declare the lower Jordan River a closed military zone and destroyed Palestinian pumps and irrigation ditches (see A/40/381). In 1982, Israel placed the water supply system of the Occupied Palestinian Territory (including Gaza) under the control of Mekerot, the Israeli national water company.

43. According to B'Tselem, more than 200 Palestinian communities, with a total of 215,000 inhabitants, are not connected to a running water network and are forced to buy water from private suppliers, using up to 20 per cent of their income for the purchase of water (see, e.g., A/61/500/Add.1). According to the World Bank, per capita, the Palestinian population has access to only about a quarter of the ration of Israelis: West Bank Palestinians had about 123 litres a person daily, while Israelis had 544. Some Palestinians are surviving on as little as 10 to 15 litres a day. At these extremely low levels of consumption in both the domestic and agricultural spheres, Palestinians rank lowest in access to freshwater in the region.

44. The current water crisis for Palestinians in the West Bank is coupled with the problem of wastewater flowing into available natural reservoirs, aquifers and streams that many Palestinians depend on. In August 2008, the Government of Israel reported that by 2007 only 81 out of 121 settlements were connected to wastewater treatment facilities, which resulted in 5.5 million cubic metres out of a total of 12 million cubic metres of wastewater from settlements flowing into West Bank streams and valleys. Of the 81 treatment plants that exist in the settlements, many of them are inadequate, and high maintenance costs mean that their operation is often defective. In some large, well-established settlements, most of which were built in the 1970s and the 1980s, wastewater is not treated at all, or treatment systems have been neglected for decades. The Ministry of Environmental Protection has reportedly stated that it has plans for treating settlement wastewater, but as yet no scheduled completion date has been provided.

45. Since most settlements are located on ridges and hilltops, their untreated wastewater flows to nearby Palestinian communities, which are generally located

further down the slope. A Palestinian study showed that crops and water sources of 70 Palestinian villages near settlements were contaminated.

46. The Israeli national water company reportedly reduces the water supply to Palestinian communities substantially during the summer months,<sup>14</sup> causing considerable water shortages, to meet increased consumption needs in Israel and in Israeli settlements in the West Bank.

47. It should be noted that the exploitation of natural resources of the West Bank is by no means confined to water. In March 2009, Yesh Din petitioned the Israeli High Court to rule that the extensive mining operations in the West Bank were illegal and should be halted. As one of the bases of their petition, the non-governmental organization used a Government of Israel report that stated that the annual gravel yield in Area C of the West Bank was a total of some 12 million tons a year and that most of the quarries were owned by Israeli companies and mainly marketed the product in Israel (some 74 per cent of the yield).

## VII. Settlements in the Occupied Syrian Golan

48. To date, the International Committee of the Red Cross estimates that the Israeli population in the occupied Syrian Golan is between 17,000 and 21,000 living in some 40 settlements. Since the occupation of the Syrian Golan in 1967, the Government of Israel has continued its settlement expansion, despite renewed resolutions calling upon Israel to desist from doing so (see, e.g., General Assembly resolution 63/99). In 2009, the Ministry of Housing reportedly embarked on a plan to increase the population of Katzrin from 6,500 to 20,000 over the next 20 years, and the Israel Land Authority issued 14 tenders for the construction of apartment buildings in Katzrin. In the past years, investments in tourist infrastructure in the occupied Golan reportedly increased.

## VIII. Conclusions and recommendations

**49. The Government of Israel should abide by international legal obligations and its pre-existing commitments as stated in the road map, as well as the repeated calls of the international community, namely, to immediately dismantle settlement outposts erected since March 2001 and to freeze all settlement activity, including natural growth, including in occupied East Jerusalem.**

50. The Government of Israel should take action to halt attacks by Israeli settlers against the civilian population of the occupied territory and ensure that a proper investigation is carried out in regard to incidents caused by such settlers and that redress is given to the victims of such violence (see also A/63/519).

51. The Government of Israel should take action to ensure that the labour rights of all Palestinian workers in settlements, including the right to form and join trade unions, are respected. In accordance with article 32, paragraph 1, of the Convention on the Rights of the Child, the Government of Israel should protect children from

<sup>14</sup> The most recent information available, from 2006, indicates that the water supply is reduced from 15 to 25 per cent in the summer months.

economic exploitation and from performing any work that is likely to be hazardous, such as working on date plantations.

52. The Government of Israel should cease to exploit natural resources, including water, in the Occupied Palestinian Territory. In particular, the Government of Israel should take steps to halt the damage being caused to the aquifer in the West Bank and, as the Occupying Power, should ensure non-discriminatory distribution of water resources (see A/64/354).

53. The General Assembly and the international community should actively promote the implementation of its decisions, resolutions and recommendations and those of the Security Council, the International Court of Justice and the United Nations human rights mechanisms, including treaty bodies and special procedures mandate holders.

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Item 52 of the provisional agenda\*

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General**

#### *Summary*

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights, pursuant to General Assembly resolution 64/93, in which the Assembly requested the Secretary-General to report to the Assembly at its sixty-fifth session on the implementation of the resolution. The period covered by the report is September 2009 to August 2010.

The report addresses the continuation of Israeli settlement activities in the occupied Arab territories and its impact on the human rights of the residents.

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\* A/65/150.





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## **I. Introduction**

1. In its resolution 64/93, the General Assembly expressed grave concern about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, in violation of international humanitarian law, United Nations resolutions and agreements reached by the parties, particularly about Israel's construction and expansion of settlements in and around East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and isolate occupied East Jerusalem from the West Bank, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city and intensifying settlement activities in the Jordan Valley. It also expressed grave concern about the dangerous situation resulting from violent actions taken by armed Israeli settlers in the Occupied Palestinian Territory.

2. The General Assembly, in the same resolution, reaffirmed that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan were illegal and called upon Israel to strictly comply with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem. In addition, the resolution reiterated the Assembly's demand for the complete and immediate halt of all Israeli settlement activities, including in East Jerusalem and the occupied Syrian Golan.

3. The General Assembly also called for the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and their properties and agricultural lands, and stressed the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel to continue to take and implement measures, including the confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers. The resolution also called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory.

4. The present report addresses progress made in the implementation of resolution 64/93 concerning, specifically, Israeli settlement activities in the occupied territories, violence by Israeli settlers and the status of the wall. The present report should be read in conjunction with the previous reports of the Secretary-General on this issue (A/64/516 and A/63/519). Whereas the previous reports provided a historical background to the issues of Israeli settlements, the present report provides an update on the settlements and highlights emerging concerns. The report relies heavily on information made publicly available by the Office for the Coordination of Humanitarian Affairs (see [www.ochaopt.org](http://www.ochaopt.org)).

## **II. Legal background**

### **A. International humanitarian law**

5. The most relevant international humanitarian law standards concerning Israel's responsibilities in the Occupied Palestinian Territory as the occupying Power are set out in the Fourth Geneva Convention relative to the Protection of Civilian Persons

in Time of War and in the Hague Regulations, which are recognized as part of customary international law.<sup>1</sup>

6. Article 49 of the Fourth Geneva Convention stipulates specifically that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”. Israel’s continued settlement activities are in flagrant violation of this provision, as confirmed by the International Court of Justice in its advisory opinion on the wall. This has also been confirmed repeatedly by a number of United Nations resolutions, including, most recently, by General Assembly resolution 64/93 and Human Rights Council resolution 13/7.

7. The Hague Regulations prohibit an occupying Power from undertaking permanent changes in the occupied area unless they are due to military needs in the narrow sense of the term or unless they are undertaken for the benefit of the local population. The occupying Power must refrain from changing the character, status or demographic composition of the occupied territory. It is also bound to protect the rights of protected persons in occupied territories. In addition to the construction of the settlements themselves, other settlement-related activities, such as the confiscation of land, destruction of houses and orchards, the construction of roads meant for settlers only and the exploitation of natural resources within the occupied territory and altering the character and status of the occupied territory, are also prohibited by international law.

## **B. International human rights law**

8. Israel has ratified several of the most important international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

9. In its advisory opinion on the wall, the International Court of Justice affirmed that the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child were applicable in respect of acts carried out by and legal obligations of Israel in the Occupied Palestinian Territory (see A/ES-10/273 and Corr.1, paras. 102-113). The position of United Nations human rights treaty bodies mirrors that of the International Court of Justice, namely, that as a party to

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<sup>1</sup> In its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* of 2004 (see A/ES-10/273 and Corr.1), the International Court of Justice concluded that the Fourth Geneva Convention was applicable in the Palestinian territories which before the 1967 conflict, lay to the east of the Green Line and which, during that conflict, were occupied by Israel. Since then a significant number of the United Nations resolutions have reaffirmed the applicability of the Fourth Geneva Convention, the most recent being Human Rights Council resolutions S-9/1, 10/18 and 13/7 and General Assembly resolutions 63/96, 63/97, 63/201 and 64/93. In its advisory opinion, the Court recalled that while Israel was not a party to the Hague Convention Respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV), to which the Hague Regulations are annexed, the provisions of the Hague Regulations had become part of customary international law.

international human rights instruments, Israel continues to bear responsibility for implementing its human rights obligations in the Occupied Palestinian Territory under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination to the extent that it continues to exercise jurisdiction in those territories.<sup>2</sup> The Court also noted that Israel's obligations under the International Covenant on Economic, Social and Cultural Rights include "an obligation not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to Palestinian authorities" (A/ES-10/273 and Corr.1, para. 112).

### **III. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem**

#### **A. Overview**

10. As indicated in the Secretary-General's previous report to the General Assembly (A/64/516), settlements remain an obstacle to peace and to the creation of the future Palestinian state. The Government of Israel had committed itself, under phase 1 of the road map, to freeze all settlement activity and to dismantle the outposts erected since March 2001 (S/2003/529, annex). The commitment was consistent with the recommendation contained in the report of the Sharm el-Sheikh Fact-Finding Committee of 2001, which stated that Israel should freeze all settlement activity, including the so-called "natural growth" of existing settlements, and that the kind of security cooperation desired by Israel could not coexist with settlement activity.

11. Despite the commitments made by the Government of Israel to cease settlement activity and international calls to halt expansion, settlements in the Occupied Palestinian Territory continue to expand in violation of Israel's obligations under international humanitarian law. In a positive step on 25 November 2009, Israel approved a 10-month moratorium on the construction of new settlements in the West Bank.<sup>3</sup> The moratorium did not, however, include those settlements for which permits had already been issued and whose foundations had been laid, as well as certain public buildings. Settlements in East Jerusalem, 2,500 apartments already under construction, and 455 housing units whose construction was authorized in September 2009 remained unaffected by the temporary halt.<sup>4</sup> The moratorium was further undermined by exceptions made by the Israeli Government authorizing the

<sup>2</sup> An examination of the concluding observations of different United Nations treaty bodies confirms this view. See A/HRC/8/17, para. 7; CCPR/C/ISR/CO/3, para. 5; CERD/C/ISR/CO/13, para. 32; CRC/C/15/Add.195; CAT/C/ISR/CO/4, para. 11; and A/60/38, part two, paras. 221-268.

<sup>3</sup> See the statement by Prime Minister Netanyahu on the Cabinet decision to suspend new construction in Judea and Samaria, 25 November 2009, available at: [www.pmo.gov.il/PMOEng/Communication/EventsDiary/eventfreeze251109.htm](http://www.pmo.gov.il/PMOEng/Communication/EventsDiary/eventfreeze251109.htm).

<sup>4</sup> See B'Tselem, *By Hook and by Crook: Israeli Settlement Policy in the West Bank*, July 2010, available at: [www.btselem.org/English/Publications/Summaries/201007\\_By\\_Hook\\_and\\_by\\_Crook.asp](http://www.btselem.org/English/Publications/Summaries/201007_By_Hook_and_by_Crook.asp).

construction of 112 new units in Beitar Illit settlement, 84 new units in Modi'in Illit and 89 units in Ma'ale Adumim.<sup>5</sup> According to reports from Peace Now, as of August 2010 at least 600 housing units had started construction during the temporary moratorium, in over 60 different settlements.

12. By the end of 2009, approximately 301,200 settlers lived in the existing 121 official Israeli settlements in the West Bank.<sup>6</sup> Almost 195,000 settlers lived in 12 settlements in East Jerusalem. Statistics published in *The Jerusalem Post* indicate that in 2009 the settler population, excluding in East Jerusalem, grew by 4.9 per cent, a much faster rate than the general population in Israel (1.8 per cent). The Israeli non-governmental organization B'Tselem reports that the three largest settlements in the West Bank — Modi'in Illit, Betar Illit, and Ma'ale Adumim — had expanded significantly from 2001 to 2009 and that the population growth in those three settlements had been greater than the annual growth of the settler population as a whole.

13. During the moratorium, the Government of Israel increased the number of inspectors whose reports resulted in limiting some efforts by settlers to build. However, according to B'Tselem, in April 2010, five months after the 10-month moratorium began, the State Attorney's Office informed the Israeli High Court of Justice that, since the freeze had started, 423 files about illegal construction in the settlements had been opened. The Government also informed the High Court of its intention to legalize construction in the outposts of Derekh Ha'avot, Haresha, and Hayovel and to enable the expropriation of additional land, some of which is recognized by Israel as private Palestinian land.<sup>4</sup>

14. The Israeli Government continues to offer settlers a variety of benefits and incentives primarily in the spheres of construction, housing, education, industry, agriculture and tourism. These benefits are based on classification of the entire West Bank as a national priority area entitled to benefits. The Government approved a new decision in December 2009 to reclassify the national priority areas. Under the new scheme, settlements continue to be automatically entitled to benefits granted by the Government, whereas the granting of similar benefits to the Arab towns and villages remains within the discretion of individual ministers.<sup>7</sup>

15. In addition to settlements, there are currently more than 100 settlement outposts in the West Bank. Outposts are settlements built without official authorization, but often with the support and assistance of governmental ministries. As with Israeli settlements in the Occupied Palestinian Territory, the outposts are illegal under international humanitarian law. The outposts control some 16,000 dunam of land, of which 7,000 consist of private, Palestinian-owned land.<sup>4</sup> Despite an Israeli road map commitment to evacuate settlement outposts constructed since March 2001, the Israeli Government has undertaken only the evacuation of some non-residential structures in a very limited number of outposts. On 25 April 2010, as

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<sup>5</sup> See Peace Now, *August report: eight months into the settlement freeze*, 2 August 2010, available at: [www.peacenow.org.il/site/en/peace.asp?pi=61&doid=4747](http://www.peacenow.org.il/site/en/peace.asp?pi=61&doid=4747).

<sup>6</sup> See B'Tselem, *By Hook and by Crook* (citing provisional figures released by the Central Bureau of Statistics, *Israeli Statistical Yearbook 2009*; these figures relate to settlements recognized by the Ministry of Interior and do not include outposts).

<sup>7</sup> See Adalah Position Paper, "On the Israeli Government's New Decision Classifying Communities as National Priority Areas", February 2010, available at: [www.adalah.org/newsletter/eng/feb10/docs/english%20layout.pdf](http://www.adalah.org/newsletter/eng/feb10/docs/english%20layout.pdf).

reported by Haaretz, the Government informed the High Court of Justice that it had decided to consider retroactively legalizing a West Bank outpost comprising 40 houses initially slated for demolition.

16. Israeli settlements, their infrastructure and the territory zoned for their expansion have been identified as the single largest factor shaping the system of access restrictions applied to the Palestinian population. The Office for the Coordination of Humanitarian Affairs reports that access restrictions to Palestinian farmland in the vicinity of Israeli settlements located on the eastern (Palestinian) side of the wall is widespread. While in some cases the restricted areas are unilaterally established and enforced by the settlers, in other cases the Israeli military erects fences around settlements, and declares the area behind the fence a special security area, where access for Palestinian farmers requires prior coordination with the Israeli Civil Administration.

17. The zoning regime applied by the Government of Israel in Area C, comprising 60 per cent of the West Bank, further benefits the establishment and growth of settlements while denying the natural growth and development of Palestinian communities. According to the Office for the Coordination of Humanitarian Affairs, the zoning regime applied by Israel in Area C effectively prohibits Palestinian construction in some 70 per cent of Area C, or approximately 44 per cent of the West Bank, while in the remaining 30 per cent a range of restrictions make it virtually impossible for Palestinians to obtain a building permit. In practice, Israeli authorities allow Palestinian construction only within the boundaries of an Israeli-approved plan which covers less than one per cent of Area C, much of which is already built up. As a result, Palestinians are left with no choice but to build “illegally” and hence risk demolition and displacement, as reported by B’Tselem. While the regime has heavily restricted Palestinian construction in Area C, including almost the entirety of the Jordan Valley, it has favoured a range of parallel practices in Israeli settlements.

## **B. Settlements in East Jerusalem**

18. As indicated in the previous report of the Secretary-General (A/64/516), Israel’s annexation of East Jerusalem immediately after the 1967 war is a flagrant violation of international law.<sup>8</sup> Contrary to its obligations under international law, Israel has constructed 12 settlements in East Jerusalem since its annexation, and the settler population currently stands at approximately 195,000.<sup>9</sup>

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<sup>8</sup> Article 2, paragraph 4 of the Charter of the United Nations, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV), annex) and Security Council resolution 242 (1967) which emphasized the inadmissibility of the acquisition of territory by war; see also Security Council resolution 478 (1980) reiterating that Jerusalem is occupied territory.

<sup>9</sup> See Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory, *Humanitarian Monitor*, June 2010 explaining that the space for Palestinian construction continues to shrink. As of June 2010, whereas 35 per cent of land (24.50 square km) was zoned to be expropriated for Israeli settlements, merely 13 per cent (9.18 square km) was zoned for Palestinian construction.

19. As explained above, the 10-month moratorium announced by the Government in November 2009 did not apply to East Jerusalem. Indeed, the Government of Israel explicitly excluded East Jerusalem from the settlement restraint policy through the announcement on 17 November 2009 of a plan to expand the settlement of Gilo by approximately 900 housing units, as reported by Haaretz. There was an unannounced cessation of the Israeli policy of demolitions and evictions in East Jerusalem, which lasted for several months from the start of 2010 until mid-year. Since that time, the expansion of settlements in East Jerusalem has continued, most notably the plan to expand the settlement of Ramat Shlomo, followed by news of two developments in Sheikh Jarrah: the issuance of building permits for a new settlement at the site of Shepherd Hotel and plans for the new settlement of Shimon Ha-Tzaddik nearby. In addition, there have been announcements of new tenders for settlement construction in Neve Yaacov, Har Homa and Pisgat Zeev, and the announcement of major plans to “redevelop” part of Silwan. On 29 July 2010 Israeli settlers alleging ownership of a house in the Old City seized possession of a building in the Muslim Quarter, inhabited by 56 Palestinians, evicting 49 Palestinians including 29 children and eight refugees registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

20. During the reporting period, the Government of Israel implemented a number of other policies, the purpose of which appears to be an effort to maintain a certain Jewish-Arab demographic balance in Jerusalem, as part of a long-articulated policy. In particular, the policies of the Government of Israel regarding urban planning in East Jerusalem, the dispensing of building permits and the demolition of homes built without permits continue to have discriminatory impacts on the Palestinian residents of East Jerusalem.<sup>10</sup> For instance, in June 2010, the Jerusalem Local Planning Committee approved a development plan for the Al-Bustan area of Silwan neighbourhood in East Jerusalem. The plan would lead to the demolition of more than 40 Palestinian buildings to make way for recreational areas and various commercial and residential structures. Some 500 Palestinians would be displaced as a result of this plan, according to the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Office for the Coordination of Humanitarian Affairs.

21. Hundreds of Palestinians in the Sheikh Jarrah neighbourhood of East Jerusalem remain at risk of displacement as a result of efforts by settler organizations to have them evicted from their homes in order to make way for a new settlement. Since November 2008, a total of 56 people, including 20 children, have been evicted from their homes in Sheikh Jarrah. In addition, a part of the home of a family of 12 was taken over by settlers, accompanied by Israeli police, in December 2009, following the issuance of a court order authorizing the settlers to take possession of the uninhabited section of the house. The Office for the Coordination of Humanitarian Affairs estimates that 475 Palestinians are at risk of forced

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<sup>10</sup> For example, the land available for Palestinians in East Jerusalem for the construction of houses is a mere 9.8 per cent of East Jerusalem, much of which is already built up. There are also difficulties that hinder Palestinians from obtaining permits. Also, the density, known as the plot ratio, permitted is half, or in some cases much less than half, that found in neighbouring Israeli settlements in East Jerusalem, or in West Jerusalem, thus limiting the possibility of housing for Palestinians. Between 1996 and 2000, for example, the number of recorded building violations was four and half times higher in Israeli areas (17,382 violations) than in the Palestinian areas of East Jerusalem (3,847 violations).

eviction, dispossession and displacement due to plans for settlement construction in Sheikh Jarrah.

22. Furthermore, the revocation of residency and social benefits of Palestinian residents who stay abroad for a continuous period of seven years or are unable to prove that they reside in East Jerusalem are discriminatory and appear to be aimed at ensuring that Palestinians leave the city.<sup>11</sup> According to the information released at the end of 2009 by the Israeli Ministry of Interior and as reported by the Office for the Coordination of Humanitarian Affairs, during 2008 the Ministry revoked the residency status of 4,577 Palestinian residents of East Jerusalem, including 99 children, denying them their right to reside or even enter East Jerusalem. This figure constitutes more than half the number of revocations recorded between 1967 and 2007 and represents a sharp increase compared to the number of residency revocations executed by the Ministry in previous years: 289 in 2007, 1,363 in 2006, and 222 in 2005. Similar figures regarding 2009 are currently unavailable. Once the residency is revoked, people lose their right to enter or reside in East Jerusalem, as well as the rights to register their children as residents or receive social benefits.

23. Finally, the Government of Israel has been planning to construct a new settlement between Ma'ale Adumim (a large settlement 14 kilometres east of Jerusalem, housing approximately 34,600 people) and East Jerusalem, the implementation of which would connect the two areas and cut off East Jerusalem from the rest of the West Bank. The proposed settlement (commonly known as the E-1, for "East 1" plan) consists of around 3,500 housing units, for approximately 15,000 people, commercial areas and tourism buildings. According to B'Tselem and Bimkom, this would entail expulsion of Jahalin Bedouins, who live a traditional semi-nomadic life in the area. Although the neighbourhood has not been built yet, Israel has already built the new Samaria and Judea (West Bank) Police District Headquarters there. While constructing the police headquarters, Israel paved roads and built infrastructure to serve hundreds of planned housing units and splitting the West Bank in two.

#### **IV. Israeli settler violence in the Occupied Palestinian Territory**

24. Violent acts by settlers against the Palestinian population of the Occupied Palestinian Territory continued. Data compiled by the Office for the Coordination of Humanitarian Affairs indicates that settler-related incidents, including violence committed by settlers against Palestinians and their property as well as incidents of trespassing, have increased significantly over recent years. From September 2009 to August 2010, the Office documented 283 such incidents. In the first eight months of 2010, 168 incidents of settler violence were recorded, compared to 92 incidents reported in the same period last year, indicating a dramatic increase in Israeli settler violence. Settler attacks during the reporting period included arson attacks on mosques, vandalizing olive trees, arson attacks on agricultural fields, killing livestock and assaulting Palestinian villagers, including children, living near settlements.

25. As recorded by the Office, settler harassment along with obstacles erected by settlers significantly impaired the access of Palestinian farmers to agricultural lands

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<sup>11</sup> See A/HRC/13/54 and CERD/C/ISR/CO/13.



located in the vicinity of settlements, hence undermining the livelihood of dozens of families. The Israeli human rights group Yesh Din, in conjunction with Palestinian farmers from the villages of Jaba' and Silwad (West Bank), petitioned the Israeli High Court of Justice in November and December 2009, alleging that the Israeli authorities had failed to enforce the law on Israeli settlers who illegally prevent the access of Palestinian farmers to agricultural land located in the vicinity of, respectively, the Geva Binyamin and Ofra settlements. In both cases, the Palestinian owners have been unable to access the areas since 2000 owing to violence, harassment and intimidation at the hands of the settlers, who have fenced off and deployed attack dogs on part of the land.

26. Incidents of settler violence and harassment continued to disrupt the education of children in the West Bank. Since the beginning of 2010, the United Nations Children's Fund has reported one act of vandalism of a West Bank school by Israeli settlers. Settlers continue to attack the children on their journey to and from school. In particular, in the village of Al-Tuwani in the South Hebron Hills, since 2001, Israeli settlers from Havat Ma'on outpost have routinely attacked the children as they walked to or returned from school. In November 2004, Israeli authorities established a daily military escort. However, the soldiers have at times failed to provide a consistent escort for the children by not walking with them along the path in some cases, have at times refused to complete the escort until the end of the settlement and have forced the children to run. During the last school year, soldiers frequently arrived late, causing the children to wait, sometimes for hours, before and after school. As a result, during the 2009-2010 school year, the children have been victims of violence by settlers 19 times, missed almost 27 hours of school, and waited a total of 53 hours for military escort after school.

27. Many of the incidents of settler violence during the reporting period occurred in the context of a new pattern of violence, named by Israeli settlers as the "price tag" strategy by which Israeli settlers exact retribution on Palestinian villagers and their property in response to attempts by the Israeli authorities to dismantle unauthorized outposts in the West Bank.<sup>3</sup> The overall objective of the strategy is to deter the Israeli authorities from evacuating the outposts, enforcing the partial restraint policy or acting against what is perceived as the settlers' interests. It has at the same time contributed to displacement, temporary or permanent, of entire Palestinian communities. The following few examples recorded by the Office for the Coordination of Humanitarian Affairs, which occurred during the reporting period, while not exhaustive, are illustrative of the phenomenon.

28. On 9 September 2009, Israeli forces removed the small outpost of Givat Hadelgel in southeast Hebron. Immediately afterwards, a group of over 10 Israeli settlers from the Suseya settlement entered the neighbouring Palestinian village of Susiya, hurled stones and physically assaulted a group of Palestinians. Fifteen members of one family, including three men, two women and 10 children were injured. No settlers were arrested by Israeli authorities. The outpost was rebuilt the same night.

29. In October 2009, in Kafr Qaddum village in Qalqiliya district, settlers from the Mitzpe Ami outpost burned 250 olive trees following evacuation of the outpost by the Israeli authorities.

30. On 16 April 2010, two Palestinian cars in the northern West Bank village of Hawara were torched, and "price tag" was scrawled on one of the cars. Two days

before the incident, settlers had vandalized a mosque in the Hawara and sprayed graffiti on its walls. Three cars belonging to Palestinians were torched around the same time.

31. The Israeli security forces have repeatedly failed to intervene and stop settler attacks on Palestinian civilians or arrest suspected settlers on the spot. While some efforts have been made to enforce the law on settlers involved in high-profile attacks on Palestinians and their property, generally the absence of accountability of Israeli settlers who perpetrate attacks against Palestinians further contributes to the continued cycle of violence. Israeli security forces apprehended two settlers alleged to have been involved in fatal attacks on Palestinians and these settlers are now being charged and tried in court. As the occupying Power, Israel is responsible under international humanitarian law, including the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and the Hague Regulations, for ensuring public order and safety in the Occupied Palestinian Territory, as well as for the protection of the civilian population from any threat or act of violence.

## **V. Settlements in the occupied Syrian Golan**

32. As indicated in the previous report of the Secretary-General, the estimated Israeli population in the occupied Syrian Golan is between 17,000 and 21,000. According to the International Committee of the Red Cross, 6,400 are living in the town of Katzrin and the rest dispersed among 32 small settlements that extend over the majority of the Golan Heights. Since the occupation of the Syrian Golan in 1967, the Government of Israel has continued its settlement expansion, despite renewed General Assembly resolutions, including 63/99 and 64/95, calling upon Israel to refrain from doing so. Settlement activity in the occupied Syrian Golan is ongoing.

## **VI. The wall**

33. The wall, with its gate and permit regime, continued to be the single greatest obstacle to Palestinian movement within the West Bank, including to and from Jerusalem. During the reporting period, construction of the wall focused on certain areas around Jerusalem and Bethlehem and some re-routings to implement rulings of the Israeli High Court of Justice. As of July 2010, approximately 60 per cent of the wall was complete and 85 per cent of its entire route ran inside the West Bank. The total area located between the wall and the Green Line constituted 9.5 per cent of the West Bank. This area includes the “seam zone”, in which Palestinians must request permits from the Israeli authorities in order to access their agricultural land and water resources, and where access to health care and education is limited.<sup>12</sup> The protection of Israeli settlements, including areas planned for their future expansion,

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<sup>12</sup> The Human Rights Committee, in its consideration of the report submitted by Israel, urged Israel to stop the construction of a “seam zone” by means of a wall, seriously impeding the rights to freedom of movement and to family life. Concluding Observations, Human Rights Committee, Israel, 29 July 2010 (CCPR/C/ISR/CO/3).

constitutes the major reason behind the deviation of the wall's route from the Green Line.<sup>13</sup>

## **VII. Recommendations**

**34. The Government of Israel should abide by its international legal obligations and its pre-existing commitments as stated in the road map, as well as the repeated calls of the international community, namely, to cease transferring its civilian population into settlements, immediately and completely freeze all settlement activities, including in occupied East Jerusalem, and immediately dismantle outposts erected since March 2001.**

**35. The Government of Israel should immediately cease demolitions in Area C and adopt measures that will ensure that Palestinian planning and development needs are met.**

**36. The Government of Israel should cease to plan and implement policies, such as those regarding urban planning in East Jerusalem, the dispensing of building permits, and the demolition of homes constructed without permits, that alter the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem.**

**37. The Government of Israel must, in line with its obligations under international law, adopt all necessary measures to prevent attacks by Israeli settlers against Palestinian civilians and their property; ensure that Israeli security forces are properly instructed to protect Palestinian civilians from settler violence; and ensure that there is no impunity for crimes committed by Israeli settlers against Palestinian civilians and that redress is provided to the victims of such crimes.**

**38. The Government of Israel should take immediate action to fully comply with the advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, namely, to cease construction of the wall, including in and around East Jerusalem, and to dismantle or re-route the constructed section to the Green Line.**

**39. The General Assembly and the international community should vigorously promote the implementation of its decisions, resolutions and recommendations and those of the Security Council, the International Court of Justice and the United Nations human rights mechanisms, including treaty bodies and special procedure mandate holders.**

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<sup>13</sup> See Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory, *West Bank Movement and Access* update, June 2010, available at: [http://www.ochaopt.org/documents/ocha\\_opt\\_movement\\_access\\_2010\\_06\\_16\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_movement_access_2010_06_16_english.pdf).



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### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General**

#### *Summary*

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights, pursuant to General Assembly resolution 65/104, in which the Assembly requested the Secretary-General to report to the Assembly at its sixty-sixth session on the implementation of the resolution. The period covered by the report is September 2010 to July 2011. The report should be read in conjunction with the previous reports of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan (A/65/365, A/64/516 and A/63/519).

The report addresses the continuation of Israeli settlement construction in occupied Arab territories and its impact on the human rights of the residents, including violence by Israeli settlers against Palestinians and their property and the lack of accountability for settler violence.



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## I. Introduction

1. In its resolution 65/104, the General Assembly expressed grave concern about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, agreements reached between the parties and obligations under the Quartet road map. The General Assembly also expressed its grave concern about the rising incidents of violence, harassment, provocation and incitement by armed Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties. The General Assembly reaffirmed that settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development.

2. In the same resolution, the General Assembly called upon Israel to strictly comply with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem. It reiterated its demand for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and for the full implementation of all relevant resolutions of the Security Council. The General Assembly reiterated its call for the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and their properties, and for the implementation of Security Council resolution 904 (1994), in which the Council called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory.

3. The present report, as requested in resolution 65/104, addresses progress made in the implementation of the resolution. The report should be read in conjunction with the previous reports of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan (A/65/365, A/64/516 and A/63/519). The previous reports provided a historical background on the issue of Israeli settlements, as well as updates on settlement construction and highlighted emerging concerns, including the confiscation of land, the wall, the bypass and prohibited roads and checkpoints. Other relevant issues referred to in the resolution are also covered by the report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory pursuant to General Assembly resolution 65/105 (A/66/356), including the continued construction of the barrier and the situation of Bedouin communities.

4. The present report provides updated information regarding the expansion of Israeli settlements in the occupied territory. It seeks to underscore the discriminatory nature of the Israeli policy and practice of promoting settlements in the West Bank, including East Jerusalem. While illegal settlement expansion continues to take place in the West Bank, restrictions on Palestinian construction and the demolition of Palestinian homes have been on the rise. The report also addresses settlers' violent acts against Palestinians and their properties during the reporting period and the discriminatory treatment of Israeli settlers and Palestinians in law enforcement. The involvement of Israel Defense Forces in acts of violence, either through their participation or inaction to prevent the acts, is discussed as a growing concern. It is important to note that the present report is not an exhaustive overview of all

instances of discrimination against Palestinians in the occupied territory and, rather, is limited to those involving settlements and settlers.

## II. Legal background

5. The most relevant international humanitarian law standards concerning Israel's responsibilities in the occupied territory are set out in the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and in the Hague Regulations, which are recognized as part of customary international law.<sup>1</sup> Article 49 of the Fourth Geneva Convention explicitly prohibits an occupying Power from transferring its civilian population into occupied territory. Israel's continued settlement activities flagrantly violate this provision, as confirmed by the International Court of Justice in its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. A number of United Nations resolutions, including General Assembly resolution 65/104, have confirmed that conclusion. In addition to the construction of the settlements themselves, other settlement-related activities, such as the confiscation of land, destruction of houses and orchards, the construction of roads for Israeli settlers only and the exploitation of natural resources within the occupied territory and altering the character and status of the occupied territory, are also prohibited by international law.

6. In addition to those provisions of international humanitarian law, Israel has obligations under the international human rights treaties it has ratified, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. In its advisory opinion on the wall, the International Court of Justice affirmed that the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child were applicable in respect of acts carried out by Israel in the occupied territory.<sup>2</sup> Similarly, a number of United Nations human rights treaty bodies also reaffirm that as a party to international

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<sup>1</sup> In its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory of 2004* (see A/ES-10/273 and Corr.1), the International Court of Justice concluded that the Fourth Geneva Convention was applicable in the Palestinian territories which before the 1967 conflict, lay to the east of the Green Line and which, during that conflict, were occupied by Israel. Since then a significant number of the United Nations resolutions have reaffirmed the applicability of the Fourth Geneva Convention, the most recent being Human Rights Council resolutions S-9/1, 10/18 and 13/7 and General Assembly resolutions 63/96, 63/97, 63/201, 64/93 and 65/103. In its advisory opinion, the Court recalled that while Israel was not a party to the Hague Convention Respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV), to which the Hague Regulations are annexed, the provisions of the Hague Regulations had become part of customary international law.

<sup>2</sup> See A/ES-10/273 and Corr.1, paras. 102-113.

human rights instruments, Israel continues to bear responsibility for implementing its human rights obligations in the occupied territory.<sup>3</sup>

### **III. Discriminatory practices underlying Israeli settlement expansion and law enforcement in the West Bank**

7. Israeli settlement policies and practices, namely construction of settlements, land confiscation, zoning and planning regime, forced evictions and demolitions, and the preferential treatment of settlers perpetrating violent acts against Palestinians, are discriminatory and violate Israel's international human rights obligations.<sup>4</sup> Such policies cause tremendous hardship for Palestinians, while providing generous benefits and infrastructure for Israeli settlements. Such differential treatment lacks any security rationale and is solely based on national origin. In its consideration of Israel in July 2010, the Human Rights Committee concluded that Israel was in violation of articles 2 and 26 of the International Covenant on Civil and Political Rights, non-discrimination and equality before the law and equal protection of the law, in its treatment of the Palestinian population of the occupied territory, including the Bedouins. Specifically, the Committee concluded that Israel's policy and practice of demolition, zoning and planning (particularly in Area C and East Jerusalem), access to water and sanitation for Palestinians, and forced eviction of the Bedouin population are discriminatory.<sup>5</sup>

#### **A. Expansion of settlements and restrictions on Palestinian construction**

8. Despite the repeated calls from the international community and the illegality of settlements, the State of Israel is continuing to expand settlements in the Occupied Palestinian Territory, including East Jerusalem, in violation of its international legal obligations. The expansion of Israeli settlements throughout the West Bank is associated with a complex system of policies that negatively affect the rights of Palestinians. Severe restrictions in place specifically target Palestinian construction and, in addition to the perpetuation of violations, are blatantly discriminatory.

9. During the reporting period, settlements in the Occupied Palestinian Territory, including East Jerusalem, continued to expand. The most recent figures available indicate that 296,586 Israeli settlers live in the West Bank, not including those in East Jerusalem, in at least 123 settlements and approximately 100 "outposts"<sup>6</sup>

<sup>3</sup> An examination of the concluding observations of different United Nations treaty bodies confirms this view. See CCPR/C/ISR/CO/3, para. 5; CERD/C/ISR/CO/13, para. 32; CRC/C/15/Add.195; CAT/C/ISR/CO/4, para. 11.

<sup>4</sup> See International Covenant on Civil and Political Rights, arts. 2 (1) and 26; International Covenant on Economic, Social and Cultural Rights, arts. 2 (2) and 3; International Convention on the Elimination of All Forms of Racial Discrimination, arts. 1 (1), 2 (1), 3 and 5; Convention on the Rights of the Child, arts. 2 and 30.

<sup>5</sup> CCPR/C/ISR/CO/3.

<sup>6</sup> The term "outpost" refers to Israeli settlements that have not been authorized by Israeli authorities. Notwithstanding their status under Israeli law, it should be noted that all Israeli settlements in the Occupied Palestinian Territory are contrary to international law.



scattered throughout the West Bank.<sup>7</sup> In East Jerusalem, 50,000 residential units in at least 12 Israeli settlements are occupied by almost 192,000 Israeli settlers.<sup>8</sup> That brings the total number of settlers living in Israeli settlements in the Occupied Palestinian Territory to nearly half a million. Immediately after the end of the 10-month partial moratorium on settlement construction in September 2010, Israeli settlement activities resumed in the West Bank.<sup>9</sup> That included approval and construction of hundreds of new housing units in various settlements as well as confiscation and clearing of Palestinian-owned land in preparation for settlement expansion.<sup>10</sup> An interim report published by the Israeli non-governmental organization Peace Now in May 2011 indicated that, immediately after the end of the partial moratorium, Israeli settlers started the construction of 2,000 previously approved housing units in 75 different settlements and “outposts”, one third of them in settlements east of the barrier. Meanwhile, the Israeli Government approved the planning and marketing of at least 800 new units in 13 settlements.<sup>11</sup> Peace Now has also documented a dramatic increase in the number of new illegal buildings in the settlements since the end of the partial moratorium. In most cases the construction is proceeding according to plans that were never approved by the Israeli Minister of Defense. At least 507 unapproved housing units are currently being built in 29 settlements (9 of which are “outposts”, where there are 35 unapproved structures under construction).<sup>12</sup> In July 2011, Israel revealed plans for construction of 900 new housing units in East Jerusalem.<sup>13</sup> The Israeli Government continued to promote settlement expansion through a variety of benefits and incentives offered to settlers in spheres of construction, housing, education, industry, agriculture and tourism. Recent public statements by senior Israeli officials

<sup>7</sup> Peace Now, *West Bank and Jerusalem Map*, “The Settlements: the Biggest Threat to a Two-State Solution”, January 2011, available from <http://peacenow.org.il/eng/content/west-bank-and-jerusalemmap> 2011.

<sup>8</sup> Ibid.

<sup>9</sup> The moratorium did not apply to those settlements for which permits had already been issued and whose foundations had been laid as well as certain public buildings. Settlements in East Jerusalem, 2,500 apartments already under construction, and 455 housing units whose construction was authorized in September 2009 remained unaffected by the moratorium (see A/65/365).

<sup>10</sup> On 30 June 2011, the Office for the Coordination of Humanitarian Affairs reported that the Israeli forces handed over an order for declaring 189 dunums as State land in the village of Qaryut (Nablus). The order gives the opportunity for objection during 45 days of distributing the order. According to the village council, about 30 farmers own the land (see Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, “Protection of Civilians Weekly Report”, 29 June-5 July 2011, available from [www.ochaopt.org/documents/ocha\\_opt\\_protection\\_of\\_civilians\\_weekly\\_report\\_2011\\_07\\_08\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2011_07_08_english.pdf)). For a detailed description of the process through which land is confiscated, see report by B’Tselem, *Land Grab: Israel’s Settlement Policy in the West Bank* (May 2002), available from [www.btselem.org/download/200205\\_land\\_grab\\_eng.pdf](http://www.btselem.org/download/200205_land_grab_eng.pdf) (chapter III). See also B’Tselem, “Yovel Outpost: Israel retroactively approves theft of private land” (14 July 2011), available from [www.btselem.org/topic-page/14-july-11-yovel-outpost-israel-retroactively-approves-theft-private-land](http://www.btselem.org/topic-page/14-july-11-yovel-outpost-israel-retroactively-approves-theft-private-land).

<sup>11</sup> Peace Now, “Interim Report: Settlement Activity since the End of the Moratorium” (20 May 2011), available from <http://peacenow.org.il/eng/content/interim-report-settlement-activity-end-moratorium-0>.

<sup>12</sup> Ibid.

<sup>13</sup> *The Palestine Telegraph*, “Israel to construct 900 housing units in Jerusalem” (5 July 2011), available from [www.paltelegraph.com/palestine/west-bank/9559-israel-to-construct-900-housing-units-in-jerusalem.html](http://www.paltelegraph.com/palestine/west-bank/9559-israel-to-construct-900-housing-units-in-jerusalem.html).

are indicative of the Government's intention to continue expanding settlements in the West Bank, including East Jerusalem.<sup>14</sup>

## **B. House demolitions and discriminatory planning and enforcement policies in the West Bank**

10. While Israeli settlements expand, Israel has continued to impose restrictions on land allocation and planning for Palestinian construction. Israel's discriminatory planning restrictions result in the lack of building permits for the Palestinian population in the West Bank forcing them to build without permits and live under the constant threat of eviction and demolition. The Human Rights Committee, in its consideration of Israel, concluded that the planning systems in the West Bank, particularly in Area C and in East Jerusalem, are discriminatory and that they disproportionately favour the Israeli population of those areas.<sup>15</sup>

11. There was a sharp increase during the reporting period in demolition of Palestinian structures by Israeli authorities.<sup>16</sup> Between August 2010 and June 2011, the Israeli authorities demolished 149 residences in Area C of the West Bank, displacing 820 people, including 374 children. Another 23 residences were demolished in East Jerusalem during the same period, displacing 117 persons, including 64 children. Estimates indicate that at least 2,000 Palestinian homes have been demolished since 1967.<sup>17</sup> Demolitions are exercised mostly against Palestinian structures. Moreover, in many cases, demolitions of Palestinian homes are frequently linked to settlement expansion. Office for the Coordination of Humanitarian Affairs-Occupied Palestinian Territory reports that settlement developments in the Jordan Valley accounted for half of the structures demolished through June 2011.<sup>18</sup>

12. Israel's discriminatory planning policy has severely and negatively impacted the development and growth of Palestinian towns and villages in the West Bank. In

<sup>14</sup> See e.g., "Lieberman rules out settlement freeze, 'even for three hours'", *Haaretz*, 10 May 2011, available at <http://www.haaretz.com/news/diplomacy-defense>; France 24, "Israeli Defence Minister Ehud Barak Talks to FRANCE 24", 17 June 2011, available from [www.france24.com/en/20110617-ehud-barak-talks-france-24-annette-young-israel-palestinians-settlements-peace-process](http://www.france24.com/en/20110617-ehud-barak-talks-france-24-annette-young-israel-palestinians-settlements-peace-process); see also Peace Now, "Interim Report: Settlement Activity Since the End of the Moratorium" (see footnote 11); *Ynet news*, "PM to victims' family: They murder, we build", 13 March 2011, available at <http://www.ynetnews.com/articles/0,7340,L-4041757,00.html>.

<sup>15</sup> CCPR/C/ISR/CO/3, para. 17.

<sup>16</sup> B'Tselem, "Planning and building: Israel demolishes dozens of Palestinian homes in Jordan Valley and southern Hebron Hills", 21 June 2011, available at <http://www.btselem.org/topic-page/21611-israel-demolishes-dozens-palestinian-homes-jordan-valley-and-southern-hebron-hills>.

<sup>17</sup> International Peace and Cooperation Centre, 2007, Jerusalem Strategic Planning Series — *Jerusalem on the Map III*.

<sup>18</sup> Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, *The Monthly Humanitarian Monitor*, June 2011, available from [www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2011\\_07\\_20\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2011_07_20_english.pdf). B'Tselem reports that by the end of 2010, the Israeli Government had approved funding for the construction of dozens of housing units in two settlements in the northern Jordan Valley close to the sites of three demolitions in 2011 (Ein al-Hilwa, Hammamat al-Maleh al-Maiteh and al-Farisiya). B'Tselem *Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea* (May 2011).

addition, as a result of discriminatory enforcement practices, house demolitions exercised exclusively against Palestinians have displaced thousands of families, while neglecting to enforce the planning laws on Israeli settlers.

## 1. East Jerusalem

13. Since 1967 and the occupation of East Jerusalem, more than one third of East Jerusalem has been expropriated for the construction of Israeli settlements. Israeli authorities have since planned and zoned only 13 per cent of East Jerusalem — most of which is already built up — for Palestinian construction. Even in those areas, Palestinians need to go through a complicated and costly process to obtain an Israeli building permit. The remainder of East Jerusalem has been designated as a “green area”, where construction is not allowed, or has been designated for public infrastructure or has not yet been zoned, meaning that Palestinians are not able build on it.<sup>19</sup>

14. A myriad of requirements needs to be fulfilled before a building permit is granted to Palestinians in East Jerusalem. They include the availability of an approved plan of the area and the existence of adequate private infrastructure, the responsibility for which lies with the Israeli municipal authorities. While the requirements are similar for construction in West Jerusalem, underinvestment by the Jerusalem Municipality in public infrastructure and the inequitable allocation of budgetary resources in East Jerusalem make obtaining a building permit virtually impossible for Palestinians wishing to build on land they own.<sup>20</sup> With respect to the provision of services and infrastructure by the Jerusalem Municipality to the Palestinian population, non-governmental organizations describe a blatant neglect of services and infrastructure, deficient sanitation services and dilapidated sewage and drainage infrastructures<sup>20</sup> hindering any prospects for meeting the Israeli set criteria to grant building permits. For instance, despite being entitled to the same services as Israeli citizens, at least 160,000 out of the 300,000 Palestinian residents of East Jerusalem are not connected to the municipal water supply.<sup>20</sup>

15. The application cost for building permits is prohibitive for many Palestinians, and the process can take several years with no guarantee that a permit will be granted. The Jerusalem Municipality explained to the Office for the Coordination of Humanitarian Affairs that between 2003 and 2007 between 100 and 150 permits were granted each year allowing for the construction of 400 housing units per year. During 2006 and 2010 the trend remained the same. Only 55 per cent of permits were approved, providing for an average of about 400 housing units per year.<sup>21</sup>

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<sup>19</sup> Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, *East Jerusalem: Key Humanitarian Concerns* (Special Focus: March 2011).

<sup>20</sup> The Association for Civil Rights in Israel, *Facts and Figures about East Jerusalem* available from [www.acri.org.il/en/?p=500](http://www.acri.org.il/en/?p=500).

<sup>21</sup> Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, see footnote 17. It is important to note that the application fee is the same for Palestinians and Israelis in Jerusalem. However, Palestinian construction is generally small-scale, carried out by an individual or a small group of families, with limited resources, rather than the larger-scale housing projects typical of West Jerusalem or of Israeli settlements in East Jerusalem. As a result, there are fewer people to share the permit costs. Furthermore, because of the manner in which fees are structured, applications for permits for smaller buildings (typical of East Jerusalem) have higher per square-metre fees than larger buildings.

However, the growth of the Palestinian population of Jerusalem requires the construction of 1,500 units each year.<sup>22</sup>

16. The above factors result in a situation where Palestinians are forced to build without official permits and subsequently face the risk of demolition, heavy financial fines and displacement.<sup>23</sup> The Office for the Coordination of Humanitarian Affairs estimates that 32 per cent of Palestinian homes in East Jerusalem were built without the required Israeli permit, putting at least 86,500 Palestinians at risk of displacement, should the Israeli authorities decide to demolish all “illegal” structures.<sup>24</sup> Official figures suggest that the majority of illegal construction is carried out in Israeli neighbourhoods (80 per cent) rather than in the Palestinian neighbourhoods of Jerusalem (20 per cent). Yet, the percentage of enforcement action is reversed, with the Israeli authorities taking action against the Palestinian “violations” in 80 per cent of the cases and against only 20 per cent of the violations in Israeli neighbourhoods.<sup>25</sup>

17. When the Jerusalem Municipality notices unauthorized construction, the owner must pay steep fines and still risk the demolition of the home. In a case documented by UNRWA, a Palestinian refugee was forced to demolish his own house at the end of a long battle with the Israeli legal system. Since completing construction of his house in 1999, Mahmoud Aramin had been heavily fined and twice sentenced to community service because he lacked the required Israeli building permits, which he had unsuccessfully sought to obtain. In February 2011, after months of having to pay heavy fines to the Jerusalem Municipality, an Israeli court warned Mahmoud Aramin that if he did not demolish the house himself, the Jerusalem Municipality would carry out the demolition, in which case Mahmoud Aramin would not only have to pay an exorbitant fine but would also have to cover the costs incurred by the Municipality for undertaking the demolition. Mahmoud Aramin consequently demolished his house on 28 May 2011, thereby displacing his brother, who resided in the house, the brother’s wife and their daughter. The forced demolition came just days after the Israeli authorities authorized the construction of a 50-unit Jewish settlement in the Ras al-Amoud neighbourhood of East Jerusalem, near the home of Mahmoud Aramin.

18. Plans of the Israeli municipality of Jerusalem for the demolition of Palestinian structures in East Jerusalem demonstrate the link between the policy of demolition and that of settlement expansion in the city. Not only do policies and practices of zoning and planning make it virtually impossible for Palestinians to build to meet the natural growth of their communities, contrary to what is accorded to Israeli

<sup>22</sup> Ir Amim, *A Layman’s Guide to Home Demolitions in East Jerusalem*, March 2009, p. 4, available from [www.ir-amim.org.il/Eng/\\_Uploads/dbsAttachedFiles/HomeDemolitionGuideEng\(1\).doc](http://www.ir-amim.org.il/Eng/_Uploads/dbsAttachedFiles/HomeDemolitionGuideEng(1).doc).

<sup>23</sup> See footnote 19 (explaining in detail the phenomenon of illegal construction). See also *A Layman’s Guide*.

<sup>24</sup> See *East Jerusalem: Key Humanitarian Concerns*, p. 36 (explaining that the figure is conservative and the percentage could be as high as 48 per cent, with 130,000 potentially at risk of displacement).

<sup>25</sup> Americans for Peace Now, *Settlements in Focus*, March 2006, available from <http://peacenow.org/entries/archive2292>.

settler communities,<sup>26</sup> but demolition of Palestinian structures built without permits is at times followed by building new or expanding existing Israeli settlements. In a recent example, the historical Shepherd Hotel in Sheikh Jarrah was demolished in January 2011 to make way for the construction of a new Israeli settlement.<sup>27</sup> In Silwan, nearly 1,000 Palestinians are at risk of being displaced due to Municipality's plans for demolition of their homes, which were built without Israeli permits, to make way for a "biblical park".<sup>28</sup>

## 2. Area C

19. The Government of Israel applies a zoning regime in Area C, comprising 60 per cent of the West Bank, which further benefits the establishment and growth of settlements while denying the natural growth and development of Palestinian communities. It effectively prohibits Palestinian construction in some 70 per cent of Area C, approximately 44 per cent of the West Bank, allocated for the use of Israeli settlements or the Israeli military.<sup>29</sup> In the remaining 30 per cent a range of restrictions make it virtually impossible for Palestinians to obtain a building permit for any building of homes or infrastructure like water pipes or electrical lines. In practice, Israeli authorities allow Palestinians to build only within the boundaries of a plan approved by the Israeli Civil Administration, which covers less than 1 per cent of Area C, much of which is already built up. As a result, Palestinians are forced to build without Israeli building permits, risking the demolition of their structures and subsequent displacement. From 1998 to 2009, approximately 2,450 Palestinian structures in Area C were demolished by the Israeli authorities for lack of building permits.<sup>30</sup> In addition to zoning and demolitions, Israeli authorities have practically prohibited Palestinians from having any access to the Jordan River through drilling wells to service settlements that have dried up Palestinians' water sources, cutting Palestinian water lines, and confiscating Palestinian water tankers, tractors, sheep, and other property.<sup>31</sup> During the period from August 2010 through June 2011, the Office for the Coordination of Humanitarian Affairs recorded that the Israeli authorities demolished 149 Palestinian residences in Area C of the West Bank, displacing 820 people, including 374 children. The Office for the Coordination of Humanitarian Affairs also reports a marked increase in the

<sup>26</sup> The Jerusalem Municipality master plan known as "Local Outline Plan 2000" — although not formally adopted, is in force de facto in Jerusalem — further allows limited housing opportunities for Palestinian residents yet adding 5,000 dunums (or 5 km<sup>2</sup>) for the expansion of Israeli settlements (see *Settlements in Focus*).

<sup>27</sup> Ir Amim, "Israeli settlement slated to replace the Shepherd Hotel can still be thwarted", available at: [http://www.ir-amim.org.il/Eng/\\_Uploads/dbsAttachedFiles/news.htm](http://www.ir-amim.org.il/Eng/_Uploads/dbsAttachedFiles/news.htm).

<sup>28</sup> *East Jerusalem: Key Humanitarian Concerns*.

<sup>29</sup> Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, "Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank" (Special Focus: December 2009) available from [www.ochaopt.org/documents/special\\_focus\\_area\\_c\\_demolitions.december\\_2009.pdf](http://www.ochaopt.org/documents/special_focus_area_c_demolitions.december_2009.pdf). See also Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, "'Lack of Permit' Demolitions and Resultant Displacement in Area C" (Special Focus: May 2008) available from [www.ochaopt.org/documents/Demolitions\\_in\\_Area\\_C\\_May\\_2008\\_English.pdf](http://www.ochaopt.org/documents/Demolitions_in_Area_C_May_2008_English.pdf).

<sup>30</sup> Information released by the Israeli State Attorney's Office in December 2009 and reported by Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory in *Restricting Space*.

<sup>31</sup> Human Rights Watch, "Separate and Unequal", [www.hrw.org/reports/2010/12/19/separate-and-unequal](http://www.hrw.org/reports/2010/12/19/separate-and-unequal).

demolition of Palestinian structures.<sup>32</sup> In the first half of 2011, 342 Palestinian-owned structures, including 125 residential structures and 20 rainwater collection cisterns, were demolished by the Israeli authorities. A total of 656 people, including 351 children, lost their homes in the first half of 2011, almost five times more than within the same period last year. One third of these people were displaced in June 2011 alone. Over 3,000 demolition orders are outstanding, including 18 targeting schools.<sup>32</sup> Most demolitions in 2011 affected livelihood structures, negatively affecting the sources of income and living standards of some 1,300 people.<sup>32</sup> Many communities in Area C have suffered multiple waves of demolitions.<sup>32</sup>

20. While Israeli authorities have heavily restricted Palestinian construction in Area C, they have established preferential practices for Israeli settlements and “outposts”. Although they have failed to sufficiently plan for Palestinian villages in Area C, they have approved detailed plans for almost all Israeli settlements located in the West Bank.<sup>33</sup> The planned expansion area of about 135 Israeli settlements in Area C is nine times larger than their built-up area.<sup>34</sup> Moreover, while Israeli authorities act assertively against Palestinian violators of the planning system, they fail to take action against unapproved construction in settlements. According to the Israeli State Comptroller, more than 2,100 cases of unapproved construction in the settlements were brought to the attention of authorities and no action was taken in 77 to 92 per cent of the cases.<sup>35</sup> While the Israeli authorities have not allowed Palestinian communities to participate in the preparation of plans, the approval process or the issuance of building permits,<sup>36</sup> Israeli settlers participate fully in planning and zoning activities and are generally responsible for enforcement activities within settlement areas.<sup>37</sup> Further, settlers in Area C receive significant state support.<sup>38</sup>

<sup>32</sup> Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, Humanitarian Factsheet on Area C of the West Bank, July 2011, see [http://ochaopt.org/documents/ocha\\_opt\\_Area\\_C\\_Fact\\_Sheet\\_July\\_2011.pdf](http://ochaopt.org/documents/ocha_opt_Area_C_Fact_Sheet_July_2011.pdf).

<sup>33</sup> Office for the Coordination of Humanitarian Affairs, “Khirbet Tana: Large-scale demolitions for the third time in just over a year” (February 2011); available at [www.ochaopt.org/documents/ocha\\_opt\\_Khirbet\\_tana-fact\\_sheet\\_20110210.english.pdf](http://www.ochaopt.org/documents/ocha_opt_Khirbet_tana-fact_sheet_20110210.english.pdf).

<sup>34</sup> Humanitarian Factsheet on Area C of the West Bank.

<sup>35</sup> See B’Tselem, *By Hook and by Crook: Israeli Settlement Policy in the West Bank*, July 2010, available at [http://btselem.org/publications/summaries/201007\\_by\\_hook\\_and\\_by\\_crook](http://btselem.org/publications/summaries/201007_by_hook_and_by_crook).

<sup>36</sup> Planning and construction in Area C is governed by the 1966 Jordanian Planning Law, as modified by an Israeli military order signed in 1971, Order Concerning Towns, Villages and Buildings Planning Law (Judea and Samaria) (No. 418). The military order nullified a number of provisions that allowed for community participation in the planning and zoning process. For example, under the 1966 Jordanian Law, Local Planning Committees had authority for planning over specific areas, prepared outline and detailed plans, and issued building permits in accordance with approved plans. Israeli military orders, however, annulled these committees for Palestinian villages. These functions are now performed by the Israeli Civil Administration’s Local Planning and Licensing Sub-Committee, with no Palestinian representation.

<sup>37</sup> Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, “Restricting Space”.

<sup>38</sup> For example in December 2009 the Israeli Knesset approved adding settlements in the Jordan Valley to a list of “national priority” communities that would receive, on average, \$260 per person in subsidies for education, employment and culture. It is noted that the Jordan Valley comprises almost half of Area C. See also Human Rights Watch, “Separate and unequal”, December 2010.

### C. Settler violence and discrimination in law enforcement in the West Bank

21. Acts of violence perpetrated by Israeli settlers against Palestinians and their properties continue to threaten the livelihood and security of Palestinians in the West Bank, including East Jerusalem. Many of these incidents have been overtly violent acts targeting Palestinian individuals and communities with live ammunition, destruction and denial of access to property, physical assault and the throwing of stones. Some incidents have led to the killing and injury of Palestinians. The incidents in most cases appear to aim at intimidating the Palestinian population and asserting “settler dominance” over specific geographic locations.<sup>39</sup> Many incidents of settler violence occur as part of the so-called “price tag” strategy, whereby Israeli settlers attack Palestinians and Israeli security forces in response to Israeli authorities’ attempts to evacuate settlement “outposts”. From September 2010 to May 2011, 5 deaths (including three children) and more than 270 cases of injury of Palestinians by Israeli settlers were recorded.<sup>40</sup>

22. As reported in the Secretary-General’s previous report, lack of accountability for Israeli settlers persists. In 1981, an Israeli government committee headed by then Deputy Attorney General Yehudit Karp was appointed by the Attorney-General to look into law enforcement in the West Bank, in particular to examine the investigation of offences committed by Israeli civilians against Palestinians. The committee’s report (Karp Report) highlighted serious concerns with law enforcement against Israeli civilians in the West Bank. First, the police launched investigations only where a complaint was filed — although, as the report noted, Palestinians often refrain from filing a complaint owing to concern for their safety or for lack of confidence in the Israeli law enforcement system. The closure of investigation on the grounds of “perpetrator unknown” — which applied to 50 per cent of the cases examined — was “exceptional and unreasonable”. The report noted a direct link between inadequate investigations and the high number of cases closed and marked “perpetrator unknown”. Of the investigations examined, only 20 per cent led to the transfer of the file to the prosecution with recommendations that suspects be indicted.<sup>41</sup> Two subsequent Israeli government-mandated reports, in 1994 and 2005, noted the continuing failure of the Israeli law enforcement system to reform based on the recommendations of the Karp report. The 1994 report confirmed that there had been no real improvement in the situation since the Karp report.<sup>42</sup> In 2005, Advocate Talia Sasson, commissioned by the Israeli Prime Minister to look into Israeli “outposts” in the West Bank, also concluded that Israel Defense Forces soldiers were ignorant of their law enforcement responsibilities in the West Bank, and noted that “the attitude towards law breaking settlers is mostly

<sup>39</sup> Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, “Unprotected: Israeli settler violence against Palestinian civilians and their property” (Special Focus: December 2008), p. 2. Available at: [www.ochaopt.org/documents/ocha\\_opt\\_settler\\_violence\\_special\\_focus\\_2008\\_12\\_18.pdf](http://www.ochaopt.org/documents/ocha_opt_settler_violence_special_focus_2008_12_18.pdf).

<sup>40</sup> Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, “Protection of Civilians: Casualties Database”. Available from [www.ochaopt.org/poc.aspx?id=1010002](http://www.ochaopt.org/poc.aspx?id=1010002).

<sup>41</sup> Yesh Din, *A Semblance of Law: Law Enforcement upon Israeli Civilians in the West Bank*, June 2006, p. 31. Available from [www.ochaopt.org/documents/opt\\_prot\\_yeshdin\\_semblance\\_law\\_june\\_2006.pdf](http://www.ochaopt.org/documents/opt_prot_yeshdin_semblance_law_june_2006.pdf).

<sup>42</sup> Report of the Shamgar Commission, established in 1994 following the massacre of 29 Palestinian worshippers at the Tomb of the Patriarchs in Hebron by an Israeli settler.

forgiving”.<sup>43</sup> Non-governmental organizations support the conclusions of these reports.<sup>44</sup>

23. During the reporting period for the present report, impunity for settlers perpetrating violent attacks continued. The Israel Defense Forces not only failed to protect Palestinians, there are documented instances of their direct involvement in violence perpetrated against Palestinians. The following cases monitored by OHCHR are illustrative of the violence that Palestinians suffer at the hands of Israeli settlers in the West Bank.

24. On 7 March 2011, a group of at least 12 settlers from the “outpost” of Esh Kodesh in the northern West Bank attacked Palestinians from the adjacent village of Qusra. Three of the settlers were armed with a handgun and two rifles while the rest were carrying baseball bats and metal bars. One of the settlers had a dog. The settlers hurled stones at the Palestinians and fired guns in the air, before physically assaulting the Palestinians. Israel Defense Forces soldiers reached the scene 30 to 45 minutes later, but the Israel Defense Forces personnel acted only in support of the settlers. Ten Palestinians were injured, including five by live ammunition. One of the Palestinians injured with live ammunition stated that he was shot in his left wrist by a settler, while he was being chased by a group of at least four settlers who were shooting at him. Another victim was shot in the leg from a distance of some 30 metres by an Israel Defense Forces soldier. Once on the ground he was shot again from close range in the other leg by the same Israel Defense Forces soldier. While trying to flee, the victim was hit in the leg and kicked in the face by a settler with a wooden stick, in the presence of the Israel Defense Forces soldier who had just shot him. Another Palestinian was hit in the head by an Israel Defense Forces soldier with the butt of his rifle. Once the victim fell on the ground, a settler and the Israel Defense Forces soldier started kicking him, injuring at least one costal cartilage according to his medical report. Ten days after the incident, bruises remained clearly visible on the victim’s face, chest and upper body. All the witnesses described the group of settlers and Israel Defense Forces soldiers as one group advancing in the same line towards the Palestinians. According to one of the witnesses, settlers were initially shooting in the air and only started shooting at the Palestinians once the Israel Defense Forces arrived. The Israel Defense Forces soldiers fired tear gas canisters towards the Palestinians, rubber bullets, injuring one Palestinian, and then live ammunition. All victims and witnesses concurred that all live ammunition injuries occurred after the arrival of the Israel Defense Forces. No arrests were made by the Israeli police and the Palestinians were told to file a complaint at the police station in the settlement of Binyamin. Most of the victims of this attack spent two weeks in the hospital and require close medical attention.

25. In another case, on 13 January 2011, a Palestinian farmer was working his land southeast of Qusra in the north of the West Bank when a group of 40 to 50 Israeli settlers appeared and moved towards him shouting. Some of the settlers were armed and fired in the air. A group of younger settlers walked closer to the farmer and started throwing stones at him injuring him in the head. Palestinians were also gathering after hearing the gunfire. Shortly after, Israel Defense Forces soldiers and Israeli police arrived at the scene and forced the settlers to walk back in the direction of Shilo settlement. The soldiers also fired warning shots in the air to

<sup>43</sup> “Unprotected: Israeli settler violence against Palestinian Civilians”.

<sup>44</sup> Yesh Din, *A Semblance of Law*.



disperse the Palestinians, as well as several tear gas canisters and finally used their batons against some Palestinians to force them to leave their own land.

26. On 27 January 2011, an 18-year-old Palestinian grazing his goats on his land was shot dead at point blank range by a settler on Palestinian land south of the village of Iraq Burin.<sup>45</sup> Footage of the killing captured by a security camera appeared in various media.<sup>46</sup> On 15 February 2011, an 18-year-old Palestinian from the village of Jalud south of Nablus, which is surrounded by six Israeli settlements and “outposts”, was shot in his stomach with live ammunition by one of three settlers from a distance of about 40 metres. The settlers then fled towards Kida settlement. Because of the frequent attacks by Israeli settlers against Palestinians from this village, Palestinians usually work their lands only after coordinating with the Israel Defense Forces, which is often neither efficient (since it is cumbersome and time-consuming) nor successful (the permission to access land is often refused).

27. Settlers also attack and destroy Palestinian property, including homes, schools, cars and olive trees — vital to the livelihood of Palestinian agricultural communities. On 10 October 2010, 55 olive trees belonging to a Palestinian farmer west of Hawwara village were chopped down. In the early morning of 27 January 2011, a Palestinian from the village of Einabus south of Nablus realized that his car, which was parked outside, was on fire. The man called the Palestinian Authority Liaison Officer District Coordination Office. About an hour later Israel Defense Forces troops and Israeli police arrived and started inspecting the scene. They took note of the car set on fire, barbed wire torn apart and Hebrew graffiti reading “the holy man organization, you just paid the bill” in what is commonly known as a “price-tag” attack. While being interviewed by the police, the Palestinian saw two of the Israel Defense Forces soldiers seemingly attempting to destroy evidence of the crime by erasing the writings on the outer walls of his house. In another incident, on 26 February 2011, settlers from the “outpost” of Givat Aroseh broke into a Palestinian property in Burin village, set the landlord’s vehicle on fire, stoned the house and fled. In 2010, the Palestinian family residing in the property was victim to 10 similar incidents. The family had filed a complaint after each incident, but as of the finalization of the present report, it had not received any information regarding the results of any investigation.

28. During this reporting period, there was an increase in the number of incidents of settler violence against mosques. In October 2010, a group of Israeli settlers broke into a mosque in Beit Fajjar, in the south of the West Bank and set it ablaze. On 3 May 2011, another group of Israeli settlers broke into a neighbourhood in Huwwara town and burned part of Huwwara secondary school used for prayers by Palestinians residing in that neighbourhood. During the night of 6 June 2011, a third Palestinian mosque in Al Mughayyir village in the centre of the West Bank was set on fire by Israeli settlers.

29. Some of the victims of Israeli settler violence contemplate filing complaints with the Israeli police, which is responsible for investigating such incidents. To do so, however, they must enter a settlement, as most Israeli police stations are located

<sup>45</sup> *Al-Haq*, Press Release, 1 February 2011, available at <http://www.alhaq.org/etemplate.php?id=568>.

<sup>46</sup> *Haaretz*, “Police: Israeli responsible for shooting death of Palestinian teen”, 27 January 2011, available at: <http://www.haaretz.com/news/diplomacy-defense/police-israeli-responsible-for-shooting-death-of-palestinian-teen-1.339621>. (The footage is available at: <http://www.youtube.com/watch?v=48PhfH2zFhI>).

inside settlements, thus making access difficult for Palestinians. Owing to the trauma many sustain as a result of violent attacks by settlers, entering the settlements can be an intimidating experience. Palestinians also need special permits to enter settlements because of authorities' restrictions on Palestinian movement.<sup>47</sup> Those who do make it inside and file a complaint are still not certain that their complaint will result in an investigation. In many cases followed by OHCHR, Palestinians preferred to report the case to the Palestinian Liaison Officer District Coordination Office. Depending on the gravity of the case, the Palestinian District Coordination Office might report the case to his Israeli counterparts. However, such reporting is not based on any formal agreement between the Israel Defense Forces and the Palestinian District Coordination Office, and is therefore not done on a systematic basis. Moreover, follow-up of complaints remains inadequate. Yesh Din, an Israeli non-governmental organization, noted, based on its monitoring of hundreds of investigations, that police rarely collect evidence from the crime scene, attempt to verify alibi claims or conduct live lineups.<sup>48</sup> In February 2011, Yesh Din found that 90 per cent of investigations in cases of settler violence monitored by the organization were closed on the following grounds: "offender unknown" and "lack of evidence", which raises doubts about the methods and procedures used by Israeli investigators.<sup>49</sup>

30. According to a letter sent to Yesh Din by an Israel Defense Forces spokesperson, responsibility for law enforcement in the West Bank is divided between the Israel Defense Forces and the Israeli police.<sup>50</sup> In incidents where advance information of a possible incident is available, law enforcement responsibility lies with the police and the Israel Defense Forces will only assist in securing the area. In cases where information is not available, the Israel Defense Forces will carry out law enforcement pending the arrival of the Israeli police. The response added that "in the absence of police presence, soldiers of the Israel Defense Forces are responsible, yet they must, to the extent that it is possible, refrain from entering the scene and must disperse all parties present in order to preserve the evidence intact until the police arrive (...) if necessary, Israel Defense Forces forces are authorized, as well as obligated, to detain and even arrest those suspected of criminal activity".<sup>51</sup> In many cases monitored, both the Israel Defense Forces and the police have failed in their duty to protect the Palestinians in the West Bank. In particular, the involvement of the Israel Defense Forces in supporting

<sup>47</sup> Yesh Din, *A Semblance of Law ...* (June 2006), p. 76.

<sup>48</sup> *Ibid.*, pp. 97-101.

<sup>49</sup> Yesh Din, Monitoring Update: *Law Enforcement upon Israeli Civilians in the West Bank* (February 2011) available at [http://www.yeshdin.org/userfiles/file/datasheets/YESH%20DIN\\_Law%20Enforcement%20Monitoring%20Eng\\_2011.pdf](http://www.yeshdin.org/userfiles/file/datasheets/YESH%20DIN_Law%20Enforcement%20Monitoring%20Eng_2011.pdf).

<sup>50</sup> It is noteworthy that while the Israeli authorities seem to be unable or unwilling to enforce the law in the West Bank, the Palestinian Authority, as per the Oslo Agreements, has no authority for law enforcement but in Area A, which is limited to the Palestinian cities. The majority of incidents of settler violence take place in the vicinity of settlements, in Area C, where authority in the security sphere is left with Israel. In cases of settler violence, the role of the Palestinian Authority is often limited to informing the Israeli Civil Administration of the incidents and documents the damages or injuries when possible.

<sup>51</sup> Response to the report by Yesh Din by Office of the Israel Defense Forces spokesperson dated 12 June 2006 in Yesh Din, *A Semblance of Law ...*, p. 132.

settler attacks against Palestinians is a grave concern and brings into question the understanding Israel Defense Forces soldiers have of their responsibilities.<sup>52</sup>

31. The problem of discrimination is most apparent in the markedly different justice systems to which Palestinians and settlers are subjected. When violence is committed or is suspected to have been committed by Palestinians against Israeli settlers in the West Bank, the Israeli authorities often mobilize vast resources to apprehend the perpetrator. Large-scale arrest and detention campaigns are often carried out by the Israel Defense Forces throughout the West Bank, and the Israeli police and Border Police in specific neighbourhoods of East Jerusalem. Curfews on Palestinian towns and villages are also often imposed.<sup>53</sup> The Office for the Coordination of Humanitarian Affairs reports that between September 2010 and June 2011, Israeli forces carried out 3,791 search-and-arrest operations during which 2,760 Palestinians were arrested.<sup>54</sup> Most of those arrested will be tried through the Israeli military justice system, contrary to Israeli civilians who, when arrested, are tried by civilian courts. Israeli civil courts provide more protections to the defendants in a number of areas, including the right to see a lawyer, the length of detention before being brought before a judge and the maximum penalty allowed.<sup>55</sup> Settlers are de facto given impunity for violent acts against Palestinians and their property in the occupied West Bank while substantial resources are devoted to the prosecution of Palestinians accused of engaging in violence against settlers. The result of the situation is an overtly discriminatory system against Palestinians, both in law and in practice.

32. An illustrative case followed by the OHCHR shows the steps taken by the Israeli authorities in situations where attacks against settlers in the West Bank occur. Following the killing of five Israeli settlers, including three children, from Itamar settlement in the West Bank on 11 March, residents of the adjacent Palestinian village of Awarta were awoken in the early hours of the following day by the Israel Defense Forces, declaring that a curfew was imposed on the entire village. During the four-day curfew, residents of Awarta were not allowed to leave their homes. All males between 15 and 40 years of age were detained in the village's school, and fingerprints were collected from most males. Houses were occupied by Israel Defense Forces soldiers and used as watchtowers. Between 8 and 10 houses were turned into temporary places of detention. House-to-house searches took place and

<sup>52</sup> See also English translation of Talia Sasson report in Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, *Unprotected: Israeli Settler Violence against Palestinian Civilians*.

<sup>53</sup> Ibid., p. 14. According to Office for the Coordination of Humanitarian Affairs, in 2008 for example, 29,000 Palestinians in five different locations in the West Bank spent a total of 600 hours under curfew imposed by the Israel Defense Forces after Palestinians threw stones at Israeli vehicles.

<sup>54</sup> Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, *Monthly Humanitarian Monitor*, April 2011, available from [www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2011\\_05\\_19\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2011_05_19_english.pdf).

<sup>55</sup> B'Tselem, *Violence by Settlers*, available from [www.btselem.org/settler\\_violence/dual\\_legal\\_system](http://www.btselem.org/settler_violence/dual_legal_system). See also Opening remarks by United Nations High Commissioner for Human Rights at a press conference in Jerusalem, 11 February 2011, available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10721&LangID=e](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10721&LangID=e).

resulted in damages to private property.<sup>56</sup> More than 50 persons were arrested during the four-day operation.<sup>57</sup>

33. In East Jerusalem, the Israeli authorities allocate considerable financial resources to the protection of the Israeli settlers currently living in “outposts” throughout East Jerusalem. Around-the-clock armed private security guards protect, escort and transport Israeli settlers. Available estimates indicate that security arrangements cost 54 million Israeli New Shekels in 2010 and more than 70 million in 2011.<sup>58</sup>

#### IV. Settlements in the occupied Syrian Golan

34. Since the occupation of the Syrian Golan in 1967 and its purported annexation in 1981 by the passing of the Golan Heights Law, the Government of Israel has continued its settlement expansion, despite renewed resolutions calling upon Israel to refrain from doing so.<sup>59</sup> The estimated Israeli population in the occupied Syrian Golan is about 19,000, with some 6,400 living in the town of Katzrin and the rest dispersed among 32 small settlements throughout the Golan Heights.<sup>60</sup> Settlement activity, including expropriation of resources for the exclusive use of settlers in the occupied Syrian Golan is ongoing. During the reporting period, a new campaign to encourage additional Israeli settlement in the occupied Syrian Golan began, aiming to recruit 140 new families during 2011.<sup>61</sup> Meanwhile, the Syrian population of Golan continues to be banned from visiting family members in the Syrian Arab Republic.<sup>61</sup> It is estimated that the number of Israeli settlers in the Occupied Golan will increase by 15,000 by 2012, doubling the population of the indigenous Syrians.<sup>62</sup>

#### V. Recommendations

**35. The Government of Israel should bring its policies and practices into compliance with its international legal obligations and its commitments in the Road Map, as well as the repeated calls of the international community to**

<sup>56</sup> A number of United Nations agencies, including Office of the United Nations High Commissioner for Human Rights, documented the cases.

<sup>57</sup> See footnote 54. See also al-Haq, Collective Punishment in Awarta: Israel’s Response to the Killing in Itamar Settlement, April 2011, available from [www.alhaq.org/pdfs/Collective+Punishment+in+Awarta\\_22\\_April.pdf](http://www.alhaq.org/pdfs/Collective+Punishment+in+Awarta_22_April.pdf).

<sup>58</sup> Peace Now, “Settlements in Palestinian Neighborhoods in East Jerusalem”, available at <http://peacenow.org.il/eng/content/settlements-palestinian-neighborhoods-east-jerusalem>.

<sup>59</sup> For example, General Assembly resolution 65/106.

<sup>60</sup> See International Committee of the Red Cross, “Occupied Golan: nurturing ties with the rest of Syria”, 15 February 2011, Operational Update available at: <http://www.icrc.org/eng/resources/documents/update/2011/golan-update-2011-02-15.htm>.

<sup>61</sup> Robert Serry, Special Coordinator for the Middle East Peace Process, Briefing to the Security Council on the situation in the Middle East, 24 February 2011. See also Palestinian Information Center, “New Jewish neighborhood to be erected in occupied Golan Heights”, January 2011, available from [www.palestine-info.co.uk/en/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7cYjteqRVchZUp1eTb9IHYN5LWz6oLV1a66G2%2fdei0j4kn8z9GD49nGEmTIRoUYXW3owUefav1ka8RliVklNeuZvYpG7iyc2znAqlfKx5xhQ%3d#Page\\_Top](http://www.palestine-info.co.uk/en/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7cYjteqRVchZUp1eTb9IHYN5LWz6oLV1a66G2%2fdei0j4kn8z9GD49nGEmTIRoUYXW3owUefav1ka8RliVklNeuZvYpG7iyc2znAqlfKx5xhQ%3d#Page_Top).

<sup>62</sup> Al-Marsad, the Arab Center for Human Rights in the occupied Syrian Golan, “Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan”, April 2010, available from [www.golan-marsad.org/Images/022011/Family\\_Separation.pdf](http://www.golan-marsad.org/Images/022011/Family_Separation.pdf).

**immediately cease the transfer of its civilian population into occupied territory and to completely freeze all settlement activities in the West Bank, including in East Jerusalem, and to immediately dismantle all “outposts”.**

**36. The Government of Israel should end its discriminatory policies and practices against Palestinians, in particular those that violate Palestinians’ right to adequate housing. Non-discriminatory planning policies that take account of natural growth of Palestinians should be developed and implemented as a matter of urgency. The current situations in Area C and East Jerusalem merit priority action by the Government in this regard.**

**37. The Government of Israel should take all necessary measures to prevent attacks by Israeli settlers against Palestinian civilians and their property in the West Bank, including East Jerusalem. In this respect, there is an urgent need for a comprehensive training programme for Israel Defense Forces and other Israeli security forces deployed in the West Bank on applicable international legal standards. The Government of Israel may consider requesting technical cooperation from the Office of the United Nations High Commissioner for Human Rights to design and deliver such a training programme.**

**38. The Government of Israel should ensure that all serious allegations concerning criminal acts committed by settlers or the Israel Defense Forces are subject to independent, impartial, effective, thorough and prompt investigations, in accordance with international standards.**

**39. The Government of Israel should ensure that, in line with its international legal obligations, all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In particular, it should ensure that all judicial guarantees and procedural safeguards, including fair trial and due process, are guaranteed for all.**

**40. The General Assembly and the international community should more actively seek the implementation of their decisions, resolutions and recommendations, as well as those of the Security Council, the International Court of Justice and the United Nations human rights mechanisms, including treaty bodies and special procedure mandate holders, in relation to the situation of human rights and international humanitarian law in the Occupied Palestinian Territory.**



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Item 53 of the provisional agenda<sup>\*,\*\*</sup>

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report by the Secretary-General**

#### *Summary*

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights, pursuant to General Assembly resolution 66/78, in which the Assembly requested the Secretary-General to report to the Assembly at its sixty-seventh session on the implementation of the resolution. The period covered by the report is 1 July 2011 to 30 June 2012.

The construction of Israeli settlements in occupied Arab territories and its impact on the human rights of the residents are addressed in the report.

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\* A/67/150.

\*\* The present report was submitted late in order to include up-to-date information from Member States, United Nations organizations, non-governmental organizations and human rights defenders.



## I. Introduction

1. in its resolution 66/78, the General Assembly expressed grave concern about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem. The General Assembly also reiterated its demand for the immediate and complete cessation of Israeli settlement activities and called upon Israel, as the occupying Power, to comply strictly with its international law obligations and its obligations set forth in the advisory opinion rendered by the International Court of Justice on 9 July 2004.<sup>1</sup>

2. As requested by the General Assembly, progress made in the implementation of its resolution 66/78 is addressed in the present report. The period covered by the report is 1 July 2011 to 30 June 2012. The information contained in the report is based on monitoring and other information-gathering activities carried out by the Office of the United Nations High Commissioner for Human Rights and information provided by other United Nations entities in the Occupied Palestinian Territory, in particular the Office for the Coordination of Humanitarian Affairs, the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United Nations Children's Fund. The report also contains information received from Israeli and Palestinian non-governmental organizations, human rights defenders and media sources. It should be read in conjunction with previous reports of the Secretary-General on Israeli settlements (A/66/364, A/65/365, A/64/516 and A/63/519).

3. A number of relevant issues identified in General Assembly resolution 66/78 are addressed in separate reports of the Secretary-General submitted to the Assembly at its sixty-seventh session. They include the reports on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/67/372) and the Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention), to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories (A/67/332).

## II. Legal background

4. The applicable international legal framework in relation to Israeli settlements in the occupied territory can be found in international humanitarian law and international human rights law. The provisions concerning the responsibilities of

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<sup>1</sup> In its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* of 2004 (see A/ES-10/273 and Corr.1), the International Court of Justice concluded that the Fourth Geneva Convention was applicable in the Palestinian territories which, before the 1967 conflict, lay to the east of the Green Line and which, during that conflict, were occupied by Israel. Since then a significant number of United Nations resolutions have reaffirmed the applicability of the Fourth Geneva Convention, the most recent being Human Rights Council resolutions S-9/1, 10/18 and 13/7 and General Assembly resolutions 63/96, 63/97, 63/201, 64/93, 65/103, 65/104 and 66/78. In its advisory opinion, the Court recalled that while Israel was not a party to the Hague Convention Respecting the Laws and Customs of War on Land of 18 October 1907 (convention IV), to which the Hague Regulations are annexed, the provisions of the Hague Regulations had become part of customary international law.

Israel in the occupied territories are set out in the Fourth Geneva Convention and in the Hague Regulations.<sup>2</sup> Although Israel has disputed the application of the Fourth Geneva Convention, the situation remains one of belligerent military occupation, as recognized by the Security Council, the General Assembly and the Human Rights Council, to which the Fourth Geneva Convention applies (see, for example, General Assembly resolutions 62/181 and 63/98, Security Council resolution 1860 (2009) and Human Rights Council resolution 10/18). Article 49 of the Fourth Geneva Convention explicitly prohibits an occupying Power from transferring parts of its own civilian population into the territory it occupies. This is an absolute prohibition which does not admit any exceptions.<sup>3</sup>

5. In addition to its obligations under international humanitarian law, Israel has responsibilities under the international human rights treaties that it has ratified, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The International Court of Justice affirmed that those Covenants and the Convention on the Rights of the Child were applicable in respect of acts carried out by Israel in the occupied territories (see A/ES-10/273 and Corr.1, paras. 102-113). Similarly, United Nations human rights treaty bodies have reaffirmed that, as a party to international human rights instruments, Israel continues to bear responsibility for implementing its human rights obligations in the occupied territories.<sup>4</sup>

### III. Overview

6. As noted in previous reports to the General Assembly (A/63/519 and A/64/516), Israeli settlements are an obstacle to the creation of a future Palestinian state. Israel has committed itself under the Quartet road map to freeze all settlement activity, including the “natural growth” of settlements, a commitment never fully implemented. While there was a partial freeze of settlement activity for a period of 10 months in 2010, since then no further measures have been undertaken to meet that commitment. During the reporting period, Israeli settlements continued to expand, and new settlements were approved by the Government of Israel,<sup>5</sup> in clear

<sup>2</sup> The Hague Regulations are annexed to the Hague Convention Respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV).

<sup>3</sup> This prohibition was “intended to prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories. Such transfers worsened the economic situation of the native population and endangered their separate existence as a race”, according to a commentary on article 49 of the Fourth Geneva Convention by Jean Pictet, ed., *The Geneva Conventions of 12 August 1949: Commentary published under the general editorship of Jean S. Pictet, IV Geneva Convention* (Geneva, International Committee of the Red Cross, 1958).

<sup>4</sup> An examination of the concluding observations of different United Nations treaty bodies confirms this view (see CCPR/C/ISR/CO/3, para. 5; CERD/C/ISR/CO/13, para. 32; CRC/C/15/Add.195; and CAT/C/ISR/CO/4, para. 11).

<sup>5</sup> For example, three “outposts”, Sansana, Rechelim and Bruchin, were approved on 23 April 2012. “Outposts” are settlements which, although often established with some level of Government support, are not officially recognized under Israeli law. It should be stressed that all Israeli settlements in the Occupied Palestinian Territory, regardless of their status under Israeli law, are unlawful under international law.



violation of its obligations under international humanitarian law and despite repeated international condemnation.

7. Estimates of the Israeli settler population in the Occupied Palestinian Territory vary between 500,000 and 650,000, living in some 150 settlements and 100 “outposts” in the West Bank, including East Jerusalem.<sup>6</sup> The settler population (excluding that of East Jerusalem) has grown over the past decade at an average yearly rate of 5.3 per cent, compared with 1.8 per cent for the Israeli population as a whole. In the previous 12 months, that population increased by 15,579 persons.<sup>7</sup> From July to December 2011, 588 units in six settlements in the West Bank (excluding East Jerusalem) received Government approval.<sup>8</sup> On 6 June 2012, the Prime Minister of Israel announced a “package” meant to compensate for the evacuation of 84 housing units in the Ulpana area of the Beit El settlement. The package included the promise to build a total of 851 housing units in six settlements in the West Bank.<sup>9</sup>

8. Plans for construction in settlements in East Jerusalem were submitted and approved throughout the reporting period. For example, in September 2011, an Israeli planning committee approved a new project comprising 1,100 apartments in the settlement of Gilo.<sup>10</sup> On 18 April 2012, two Palestinian refugee families comprising 13 people were forcibly evicted by Israeli authorities from their houses in Beit Hanina in East Jerusalem, following a court case brought by an Israeli citizen supported by a “private” settler association, claiming ownership of the property. The houses, situated in a Palestinian neighbourhood, were subsequently handed over to settlers. Other such settlements in Palestinian neighbourhoods of East Jerusalem have been a source of settler violence and other forms of tension.

9. Developments linked to foreseen settlement expansion in the Jerusalem periphery are of concern. In July 2011, the Israeli Civil Administration indicated its intention to “relocate” Palestinian communities throughout Area C.<sup>11</sup> The primary target of the relocation plan would be 20 communities<sup>12</sup> located in the Jerusalem periphery.<sup>13</sup> The communities are in an area that has strategic significance for the

<sup>6</sup> This number includes the nearly 200,000 Israeli settlers living in settlements located in East Jerusalem. In November 2011, Peace Now reported that the total number was 506,990 settlers (196,000 in East Jerusalem and 310,990 in the rest of the West Bank). In his 24 May 2011 speech to the Congress of the United States of America, the Prime Minister of Israel mentioned that 650,000 Israelis “live beyond the 1967 lines”.

<sup>7</sup> “More than 350,000 Israelis live in settlements, up 4.5% in a year”, *Israel Hayom*, 26 July 2012, citing statistics of the Ministry of the Interior.

<sup>8</sup> “Approvals by the Netanyahu Government for settlements”, Peace Now, updated on 3 December 2011.

<sup>9</sup> “Netanyahu promises new West Bank construction, on heels of failed outpost bill”, *Haaretz*, 7 June 2012.

<sup>10</sup> “Government okays 1,100 apartments in Gilo. US joins PA and UN in quickly expressing disapproval”, *Jerusalem Post*, 28 September 2011.

<sup>11</sup> Office for the Coordination of Humanitarian Affairs, “Bedouin communities at risk of displacement due to an Israeli ‘relocation plan’”, *The Monthly Humanitarian Monitor*, July 2011, p. 3.

<sup>12</sup> These communities have a combined population of 2,300; Palestinian refugees account for 80 per cent of the total. The relocation initiative is part of a wider plan to transfer the Bedouin and other pastoral communities throughout Area C.

<sup>13</sup> “10 Oct. ’11: Civil Administration plans to expel tens of thousands of Bedouins from Area C”, *B’Tselem*, 10 October 2011.

further expansion of Israeli settlements.<sup>14</sup> The area has been the object of major development plans issued, but largely not implemented, by Israeli authorities.<sup>11,14</sup> Those plans include the wall and the so-called E1 Project,<sup>11</sup> which entails the creation of an Israeli urban continuum between the settlement of Ma'ale Adumim and East Jerusalem.<sup>11,15</sup> It is also planned that the area will be expanded and linked with smaller settlements in the area, such as Qedar, Kfar Adumim, the Mishor Adumim industrial zone and Almon; the area is considered of strategic importance to guarantee Israeli control of Route 1 linking Jerusalem and the Jordan Valley.<sup>11</sup> Numerous administrative demolition orders are pending against Palestinian homes, schools and animal shelters in the communities targeted for relocation.<sup>14</sup> Settlers have played an active role in encouraging demolitions. For instance, on 1 August 2011, the municipality of Kfar Adumim settlement petitioned the court demanding a formal explanation from the Israeli authorities on why the demolition order against the sole school in the Khan al-Ahmar Bedouin community, which had been issued in mid-2009, had not yet been implemented.<sup>16</sup>

#### IV. Impact of settlements on the right to self-determination

10. Israeli legal and administrative measures to furnish socioeconomic incentives, security, infrastructure and social services to citizens of Israel residing in the West Bank, including East Jerusalem, amount to the transfer by Israel of its population into the Occupied Palestinian Territory (see A/ES-10/273 and Corr.1, para. 120).<sup>17</sup> The continuation of that transfer and the maintenance and expansion of settlements have severe negative impacts on the right to self-determination of the Palestinian people. The right to self-determination is enshrined in Article 1, paragraph 2, of the Charter of the United Nations and article 1, paragraph 1, of both of the aforementioned international human rights covenants;<sup>18</sup> that right was reaffirmed by the International Court of Justice with regard to its applicability in the Occupied Palestinian Territory. The right to self-determination is generally understood as having several components, including the right to have a demographic and territorial presence and the right to permanent sovereignty over natural resources (*ibid.*, paras. 133-134, and HRI/GEN/1/Rev.1, General Comment No. 12). Those elements are adversely affected not only by the expansion of Israeli settlements but also by the mere presence of the settlements.

11. One of the ways in which self-determination is implemented is through the establishment of a sovereign and independent state (see General Assembly resolution 2625 (XXV), annex, principle 5). One of the main characteristics of a state is territory. However, the current configuration and attribution of control over land in the Occupied Palestinian Territory severely impedes the possibility of the

<sup>14</sup> Office for the Coordination of Humanitarian Affairs, "Bedouin relocation: threat of displacement in the Jerusalem periphery", factsheet, September 2011.

<sup>15</sup> See Nir Shalev, "The hidden agenda: the establishment and expansion of Ma'ale Adumim and their human rights ramifications", B'Tselem and Bimkom, December 2009.

<sup>16</sup> "Bedouin near Ramallah face double-edged sword by Israeli settlers", *Haaretz*, 2 September 2011.

<sup>17</sup> This violates article 49 (6) of the Fourth Geneva Convention.

<sup>18</sup> Both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which entered into force in 1966 and 1976, respectively, have been ratified by Israel.

Palestinian people expressing their right to self-determination in the Occupied Palestinian Territory. In addition to large areas which have been declared closed military zones, some 43 per cent of the West Bank has been allocated to local and regional settlement councils, with the result that those areas are off-limits to Palestinians.<sup>19</sup> In addition, because settlements are scattered all across the West Bank, including East Jerusalem, the territory of the Palestinian people is divided into enclaves with little or no territorial contiguity. The network of settler roads and military checkpoints, which in many cases are there only to protect settlements, and settlers using the roads throughout the West Bank compound the problem by denying the Palestinians territorial contiguity while occupying a significant area of land. The fragmentation of the West Bank undermines the possibility of the Palestinian people realizing their right to self-determination through the creation of a viable state.

12. The demographic and territorial presence of the Palestinian people in the Occupied Palestinian Territory is put at risk by the continued transfer by Israel, the occupying Power, of its population into the occupied territory (see para. 10 above). Between 500,000 and 650,000 Israeli settlers live among 2,642,000 Palestinians in the West Bank, including East Jerusalem.<sup>20</sup> The transfer by Israel of approximately 8 per cent of its citizens into the Occupied Palestinian Territory since the 1970s has changed the demography of the West Bank, including East Jerusalem. Israeli settlers now represent approximately 19 per cent of the overall population of the West Bank. In its advisory opinion of 2004, the International Court of Justice concluded that the construction of the wall, coupled with the establishment of Israeli settlements, was altering the demographic composition of the Occupied Palestinian Territory, and thus was severely impeding the exercise by the Palestinian people of their right to self-determination (see A/ES-10/273 and Corr.1, paras. 122 and 123).

13. Settlements and the associated restrictions on the access of Palestinians to large portions of the West Bank do not allow the Palestinian people to exercise permanent control over natural resources. As previously mentioned, some 43 per cent of the West Bank is under the de facto jurisdiction of local or regional settlement councils, thereby serving to prohibit the Palestinian people from controlling the natural resources located in those areas. For example, 37 Israeli settlements are located in the Jordan Valley, the most fertile and resource-rich area in the West Bank. In respect of the Jordan Valley and the Dead Sea area, 86 per cent is under the de facto jurisdiction of the regional councils of settlements, which prohibit Palestinian use, thus denying Palestinians access to their natural resources.

14. Palestinians have virtually no control over the water resources in the West Bank. The route of the wall, which renders 9.4 per cent of West Bank territory inaccessible to Palestinians, except for those who receive a permit, has severe impacts on the control of Palestinians over water resources in the Occupied Palestinian Territory by effectively annexing 51 per cent of the water resources in the West Bank (see E/CN.4/2004/10/Add.2, para. 51). The limitation of access to natural resources, in this case water, is directly connected to the existence of settlements; in its advisory opinion of 2004 the International Court of Justice

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<sup>19</sup> Office for the Coordination of Humanitarian Affairs, "The humanitarian impact of Israeli settlement policies", factsheet, January 2012.

<sup>20</sup> Peace Now, Map of settlements in the West Bank and East Jerusalem, November 2011.

concluded that the Israeli settlements constitute the major factor for the deviation of the wall's route from the Green Line (see A/ES-10/273 and Corr.1, para. 119).

## V. Settler violence

15. During the reporting period, acts of violence committed by Israeli citizens living in the Occupied Palestinian Territory against Palestinians and their property continued to be perpetrated on a regular basis. Some of those acts resulted in Palestinians being severely injured. Such violent acts seem to have been intended to intimidate and cause fear among the Palestinian population in order to drive them away from certain areas. Destruction of property, especially agricultural lands and acts of violence close to sources of water, has had a grave impact on Palestinians, who depend on those resources for their livelihood. Those acts of violence have had an especially strong impact on vulnerable groups, such as children, by affecting their right to education, as well as Bedouin communities that are already under the threat of displacement. During the reporting period, nine mosques were vandalized by Israeli settlers. The Government of Israel recognized the need to seriously address the issue following a number of acts of vandalism targeting mosques and an attack by Israeli settlers against a base of the Israeli Defense Forces in December 2011. However, as outlined below, the response by the Israeli authorities to settler violence continues to be ineffectual.

### A. Impact on Palestinians

#### 1. Personal safety and physical integrity

16. In addition to having the right to life and physical integrity, guaranteed by international human rights law, Palestinians in the Occupied Palestinian Territory are entitled to specific forms of protection under international humanitarian law since they are protected persons according to the Geneva Conventions. Attacks against Palestinians take the form of beatings, throwing stones and shooting at them with live ammunition. The bulk of the injuries that have occurred in clashes between settlers and Palestinians or incidents involving the throwing of stones were caused by settlers. Such repeated acts of violence are perceived by the victims to be a method of intimidation used mainly to discourage Palestinians from accessing certain areas, especially agricultural areas. Between 1 July 2011 and 30 June 2012, Israeli settlers injured 147 Palestinians, including 34 children.<sup>21</sup> The statistics represent a significant reduction in the number of casualties resulting from violent acts perpetrated by Israeli settlers. In the period from September 2010 to May 2011, 5 Palestinians were killed and 270 were injured (see A/66/364, para. 21). Incidents of violence initiated by Palestinians against Israeli settlers in the West Bank resulted in two deaths and 32 injuries during the reporting period.<sup>22</sup> Israeli authorities deployed substantial resources to investigate such incidents and apprehend and prosecute perpetrators in military tribunals. The Secretary-General calls upon the Government of Israel to respond with the same thoroughness and promptness to all acts of violence perpetrated by Israeli settlers against Palestinians.

<sup>21</sup> Statistics compiled by the Office for the Coordination of Humanitarian Affairs.

<sup>22</sup> According to the Office for the Coordination of Humanitarian Affairs Protection of Civilians: Casualties Database.

17. On 26 May 2012, in a case monitored by the Office of the United Nations High Commissioner for Human Rights, a group of Israeli settlers, allegedly from the Yitzhar settlement south of Nablus, torched fields belonging to Palestinians from the village of Urif. As a result, clashes erupted between the settlers and residents of Urif. Settlers opened fire with live ammunition towards the unarmed Palestinians. A group of settlers seized a young Palestinian man, pushed him to the ground and beat him. He was lying on the ground with his hands bound behind his back when he was shot in the abdomen, from a distance of about 10 metres, by an Israeli private security guard from the settlement who had joined the group. During the incident about 40 soldiers of the Israel Defense Forces were deployed in the immediate vicinity for approximately 30 minutes; they attempted to disperse the Palestinians by firing tear gas, rubber bullets, and warning shots.

18. In another case monitored by the same Office on 16 September 2011, four members of a Palestinian family were on their land, located about 1 km from Qusra, when they noticed a group of eight settlers, four of them armed, standing close to the family's well. When a member of the family questioned the settlers about their presence on the land, the settlers started firing into the air in order to scare away the Palestinians. When other Palestinians from the village reached the location, the group of settlers started firing live ammunition towards the ground, which resulted in one of the family members being injured by shrapnel.

## **2. Access to land and productive resources**

19. In addition to causing direct physical injury, acts of violence committed by Israeli settlers have a significant impact on the right of Palestinians to access land and productive resources. Attacks on livelihoods can be direct, such as the destruction of fruit trees and crops. During the reporting period, settlers vandalized more than 8,450 trees owned by Palestinians throughout the West Bank, typically burning, uprooting, poisoning with chemicals or otherwise destroying them, mostly in areas adjacent to settlements, at times when the access of the Palestinians was restricted.<sup>23</sup> Settler violence heightens during the olive harvest (between October and December each year). Approximately 40 settler attacks took place during the olive harvest season in 2011, leading to the damage of approximately 1,500 trees and the injury of 16 Palestinians.<sup>23</sup> Violence against Palestinians also has an adverse effect on their access to livelihoods. Palestinian access to agricultural land in the vicinity of settlements has been limited not only by physical barriers but also by Israeli settlers persistently intimidating them. Indeed the majority of acts of violence directed against Palestinians occurs in agricultural or grazing areas. Such violence appears to be meant to spread fear among Palestinians who, because they are at risk of being victims of settler attacks, no longer go to certain areas that they had been cultivating for the purpose of sustenance. For example, in the area surrounding the villages of Burin, Iraq Burin and 'Asira al-Qibiliya settler violence targeting Palestinian residents and their property increased sharply in 2011. In the one-month period from 30 June to 29 July 2011 alone, settlers reportedly set fire to agricultural land within the Burin cluster on at least 5 separate occasions, resulting in the destruction of 1,800 dunums of agricultural land and 1,721 olive trees.<sup>24</sup>

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<sup>23</sup> Statistics compiled by the Office for the Coordination of Humanitarian Affairs.

<sup>24</sup> According to information collected by the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

20. In response to difficulties faced by Palestinians in accessing private agricultural land located within the fenced-off areas of Israeli settlements, or in areas where incidents of settler violence are recurrent, a “prior coordination” regime is applied by the Israeli authorities. Registered Palestinian farmers are allocated a limited number of days during which they can access their land through the settlement gate and/or be protected by Israeli forces during the time they work in the field. Such an access regime has been implemented in the past few years mostly during the olive harvest season, rendering access at other times uncertain and dangerous. The application of the prior coordination regime as such continues to be of concern. The regime puts the onus of adapting to the access restrictions on the Palestinian farmers rather than on the violent settlers. The procedure has also proven to be ineffective in preventing attacks against trees and crops, as most attacks occur outside the times allocated through the coordination process.

21. Israeli settler activity has increasingly infringed on Palestinian access to and use of water springs. The main methods used by settlers to that end have been threats, intimidation and the erection of fences around the targeted areas. In the vicinity of Israeli settlements, 56 water springs in the West Bank have become the target of settler activities. Of those springs, 30 have been taken over completely by Israeli settlers and the other 26 are at risk of being taken over, as a consequence of frequent visits by settlers and their armed escorts and patrols. The inability of Palestinians living in affected communities to gain access to and use water springs has significantly undermined their livelihoods and security. Many farmers had been forced either to cease cultivation or face reduced productivity. Herders and households have been forced to increase their expenditures on the purchase of piped or tanked water. The presence of armed settlers at the springs and their surroundings also has generated friction and clashes.

### **3. Impact on the enjoyment of the rights of the child**

22. Palestinian children are affected by acts of violence perpetrated by Israeli settlers. The violence has resulted in injuries, a situation that demonstrates that Israel is not fulfilling its obligations under article 19 of the Convention on the Rights of the Child on the right to protection from all forms of physical and mental violence, and has had significant impacts on the right of children to education. During the reporting period, 28 Palestinian children, 6 girls and 22 boys, were injured by Israeli settlers. Of such incidents, 22 per cent occurred in the old city of Hebron and 14 per cent occurred in East Jerusalem (see CRC/C/GC/13). Palestinian children have been injured by settlers; their injuries were caused by physical assault, beating with sticks, throwing of stones, spraying with pepper and being hit with shrapnel from live ammunition. For instance, on 28 April 2012, a 10-year-old boy was injured by stones thrown by Israeli settlers in Hebron. Another incident involved a 10-year-old boy beaten by settlers while he was walking home from school in the Silwan neighbourhood of East Jerusalem. In another instance, on 6 March 2012, a 13-year-old boy was injured by shrapnel that struck his eye when settlers fired live ammunition at Palestinian children playing at the Wadi An Nabe’ spring near Ramallah.

23. During the period covered by the present report, Israeli settlers reportedly perpetrated violence against Palestinian schools: 8 incidents were reported in which more than 1,600 students were affected. In one instance, at around noon on 13 October 2011, Israeli settlers threw stones and empty bottles at the Qurdoba

Elementary School in Hebron and attempted to break into the school. When teachers intervened to prevent the settlers from breaking in, the settlers assaulted them. Israeli soldiers were present in the area at the time, but did not intervene to stop the assault or apprehend suspects.

24. Settler violence has also been documented in relation to obstructing access of Palestinian children to schools and harassing them on their way to and from school. During the reporting period, 6 cases of violence were reported, in which 46 students were affected. In one instance, on 5 February 2012 Israeli settlers denied 16 students access to Tiwana Basic School in the Tuba area south of Hebron. The only access to the school passes through a settlement gate.<sup>25</sup>

25. In some locations in the West Bank, Palestinian children continue to require Israel Defense Forces escort protection against potential attacks by settlers. For example, in At-Tuwani, children have to wait for such an escort to accompany them to and from school. Delays in the arrival of the escort both in the morning and afternoon have been recorded, resulting in lost school time.

26. Violence by Israeli settlers results in displacement, which affects children in particular. For example, between 25 and 27 July 2011, 19 families from the Bedouin community of Al-Baqa'a left their homes as a result of settler violence allegedly originating in the Ma'ale Mikhmas settlement. In Al-Baqa'a, a total of 127 individuals were displaced, including 81 children. In an especially serious incident that led to the evacuation of families, a group of settlers entered Al-Baqa'a on 19 July and threatened to take the Palestinians' livestock and burn their supply of animal fodder. The confrontation ended in an exchange of stone-throwing between the settlers and the community members: three Palestinian children were hospitalized while three Palestinians (one man and two boys) were arrested by Israeli security forces.

#### **4. Impact on Bedouin communities**

27. Bedouin communities in the eastern Jerusalem periphery remain particularly vulnerable to settler activities, including settlement expansion and settler violence, connected with the ongoing threat of forcible transfer faced by many of the communities. Ongoing settler violence in the area, as well as actions taken by Israeli settler organizations against Bedouin communities through Israeli courts, increase the pressure on the Bedouins to relocate.

28. Several Bedouin communities have reported ongoing harassment, intimidation and acts of vandalism by settlers, which they perceive as being aimed at forcing them to leave their homes and relocate. Moreover, the communities residing in that area face continuous pressure as a result of settlement expansion and settler violence.<sup>14,26</sup> Incidents of violence, harassment and provocation by armed settlers against Palestinian civilians, including children, and their property have been frequent. For example, during the night of 4 June 2012, settlers, reportedly from

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<sup>25</sup> Statistics and cases provided in paras. 24-28 are based on information gathered by the United Nations Children's Fund.

<sup>26</sup> According to statistics compiled by the Office for the Coordination of Humanitarian Affairs, as at 1 September 2011 at least 755 Palestinians had been forcibly displaced in 2011 owing to demolitions and 127 owing to settler violence; some 40 per cent of the Palestinians were Bedouin.

Shchunat Alon and Nofei Prat settlements, allegedly cut several water pipes supplying five communities in the Khan al-Ahmar cluster, leaving some 700 people without access to water. Following an intervention by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, water was eventually restored to all the communities.

29. In July 2011, the Jewish Colonization Association<sup>27</sup> indicated its intention to “relocate” Palestinian communities throughout Area C;<sup>11</sup> the primary target of the relocation plan would be 20 communities<sup>28</sup> located in the Jerusalem periphery.<sup>13</sup> Those acts of violence and intimidation are occurring in the context of the Association’s reported plan, thereby rendering Bedouin and herder communities in Area C even more vulnerable in the event that the plan is implemented (see A/67/372).

## **B. Failure of Israel to maintain public order**

30. As the occupying Power, Israel has the obligation to maintain public order in the occupied territory<sup>29</sup> and to ensure that protected persons are safeguarded against all acts of violence or threats thereof.<sup>30</sup> The Secretary-General wishes to recall that protected persons are those who find themselves in the hands of an occupying Power of which they are not nationals: in this case, Palestinians who do not have Israeli citizenship. However, as previously mentioned Palestinians continue to be victims of acts of violence by settlers, and have few protection mechanisms against such threats. The Israel Defense Forces, which are responsible for implementing the occupying Power’s obligations, have in numerous cases that were monitored by the Office of the United Nations High Commissioner for Human Rights, failed to protect Palestinians from acts of violence committed by Israeli settlers, even when those acts occurred in the presence of the Israel Defense Forces. The Forces, have recognized that the military commander has the duty to respect the lives of persons and private property and that Israel Defense Forces present during an incident are authorized, as well as obligated, to detain and also arrest those suspected of criminal activity.<sup>31</sup> Notwithstanding the fact that the issue of the Israel Defense Forces not taking appropriate measures while acts of violence were being perpetrated in their presence was raised in the last report to the General Assembly concerning Israeli settlements (A/66/364), such incidents continue to be reported. During the reporting

<sup>27</sup> The Association is responsible for implementing policies of the Government of Israel in the West Bank; it is part of the Coordinator of Government Activities in the Territories unit of the Ministry of Defense.

<sup>28</sup> These communities have a combined population of 2,300; Palestinian refugees account for 80 per cent of the total. The relocation initiative is part of a wider plan to transfer the Bedouin and other pastoral communities throughout Area C.

<sup>29</sup> See article 43 of the Hague Regulations annexed to the Fourth Geneva Convention respecting the Laws and Customs of War on Land of 18 October 1907.

<sup>30</sup> Under article 27 of the Fourth Geneva Convention, Israel, as the occupying Power, also has the obligation under international human rights law to protect the right to life and physical integrity of Palestinians.

<sup>31</sup> Yesh Din, *A Semblance of Law: Law Enforcement upon Israeli Civilians in the West Bank*, June 2006.



period, at least six similar incidents were documented by an Israeli human rights organization.<sup>32</sup>

31. In an incident monitored by the Office of the United Nations High Commissioner for Human Rights, a large group of masked individuals (reportedly about 200, some of whom were armed) descended into 'Asira al-Qibiliya village from Yitzhar settlement just after midnight on 12 December 2011, and threw stones and empty bottles at the houses, causing extensive property damage. Patrols of Israel Defense Forces arrived approximately 15 minutes later, at which point the settlers retreated up the hill towards the Yitzhar settlement. Palestinian residents reported that the patrols did not detain any of the perpetrators, but rather ordered the residents of the village to go inside their houses; then they cleared the area by detonating stun grenades and illuminating the area with flares. A complaint was filed with the Israeli police but the investigation was subsequently closed due to "lack of evidence". The incident occurred after Israeli authorities announced plans to dismantle Mitzpe Yitzhar outpost, located outside the Yitzhar settlement; therefore, it could be reasonably understood to be a "price-tag" attack, a strategy devised by settler groups to perpetrate acts of violence against Palestinians, their property, or the Israel Defense Forces, in response to the dismantling of settlements.

32. In another incident monitored by the Office of the United Nations High Commissioner for Human Rights, a group of about 50 settlers, most of them armed and allegedly from the Yitzhar settlement, approached the same Palestinian village, 'Asira al-Qibiliya, on 19 May 2012. They set fire, in four or five different locations, to fields of grain and groves of olive trees, and started throwing stones at the houses. The villagers gathered to try to put out the fires. Both sides started to throw stones. The Israel Defense Forces arrived in the area approximately 15 minutes after the incident had started. A group of Palestinian youth trying to reach a field that was on fire met a group of armed settlers who were approximately 30 metres away, and who were accompanied by three soldiers of the Israel Defense Forces. Three of the settlers armed with rifles and pistols opened fire, while the soldiers stood by a few metres away. As a result of the incident, six Palestinians were injured, including one who suffered a gunshot wound.

33. Both of those incidents and others involving settler violence mentioned in the present report took place in the vicinity of the settlement of Yitzhar, which has a history of settler violence. The incident of 12 December 2011 occurred after Israeli authorities announced plans to dismantle the Mitzpe Yitzhar outpost. An unusually large number of vehicles were seen approaching Yitzhar settlement on the evening preceding the incident, and there were reports that social media had been used to mobilize settlers to defend the outpost. Based on those observations and that in the past such announcements had led to so-called price-tag incidents, it could have been anticipated that violence would occur at the hand of extremist settlers. Yet the Israel Defense Forces failed to take action to prevent a group of 200 settlers from attacking a Palestinian village. The repeated incidents of settler violence occurring south of Nablus in the villages surrounding Yitzhar settlement demonstrate a failure or lack of willingness by the Israel Defense Forces to ensure public order.

34. On 23 September 2011, in Qusra, clashes erupted between Palestinians and a group of settlers who had trespassed onto privately owned Palestinian land. The

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<sup>32</sup> See B'Tselem's website: [www.btselem.org](http://www.btselem.org).

Israel Defense Forces present at the location refused to remove the settlers and instead focused their efforts on dispersing the Palestinians. The soldiers formed a line and stood between the settlers, some of whom were armed, and the Palestinians. The Forces initially used tear gas to disperse the Palestinians, then resorted to rubber bullets and finally live ammunition, resulting in the death of an unarmed Palestinian. It was subsequently reported in the media that the commander of the Israel Defense Forces unit involved in the death of the Palestinian civilian was relieved from his post but remained in the Israel Defense Forces.<sup>33</sup>

35. An examination of cases that involved clashes between Israeli settlers and Palestinians in the presence of soldiers of the Israel Defense Forces raises serious questions as to whether the Forces are capable and willing to ensure public order in a non-discriminatory manner. As shown in the above-mentioned cases, in situations involving confrontation between Israeli settlers and Palestinian civilians, soldiers of the Israel Defense Forces appear to defer to the will and desires of settlers. This type of situation leads to serious concern that the Israel Defense Forces are placing more importance on safeguarding the settlers and their freedom of movement than on the legal obligation of the Forces to protect the local Palestinian population. Yet one of the main obligations of the Israel Defense Forces as the agent of the occupying Power is to ensure that protected persons — in this case Palestinians — are not subjected to acts of violence. That observation seems to indicate that the presence of Israeli citizens living in the Occupied Palestinian Territory creates confusion within the Israel Defense Forces regarding their legal obligation to protect Palestinians and raises concerns that law and order are enforced in a discriminatory manner in the West Bank, including East Jerusalem.

36. In one case documented by the Office of the United Nations High Commissioner for Human Rights, the Israel Defense Forces and Israeli police reacted promptly to an incident of settler attack. On 20 August 2011, close to Jaba village in Ramallah district, a Palestinian man resting while grazing his sheep was awoken by the sound of his sheep being attacked by a settler who had killed two of his sheep and injured three. At the same moment, two other settlers attacked the Palestinian man, beating him with metal pipes and throwing stones at him. The injured Palestinian man ran away and alerted the guard of a nearby settlement, who alerted the police and ambulance crews. The Israeli police and the Israel Defense Forces searched the area, located the group of settlers and detained them. The Palestinian man was then brought to the police station to identify the three attackers. At the time the present report was being prepared no further information was available on the investigations or resultant judicial processes. The Secretary-General calls on the Israel Defense Forces to react in the above-mentioned manner in all cases of settler violence targeting Palestinians. It is unfortunate that to date such cases have been the exception rather than the rule.

### **C. Rule of law and lack of accountability**

37. The Secretary-General is concerned that a lack of accountability persists with regard to acts of violence committed by Israeli settlers against Palestinians. In addition to failing to protect Palestinians in the occupied territory from violence, the Israel Defense Forces have not respected their obligation to maintain public order,

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<sup>33</sup> “Events following violent riot near Qusra”, Israel Defense Forces, 23 September 2011.

by allowing impunity for settlers who have committed acts of violence against Palestinians. Even if the Israeli police are in charge of investigating alleged criminal activity by Israeli citizens in the Occupied Palestinian Territory, the ultimate duty-bearer of that obligation remains the Israel Defense Forces, as they are responsible for exercising the authority of the Government of Israel over the territory. It should be noted that this issue has been addressed in previous reports. The last report examined this issue in detail (see A/66/364, para. 22) and underlined that the Government of Israel has been aware of this problem following publication of the Karp report in 1984.<sup>34</sup>

38. In a recent report by an Israeli human rights organization that has been helping Palestinians file complaints in cases of settler violence, it was stated that 91 per cent of the investigations launched as a result of complaints filed with the assistance of the organization had been closed without an indictment being served against suspects.<sup>35</sup> Of the 781 investigations monitored between 2005 and 2011, indictments were served in only 59 cases, or 9 per cent of the total number of investigations. The majority of investigations that were closed without an indictment had been terminated on grounds of “offender unknown” in 401 cases, or “insufficient evidence” in 138 cases; the rest of the cases were closed on the grounds of “absence of criminal culpability”. Another Israeli civil society organization reported that between July 2011 and June 2012, the period covered by the present report, it had documented a total of 39 cases of settler violence; of that number 18 were under investigation by the police, 1 was being reviewed by the prosecutor and 2 resulted in charges being presented.<sup>36</sup>

39. Lack of accountability permeates all types of acts of violence committed by Israeli settlers against property and persons. Impunity for acts of violence that have had serious consequences, such as the death of Palestinian civilians, continues to generate concern. In a number of cases monitored by the Office of the United Nations High Commissioner for Human Rights, that is, of killings by settlers or settler guards that occurred between September 2010 and May 2011, no one has been charged.<sup>37</sup> For example, on 13 May 2010 a group of four Palestinian boys was throwing stones at cars on Route 60, a road regularly used by settlers to travel to Jerusalem, when a car allegedly driven by Israeli citizens from a nearby settlement stopped and one of the passengers opened fire, killing one of the boys (see A/HRC/16/71, para. 43). The investigation in that case was closed on the grounds of “offender unknown”. On 22 September 2010, an unarmed Palestinian man was shot dead in the Silwan neighbourhood of East Jerusalem by a private guard employed by the Ministry of Construction and Housing to protect one of the settlements in that neighbourhood (see A/HRC/16/71, para. 43). When the present report was being finalized, the police investigation was ongoing, and no one had been indicted. On 13 May 2011, in the same neighbourhood a 17-year-old was shot and killed by

<sup>34</sup> Yehudit Karp, *The Karp Report: An Israeli Government Inquiry into Settler Violence against Palestinians on the West Bank* (Beirut, Institute for Palestine Studies, 1984).

<sup>35</sup> Yesh Din, *Law Enforcement upon Israeli Civilians in the West Bank*, Yesh Din Monitoring Update, data sheet, March 2012.

<sup>36</sup> The information was provided directly to and is on file with the Office of the United Nations High Commissioner for Human Rights.

<sup>37</sup> Although these incidents took place outside of the reporting period, it is important to allow some time for the progress of investigations in order to evaluate accountability or the lack thereof.

someone who had opened fire from a window in the Beit Yonatan settlement. According to the information available, the police have finished their investigation and the file is being reviewed by the Office of the State Attorney. Yet, more than a year after the incident, no one has been indicted for the killing (for more detailed analysis on discriminatory practices, see A/66/364).

## **VI. Other human rights violations linked to the presence of settlers**

40. Settlements and violence committed by Israeli settlers directly resulted in a number of human rights violations that have been examined in the present and prior reports to the General Assembly concerning Israeli settlements. They include violations of the right to life and physical integrity, displacement, house demolition and discriminatory practices in both law enforcement and planning and zoning regimes. In addition, settlements and the presence of Israeli settlers give rise to a large number of other indirect violations, such as limitations on freedom of movement, use of excessive force by the Israel Defense Forces in operations designed to protect the settlements and limitations on freedom of expression and assembly.

41. The Israel Defense Forces impose a range of limitations on the freedom of movement of Palestinians. The vast majority of those limitations are due to the presence of settlements, or they are imposed to ensure the security of settlers and to facilitate their travel throughout the West Bank. There are more than 500 internal checkpoints, roadblocks and other physical barriers that impede the movement of Palestinians inside the West Bank.<sup>38</sup> Most of those obstacles to freedom of movement are located in the vicinity of settlements or are intended to restrict or limit the access of Palestinians to roads that are used by Israeli settlers. In addition, the route of the wall does not follow the Green Line, although it was to be built purportedly for security reasons. Upon completion of that structure, approximately 85 per cent of the 708-km wall will be located inside the West Bank, rendering some 9.4 per cent of West Bank territory, including the so-called no man's land, on the western side of the wall inaccessible to Palestinians, except for those holding special permits. The major reason for the deviation in the route of the wall from the Green Line is to enable the inclusion of Israeli settlements together with areas planned for future expansion (see A/ES-10/273 and Corr.1, para. 119). The area on the western, or "Israeli", side of the wall includes 71 of the 150 settlements and more than 85 per cent of the total settler population in the West Bank, including East Jerusalem.

42. One example of limitation of movement linked to the presence of Israeli settlers is the situation in Hebron. Approximately 6,000 Palestinians live in areas adjacent to settlements in the old city of Hebron. There are more than 120 physical obstacles deployed by the Israel Defense Forces that segregate the restricted areas from the rest of the city, including 18 permanently staffed checkpoints. Several streets in restricted areas leading to Israeli settlements are prohibited to Palestinian traffic and some even to pedestrian movement. The Israeli authorities justify such

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<sup>38</sup> Office for the Coordination of Humanitarian Affairs, "The humanitarian impact of Israeli settlement policies", factsheet, January 2012.

prohibitions as necessary to enable Israeli settlers residing in the city to lead a normal life and to ensure their protection and that of other Israeli visitors.

43. Search and arrest operations conducted by the Israel Defense Forces are often linked to the protection of settlers and settlement property. In a number of cases documented by the Office of the United Nations High Commissioner for Human Rights, the use of excessive force during such operations has led to death and injury among Palestinian civilians. In one instance, an Israel Defense Forces search and arrest operation was conducted on 1 August 2011 in Qalandia refugee camp. The presence of soldiers became known to the residents of the camp and the throwing of stones ensued. In a separate area of the camp where no clashes were occurring, another group of soldiers came face to face with a group of five unarmed men. The soldiers opened fire, killing two of the men and injuring another. The operation was aimed at arresting three teenage boys who were suspected of throwing stones at the security fence and surveillance cameras of a settlement and setting fire to a field which spread to land within the settlement area, damaging a number of trees.

44. Freedom of expression and the right of Palestinians to peaceful assembly are restricted by the Israel Defense Forces in order to protect settlements or to ensure that the normal daily life of Israeli settlers is not disrupted. Most weekly demonstrations are held to protest the occupation, the continued expansion of settlements and the construction of the wall. Often zones used for weekly protests by Palestinians are located close to the wall or to roads used by Israeli settlers, which demarcate the area of a settlement, for example in Bil'in and Ni'lin. The case of the weekly protest in the village of Nabi Saleh is illustrative. Since 2009, Palestinians have gathered to protest the takeover by the Hallamish settlement of a water spring belonging to the village. Every Friday the protesters attempt to walk to the spring; however, to do so they must walk along a road used by Israeli settlers. Every Friday the Israel Defense Forces prevent even peaceful protesters from reaching the road by declaring the zone between the village and the road a closed military area. If the protesters approach the main road, the Israel Defense Forces use crowd dispersal methods to deter them. Since the weekly protests began in Nabi Saleh, numerous incidents of excessive use of force by the Israel Defense Forces have been reported, resulting in dozens of casualties, including one death in December 2011. Conversely, when Israeli settlers decided to protest the evacuation of the Ulpana outpost in June 2012, by organizing a march to Jerusalem, the Israel Defense Forces allowed the protest and limited traffic on Route 60, the main north-south artery in the West Bank, in order to enable the march to proceed.

## **VII. Settlements in the occupied Syrian Golan**

45. The Government of Israel continues to occupy the Syrian Golan Heights. Within the context of that occupation, the activities of Israel consist of legal and administrative measures to provide socioeconomic incentives, security, infrastructure and social services to its citizens residing in the occupied Syrian Golan, which amounts to the illegal transfer of its population into occupied territory. Such activities continued during the reporting period, including through the issuance of tenders for the construction of an additional 69 units in the Israeli settlement of Katzrin.<sup>39</sup> The most recent estimates available indicate that approximately 19,000

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<sup>39</sup> Sara Hussein, "Israel unveils tenders for 1,121 new settler homes", Agence France Presse,

Israelis have settled in 33 Israeli settlements in the occupied Syrian Golan.<sup>40</sup> That figure nearly equals the number of Syrians who live in the occupied Syrian Golan.<sup>40</sup> The Secretary-General recalls that in Security Council resolution 497 (1981), it was decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect. The Secretary-General further recalls that in the same resolution, the Security Council demanded that Israel, the occupying Power, should rescind forthwith its decision, and determined that all the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, “continue to apply to the Syrian territory occupied by Israel since June 1967”.

## VIII. Conclusions and recommendations

**46. Despite the past commitments of Israel to freeze settlement activity, the Government of Israel continues to encourage the transfer of its population into the Occupied Palestinian Territory, by expanding settlements and building additional housing units.**

**47. The number of settlements, the number of Israeli settlers and the associated security measures designed to protect them and their freedom of movement and expanse of territory under the de facto jurisdiction of regional and local settlement councils violate the right to self-determination of the Palestinian people. The settlements present an existential threat to the viability of a future Palestinian state. The Secretary-General notes that the International Court of Justice described the violation by Israel of the Palestinian people’s right to self-determination as the violation of an *erga omnes* obligation. Therefore that violation is a matter of concern to all States (see A/ES-10/273 and Corr.1, para. 155).**

**48. Acts of violence committed by Israeli settlers against Palestinians, their property and places of worship continue to occur regularly throughout the West Bank, including East Jerusalem. Israel, as the occupying Power, must take all measures to ensure the protection of the Palestinians and their property in the West Bank, including East Jerusalem, from all such acts of violence.<sup>41</sup> While there has been a decrease in the number of injuries, the continued occurrence of violence and attacks is alarming. The Secretary-General condemns all acts of violence destined to cause fear and terror among civilian populations in the occupied Palestinian territories and calls upon the Israel Defense Forces to ensure public order and accountability for all acts of violence in a non-discriminatory manner.<sup>42</sup> The Israel Defense Forces should take all necessary measures to prevent and respond to violence perpetrated by Israeli settlers with the same thoroughness and promptness as in the case of acts of**

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<sup>4</sup> April 2012.

<sup>40</sup> See “Occupied Golan: nurturing ties with the rest of Syria”, International Committee of the Red Cross, 15 February 2011.

<sup>41</sup> See articles 43 and 46 of the Hague Regulations and article 27 of the Fourth Geneva Convention.

<sup>42</sup> See article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination.

violence perpetrated against settlers. Failure to do so and the lack of accountability when such acts have already occurred contribute to a culture of impunity that allows such acts to continue. That situation constitutes a violation of the obligation of Israel to protect the right to life and to physical integrity of the Palestinian people and to maintain public order in the occupied territory. The Secretary-General is also deeply concerned by attacks on places of worship and the potential such attacks have for producing negative consequences on public order in the Occupied Palestinian Territory.

49. The Government of Israel must respect its obligations under international law by freezing all settlement activity in line with the road map and ceasing measures that amount to the transfer of its own population into the occupied territory. The Secretary-General has called on the Government of Israel to begin the process of re-integrating the settler population into its own territory, with a view to respecting its obligations under article 49 of the Fourth Geneva Convention and putting an end to the violations of human rights that are linked to the presence of settlements, especially the right to self-determination.

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# General Assembly

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**Report of the Special Committee to Investigate Israeli  
Practices Affecting the Human Rights of the Palestinian  
People and Other Arabs of the Occupied Territories****Israeli settlements in the Occupied Palestinian Territory,  
including East Jerusalem, and the occupied Syrian Golan****Report by the Secretary-General***Summary*

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution [67/120](#), in which the Assembly requested the Secretary-General to report to the Assembly at its sixty-eighth session on the implementation of the resolution. The report focuses on the different ways in which the Government of Israel has contributed to the creation and expansion of settlements by controlling the land and granting benefits and incentives to settlers. It also addresses the failure of the Government of Israel to maintain public order and the lack of accountability for settler violence. In addition, the report includes an update on Israeli settlement activities in the occupied Syrian Golan. The report covers the period from 1 July 2012 to 30 June 2013.





## I. Introduction

1. In its resolution [67/120](#), the General Assembly expressed grave concern about the continued settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan by Israel, the occupying Power, in violation of international humanitarian law and relevant United Nations resolutions, among other things. The Assembly recalled the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993 (see [A/48/486-S/26560](#), annex) and the subsequent implementation agreements between the Palestinian and Israeli sides as well as the obligations contained in the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, emphasizing its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001. The Assembly also expressed grave concern about incidents of violence, destruction, harassment, provocation and incitement by armed Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians and their properties, and called for the prevention of all acts of violence, destruction and provocation by Israeli settlers against them. In relation to both the Occupied Palestinian Territory and the occupied Syrian Golan, the Assembly reiterated its demand that Israeli immediately and completely cease all settlement activities and, in that regard, called for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions [446 \(1979\)](#), [452 \(1979\)](#), [465 \(1980\)](#), [476 \(1980\)](#) and [1515 \(2003\)](#).

2. The present report is submitted in response to the request of the General Assembly in resolution [67/120](#). The reporting period is from 1 July 2012 to 30 June 2013, although additional important information from July 2013 is included where relevant. The information contained in the report is based on monitoring and other information-gathering activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and information provided by other United Nations entities in the Occupied Palestinian Territory. The report also contains information received from Israeli and Palestinian non-governmental organizations (NGOs) and media sources. It should be read in conjunction with previous reports of the Secretary-General on Israeli settlements ([A/64/516](#), [A/65/365](#), [A/66/364](#) and [A/67/375](#)).

3. Previous reports by the Secretary-General have analysed the impact of settlements on the rights of Palestinians, underscored the discriminatory nature of the policies and practices of promoting settlements in the West Bank, including East Jerusalem, provided updates on settlements, and explored specific concerns, such as settler violence and the impact of the wall on Palestinian communities. The present report indicates that the Government of Israel has played a leading role in the creation and expansion of settlements by controlling the land and granting benefits and incentives to settlers, and through omissions, such as the failure to maintain public order and ensure accountability for Israeli settlers. The report analyses the impact of these actions and omissions on the human rights of Palestinians. Further, the report includes an update on Israeli settlement activities in the occupied Syrian Golan.

## II. Legal background

4. As the Secretary-General has pointed out in previous reports, international humanitarian law and international human rights law apply to the actions of Israel in the Occupied Palestinian Territory (see [A/67/375](#), para. 4). The Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 (Fourth Geneva Convention) and the Hague Regulations<sup>1</sup> set out the responsibilities of Israel in its capacity as the occupying Power in the Occupied Palestinian Territory. The applicability of the Fourth Geneva Convention and, notably, article 49 to the Occupied Palestinian Territory was affirmed by the International Court of Justice<sup>2</sup> and has been reaffirmed by the Security Council (resolutions [799 \(1992\)](#) and [1860 \(2009\)](#)), the General Assembly (resolutions [66/79](#) and [67/121](#)) and the Human Rights Council (resolutions [19/17](#) and [22/28](#)). Article 49 of the Fourth Geneva Convention establishes that the “Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”. In addition, the International Court of Justice affirmed that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, have been established in breach of international law (see [A/ES-10/273](#) and Corr.1, para. 120).

5. In the Occupied Palestinian Territory, Israel is also bound by international obligations contained in the human rights treaties that it has ratified (see [A/67/375](#), para. 5). Israel has disputed the application of international human rights treaties to the Occupied Palestinian Territory. However, United Nations treaty bodies responsible for reviewing the compliance of States with human rights treaties have consistently reiterated that Israel is obliged to implement its human rights obligations in the Occupied Palestinian Territory.<sup>3</sup> This has been confirmed by the International Court of Justice (see [A/ES-10/273](#) and Corr.1, paras. 102-113).

## III. Overview

6. In September 1993, the Government of Israel and the Palestine Liberation Organization (PLO) signed the so-called Oslo Accords, which temporarily divided the West Bank into three administrative zones, referred to as Areas A, B and C. This territorial division continues to be used in the West Bank. Area A, which comprises 18 per cent of the territory of the West Bank, includes mainly the major Palestinian cities, and is under Palestinian security and civil authority. Area B, 21 per cent of the area of the West Bank, comprises most Palestinian rural communities, in which civil authority is under the Palestinian Authority, while security responsibilities are under Israeli authorities (initially joint security control). Area C, approximately 61 per cent of the area of the West Bank, is under almost full Israeli military and civilian authority, including with respect to law enforcement and the building and planning regimes.

<sup>1</sup> The Hague Regulations are annexed to the Hague Convention Respecting the Law and Customs of War on Land of 18 October 1907 (Convention IV).

<sup>2</sup> Advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, of 9 July 2004 ([A/ES-10/273](#) and Corr.1), para. 101.

<sup>3</sup> See concluding observations contained in documents CERD/C/ISR/CO/14-16, para. 10; and CRC/C/ISR/CO/2-4, para. 3.

7. On 28 September 1995, the Interim Agreement on the West Bank and the Gaza Strip was signed by Israel and PLO. It details the steps that Israel and PLO were committed to take and the arrangements between them for the interim period of negotiations. Final clause 7 of annex XXXI of the Interim Agreement provides that “Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations”. Final clause 8 of annex XXXI adds that “The two parties view the West Bank and Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period”.

8. Twenty years after the Oslo Accords were signed, many of the commitments contained therein remain unfulfilled. During the reporting period, Israeli settlements in the West Bank, including East Jerusalem, have grown continuously. According to the Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory, between 1967 and December 2012, Israel established around 150 settlements in the West Bank, including East Jerusalem; 18 of them were established after 1993.<sup>4</sup> In addition, some 100 so-called outposts<sup>5</sup> were erected by settlers, most of them after the signing of the Oslo Accords.<sup>6</sup>

9. It is difficult to estimate the amount of Israeli public resources involved in the construction and expansion of settlements in the Occupied Palestinian Territory because allocations to settlements are not specified in the national budget. Most items of the budget are worded in a general way without a geographical breakdown and without listing the communities to which the resources are allocated.<sup>7</sup> Even the State Comptroller stated that it was not possible to identify the portion of the budget directed to the West Bank.<sup>8</sup> In addition, information on State investments made through the Settlements Division of the World Zionist Organization, whose role is to assist the Government in establishing settlements, including in the Occupied Palestinian Territory,<sup>9</sup> is not public.

10. Estimations of the current settlement population in the West Bank, including East Jerusalem, range between 500,000 and 650,000 (see [A/67/375](#), para. 7). The settler population living in the West Bank (excluding East Jerusalem) has almost

<sup>4</sup> According to Peace Now, 11 settlements were established in East Jerusalem after 1993: Ramat Shlomo (1994), Shimon Hatzadik (2001), Emek Zurim (2003), Hashalom Forest (2006), Beit Hachoshen (2006), Ma’ale Zeitim (1998), Beit Yonatan (2006), Kidmat Zion (2006), Jabel Mukabber (2010), Nof Zion (2004) and Mosrara East (2004). Seven settlements were established in other parts of the West Bank after 1993: Bruchin (1999), Har Shmuel (1998 — officially part of Givaat Ze’ev), Kfar Ha’oranim (1998), Modi’in Ilit (1996), Negohot (1999), Nirit (expanded into the West Bank around 2004) and Sansana (1999).

<sup>5</sup> Outposts are settlements which although often established with some kind of Government support are not officially recognized under Israeli law.

<sup>6</sup> According to Peace Now, 3 out of 100 outposts were established before 1993: Tal Menashe (1991), Nerya (officially part of Talmon — 1991), and Shvut Rachel (1991).

<sup>7</sup> B’tselem, “By hook and by crook, Israeli settlement policy in the West Bank”, July 2010, available from [www.btselem.org](http://www.btselem.org).

<sup>8</sup> State Comptroller report 54B, 2004.

<sup>9</sup> The Sason report (2005), commissioned by the Israeli Government, states: “The Settlement Division is a part of the World Zionist Organization, which is a settling body, according to a government resolution. The Division’s role is to assist the government in establishing Israeli settlements in Judea, Samaria and Gaza. Its full budget comes from State treasury”; available from [www.mfa.gov](http://www.mfa.gov).

tripled since 1993.<sup>10</sup> During the past decade, it grew at an average yearly rate of 5.3 per cent, compared with 1.8 per cent for the Israeli population as a whole (see [A/67/375](#), para. 7). The settler population in East Jerusalem also grew by approximately one third between 1993 and 2012.<sup>11</sup> Since the signature of the Oslo Accords, there has been an increase of approximately 270,000 settlers in the West Bank, including East Jerusalem.

11. Ten years after the Oslo Accords were signed, Israel committed, under the Quartet road map, to freeze all settlement activity, including the “natural growth of settlements”, a commitment that has never been fulfilled. Beyond the 10-month partial freeze of settlement activity declared in 2010, no further measures have been taken to meet that commitment. During the reporting period, existing Israeli settlements continued to expand and new settlements were approved. In May 2013, the Government announced its intention to establish four new settlements, Mitzpe Lachish, Givat Assaf, Maale Rehavam and Haroe, by legalizing outposts.<sup>12</sup> It is difficult to obtain accurate official data on the expansion of settlements. The planning process involves several stages, including several approvals from the Minister of Defence. According to the Israeli Central Bureau of Statistics, between January and March 2013, the construction of 865 settlement housing units began in the Occupied Palestinian Territory (excluding East Jerusalem), showing a 355 per cent increase compared with those initiated during the final quarter of 2012.<sup>12</sup>

12. As stated by the Secretary-General in a previous report to the General Assembly ([A/66/364](#)), settlement activity and the violence committed by Israeli settlers are linked to most of the human rights violations against Palestinians in the West Bank, including East Jerusalem. For instance, the right not to be discriminated against is violated through the application of separate legal systems. The Committee on the Elimination of Racial Discrimination stated in its concluding observations that Israel should ensure equal access to justice for Palestinians and settlers (see [CERD/ISR/CO/14-16](#), para. 27). As explained in paragraphs 31 to 34 below, another example of discrimination against Palestinians is the restrictive regime for Palestinian construction in the West Bank, including East Jerusalem. As a result of the restrictions, Palestinians often build without permits, which puts them under a constant threat of eviction and demolition (see [A/66/364](#), para. 10). During the reporting period, 602 Palestinian structures were demolished, displacing 894 people, including 470 children.

13. Palestinians see their freedom of movement restricted by hundreds of physical barriers and the wall which, upon completion, would render some 9.4 per cent of West Bank territory on the western side of the wall inaccessible to Palestinians, except for those with special permits or through a process of “prior coordination” (see [A/67/375](#), para. 41). In his previous report, the Secretary-General highlighted that the vast majority of limitations to the rights of Palestinians are related to the presence of settlements, including to ensure the security of settlers and to facilitate their movement through the West Bank, and to ensure that the normal daily life of settlers is not disrupted (*ibid.*, paras. 41 and 44).

<sup>10</sup> According to Peace Now, the population grew from 111,600 in 1993 to 341,418 in 2012.

<sup>11</sup> According to Peace Now, there were 150,000 settlers in East Jerusalem in 1993. The Office for the Coordination of Humanitarian Affairs estimated their population at 200,000 in 2012.

<sup>12</sup> Information provided by Peace Now.

14. Palestinians in the West Bank, including East Jerusalem, are subject to frequent search and arrest operations, which in many cases are linked to Israeli security measures carried out with the goal of protecting settlers and their property (ibid., para. 43). These operations are often linked to stone-throwing by Palestinian children at settlers' vehicles. Popular protests against restrictions to movement and access relating to settlements, construction of the wall and the takeover of land and resources by settlers frequently result in clashes between Palestinian protestors and Israeli forces, causing Palestinian civilian casualties. It appears that Palestinian children are particularly affected by operations by Israeli security forces in the vicinity of settlements or on roads used by settlers or the army that run by Palestinian villages (see [A/HRC/22/63](#), para. 48). The rights of Palestinian children to liberty, security of person and fair trial are often violated from the time of their arrest throughout detention, trial and sentencing, as recently reported by the United Nations Children's Fund (UNICEF).<sup>13</sup> The Committee on the Rights of the Child also expressed concern about the practice of torture and ill-treatment of Palestinian children arrested, prosecuted and detained by the Israeli authorities (see [CRC/C/ISR/CO/2-4](#)).

#### **IV. Israel's leading role in the construction and expansion of settlements**

15. Since 1967, the State of Israel has directly participated in the planning of settlements through provisions in its planning policies, in particular its "basic policy guidelines".<sup>14</sup> These guidelines are the primary policy instrument of Israeli administrations and are presented by each Government to the Knesset for endorsement. Following the signing of the Oslo Accords, policy guidelines focused on the consolidation and development of existing settlements, indicating that no new settlements would be established. Israel has also supported settlements in the Occupied Palestinian Territory through other means, including by legalizing outposts, controlling land in which settlements are subsequently built, providing them with infrastructure and public services, granting benefits and incentives to settlers and sponsoring economic activities.

16. Israel has participated in the expansion of settlements through support to outposts. According to the Sasson report, which was commissioned by the Government of Israel in 2005, a substantial number of outposts were built with the involvement of State authorities and public bodies, including through the provision of funds, infrastructure and security. The report concluded that this situation seriously endangered the rule of law and recommended that the Government take the necessary measures to change this reality.<sup>15</sup> While a few evacuations took place

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<sup>13</sup> UNICEF Occupied Palestinian Territory, "Children in Israeli military detention: observations and recommendations", 6 March 2013; available from [www.unicef.org](http://www.unicef.org). Israeli authorities have expressed their willingness to implement the recommendations of UNICEF.

<sup>14</sup> For an analysis of the main trends of Israeli policy guidelines regarding the support to settlements in the Occupied Palestinian Territory, see [A/HRC/22/63](#), annex I.

<sup>15</sup> In contrast, the Levy report also commissioned by the Government in 2012, recommended "legalizing", in Israeli law, most unauthorized settlement outposts in the West Bank (*Haaretz*, 15 August 2012).

following orders from the Israeli High Court of Justice,<sup>16</sup> the majority of outposts remain in place and new ones continue to be established.

### Control of land

17. Israel has used different methods to seize land for settlement, amounting to approximately half of the West Bank.<sup>17</sup> Only limited information is available in the public domain on this issue. In some cases, even the State Comptroller is not granted access, while, in other cases, information provided by different government bodies is contradictory.<sup>7</sup> The requisition of Palestinian-owned land for military needs was used mainly between 1967 and 1979, on the premise that it was “required for essential and urgent military needs”.<sup>18</sup> Under international law, the occupying power has the right to requisition private property under certain circumstances.<sup>19</sup> Article 46 of the Hague Regulations establishes that private property cannot be confiscated, and article 52 states that requisitions can be made only for the needs of the army of occupation. In most cases of requisition of Palestinian land for military needs in connection with settlements, these conditions are not fulfilled because settlements are not established to exclusively satisfy the needs of the Israeli army. The International Court of Justice confirmed this when it declared that requisitions of land for military needs in relation to the construction of the wall were illegal under international law (see [A/ES-10/273](#) and Corr.1, para. 124).

18. Following the decision of the Israeli High Court of Justice on the *Elon Moreh* case of 1979,<sup>20</sup> in which the Court ordered the return of seized private property to its owners, the use of military requisition decreased. However, it has often been used to allow for the construction of bypass roads,<sup>21</sup> permitting settlers to travel through the West Bank without passing through Palestinian towns (see [A/63/519](#)). It is doubtful that these roads qualify as military needs in accordance with the provisions of the Hague Regulations.

19. Israel made use of land requisitioned for military needs for the construction of the wall. Some 85 per cent of the wall runs inside the West Bank, leaving almost half of Israeli settlements between the Green Line and the wall’s route, including about 85 per cent of the entire settler population. The International Court of Justice indicated that the wall’s route has been traced in such a way as to include within this area the great majority of the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) (see [A/ES-10/273](#) and Corr.1, para. 119). It therefore appears likely that land requisition in connection with the wall was intended for the expansion of settlements and not to satisfy military needs of the occupying army.

20. The declaration of State land was used mainly during the 1980s and 1990s. Declarations of State land are based on civilian laws in place before the occupation,

<sup>16</sup> In 2012, Ramat Migron and Ulpana outposts were evacuated.

<sup>17</sup> 43 per cent of the West Bank is allocated to settlement local and regional councils.

<sup>18</sup> This was a standard formula used in military orders. See B’tselem, “Land grab: Israel’s settlement policy in the West Bank”, May 2002, available from [www.btselem.org](http://www.btselem.org).

<sup>19</sup> Commentary on art. 53 of the Fourth Geneva Convention by Jean Pictet, ed., *The Geneva Conventions of 12 August 1949* (Geneva, International Committee of the Red Cross, 1958).

<sup>20</sup> *Duweikat v. Government of Israel*, H CJ 390/79 (1979).

<sup>21</sup> B’tselem, “Land grab: Israel’s settlement policy in the West Bank”, May 2002, available from [www.btselem.org](http://www.btselem.org).

in particular the Ottoman Land Law of 1858. According to the interpretation of these laws by Israel, the occupying Power is allowed to take possession of uncultivated land (see [A/63/519](#)). It appears that the process to declare State land is not in accordance with the standards of due process and undermines the right to an effective remedy. Declarations of State land can be appealed within 45 days after the declaration. However, Palestinian owners often are not duly informed of the declaration,<sup>7</sup> which hinders the possibility of filing an appeal. The Military Appeals Committee is the Civil Administration body responsible for deciding on the appeals against declarations of State land. Members of the Committee are appointed by the Israeli Defense Forces (IDF), which raises serious questions about the independence and impartiality of such a body, since it reviews decisions made by the military. Moreover, the decisions of the Committee are not binding<sup>21</sup> and may thus be revoked, depriving Palestinians of an effective remedy against declarations of State land. Approximately 16 per cent of the West Bank has been declared State land and is used for settlements, in particular around areas built up by Palestinians.<sup>7</sup>

21. Subsequent to the signing of the Oslo Accords, Israel employed an alternative method to expropriate Palestinian land, based on the Jordanian land law permitting expropriations for the “benefit of the population” (see [A/63/519](#), para. 20). Israel amended this law through military orders, assigning the authority to expropriate to the Civil Administration, whose decisions can be appealed before the Military Appeals Committee (*ibid.*, para. 21). Observers have noted that the Civil Administration does not adequately inform Palestinians about decisions involving their property in relation to expropriation for public needs. It has been alleged that it only posts maps of the intended expropriation in its offices, in the Israeli-Palestinian District Coordination Offices<sup>22</sup> and in liaison offices.<sup>7</sup>

22. The expropriation for public needs has not been frequently used for the establishment and expansion of settlements, because the law requires that the expropriation is made for a public purpose, that is, also benefiting Palestinians.<sup>21</sup> It has been used mainly for building infrastructure, including roads to connect settlements to one another and to Israel, claiming that Palestinians also benefit from them.<sup>7</sup> An exception is the Ma’ale Adumim settlement, which was established east of Jerusalem on approximately 3,500 hectares of Palestinian land expropriated for public needs in the 1970s.<sup>23</sup> Following the expropriation, the boundaries were declared by military order. During the 1980s and 1990s, the boundaries were expanded by approximately 1,300 hectares through declarations of State land.<sup>24</sup>

### **Benefits and incentives granted to settlers**

23. Following the signing of the Oslo Accords, there was a reduction in the trend of creation and rapid expansion of settlements.<sup>25</sup> However, in June 1996, the

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<sup>22</sup> District Coordination Offices were established by the Interim Agreement on the West Bank and the Gaza Strip as a coordination mechanism between Israel and the Palestinian Authority, mainly for security issues located in each district of the West Bank and Gaza.

<sup>23</sup> B’tselem, “The hidden agenda: the establishment and expansion plans of Ma’ale Adumim and their human rights ramifications, December 2009, available from [www.btselem.org](http://www.btselem.org).

<sup>24</sup> B’tselem, “Acting the landlord: Israel’s policy in Area C”, June 2013, available from [www.btselem.org](http://www.btselem.org).

<sup>25</sup> The majority of settlements were established between 1967 and 1992 with a peak between 1988 and 1992. According to B’tselem, between 1993 and 2009 the number of settlements varied between 120 and 123.

Government issued its basic policy guidelines, which stated that “settlement in the Negev, the Galilee, the Golan Heights, the Jordan Valley, and in Judea, Samaria (West Bank) and Gaza is of national importance to Israel’s defence and an expression of Zionist fulfilment. The Government will alter the settlement policy, act to consolidate and develop the settlement enterprise in these areas, and allocate the resources necessary for this”.

24. Successive Governments of Israel periodically set a plan designating villages and towns as national priority areas in Israel and the Occupied Palestinian Territory. These areas are entitled to certain benefits, including Government incentives supporting housing, education, industry, agriculture and tourism, and support given to local authorities. National priority areas can be at level A or B; the former receives the maximum benefits in all fields, whereas the latter receives similar benefits in a smaller amount. In 1998, the Government approved Decision No. 3292, which defined many Israeli settlements in the Occupied Palestinian Territory as national priority area level A. Benefits included benefits in housing, education and taxes significantly lower than those established for communities within Israel proper (see [A/HRC/22/63](#), annex I).

25. In 2006, the High Court of Justice declared that benefits and incentives on education granted to national priority areas were biased and discriminatory and ordered their cancellation.<sup>26</sup> The Court recommended that the Government make an “overall correction” of all benefits granted to national priority areas. This was purportedly done in 2009, when the Law on National Priority Areas was enacted.<sup>27</sup> Some sources report that the law contradicts the decision of the High Court because it preserves the broad discretion of the Government to allocate State resources to national priority areas. In 2013, the Government approved a new list of such areas, including 91 settlements in the Occupied Palestinian Territory. The list includes an additional nine new settlements, including three former outposts, Bruchin, Sansana and Rechalim, legalized in 2012 (see [A/67/375](#), para. 6).

26. The Ministry of Housing and Construction and the Israel Land Administration grant incentives and benefits to settlers that reduce housing costs in settlements. Settlements classified as national priority area A can get a discount of up to a 69 per cent of the value of the land. In addition, the Government assumes up to 50 per cent of the development costs of construction.<sup>7</sup> The Government also provides mortgage subsidies, including an automatic subsidized mortgage (for national priority area A) or association mortgages, a second double mortgage subsidized by the State. According to the State Comptroller, between 1997 and 2002, the Ministry invested NIS 419 million in mortgages for apartments located mainly in West Bank settlements.<sup>8</sup>

27. Education benefits granted by the Ministry of Education include advantages for teachers living in settlements, such as rent subsidies, subsidies for travel expenses related to training and payment of the employer’s share in a teacher’s fund for advanced training, among other things. Benefits for settlers include an exemption from tuition fees for preschool children, subsidies for matriculation

<sup>26</sup> *High Follow-Up Committee for Arab Citizens of Israel v. The Prime Minister of Israel, Judgment* (2006), HCJ-11163/03.

<sup>27</sup> Through the additional section to the Economic Arrangements Law entitled “National Priority Areas” adopted in 2009. See Adalah, “On the Israeli Government’s new decision classifying communities as national priority areas” (2010).



examination fees and privileges in scholarships. Local authorities in settlements are also entitled to benefits in education, including an allocation for additional school tuition hours, full funding for installing computers in schools, an additional budget for schools with special needs and a grant of NIS 100,000 to each community centre.<sup>26</sup> Furthermore, the Free Compulsory Education Law from 3 years of age is partially implemented in national priority area A, while its full implementation has been postponed until 2019. Schools and kindergartens have an extended school day, and 90 to 100 per cent of school transportation costs are covered by the State.<sup>7</sup>

28. The Ministry of Agriculture classifies communities in the Jordan Valley and remaining settlements as administrative development areas “A”, which entitles them to grants, subsidies and tax benefits on profits.<sup>7</sup> The Ministry also indemnifies farmers in settlements from European Union customs imposed on their products.<sup>28</sup>

29. Businesses have benefited from settlements directly and indirectly. Economic activities in industrial zones located in settlements are increasing because of several incentives, including tax breaks, low rents and low labour costs. Banks are contributing by providing financial services to enterprises located in settlements and special loans for building projects (see [A/HRC/22/63](#), paras. 96 and 97). The Industry and Trade Ministry provides benefits to factories in settlements, including 24 per cent of the investment, income tax benefits, increased grants for research and assistance in hiring workers.<sup>7</sup> Industry, tourism and trade activities in settlements have a 69 per cent reduction on land leases.

### **Israeli policies in Area C**

30. Approximately 61 per cent of the occupied West Bank is classified as Area C under the Oslo Accords, and is home to approximately 150,000 Palestinians. Some 325,000 Israeli settlers live in around 135 settlements and 100 outposts in Area C. Some 70 per cent of Area C is off limits to Palestinians, as it is placed within the jurisdictional boundaries of the settlements’ regional and local councils. Palestinians are not allowed to construct on State land, in military firing zones, nature reserves, the buffer zone around the wall and alongside major roads, leaving them with only 30 per cent of Area C where construction is not a priori prohibited,<sup>24</sup> but various restrictions make it virtually impossible for Palestinians to obtain a permit for building homes or infrastructure in the remaining 30 per cent (see [A/66/364](#), para. 19).

31. In order to obtain a building permit, any construction must be consistent with an approved planning scheme. Nevertheless, it is reported that, in practice, Palestinian construction is allowed only within the boundaries of a detailed or special Civil Administration plan, and those plans cover less than 1 per cent of Area C, much of which is already built up. In areas with no Civil Administration plans, Palestinian construction is permitted but it must adapt to the narrow building possibilities allowed by plans approved under the British Mandate in the 1940s, which classify the majority of Area C as an agriculture zone, making them inadequate to deal with current planning needs of the Palestinians.

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<sup>28</sup> In 2010, the European Court of Justice ruled that goods manufactured in Israeli settlements in the West Bank cannot be imported into the European Union duty free, similar to all other products made within Israel’s 1967 borders.

32. In addition, Palestinians cannot participate in the planning process. All decisions related to Area C planning are in the hands of the Civil Administration's Higher Planning Council<sup>29</sup> under the authority of the Ministry of Defence of Israel and is composed exclusively of Israeli officials (see [A/HRC/22/46/Add.1](#), para. 66). Modifications by Israel to the Jordanian law in force at the start of the occupation eliminated the participation of Palestinians in the planning process. These modifications to the Jordanian law were of such an extent that Israel exceeded the competence afforded to it, as the occupying Power, to legislate, according to article 43 of the Hague Regulations. Palestinians are not able to provide any input for the zoning, the development of plans and the approval of construction for their communities. They retained only the possibility of presenting objections to plans. In a positive development, the Higher Planning Council has started to receive objections to master plans and has agreed to redraft or review some of them. However, it is reported that such revised plans have yet to be approved or validated.<sup>24</sup>

33. The restrictions on Palestinian construction are extended to infrastructure and services. For instance, over 70 per cent of Palestinian communities in Area C are not connected to any water supply network. In addition, the Civil Administration grants building permits for schools, hospitals, roads and infrastructure only in few villages in which it has approved a master plan. Currently, there are master plans for only 16 out of 180 Palestinian villages entirely located in Area C.<sup>24</sup>

34. In contrast, settlements receive allocations of land, detailed planning and connection to advanced infrastructure. Settlers enjoy full representation in the planning process.<sup>24</sup> Further, planning and construction laws often are not enforced in relation to settlers. The State Comptroller noted in 2013 that this is attributable to the position taken by the Israeli police that investigations of these violations are not under its jurisdiction, while the Civil Administration refuses to investigate them for fear of reactions by settlers. Given that violations of planning and construction laws in the West Bank by settlers are not treated as criminal offences, the authorities only issue administrative demolition orders, which are rarely implemented.

35. In July 2013, the European Union announced the adoption of binding directives that forbid any funding, cooperation, awarding of scholarships, research funds or prizes to anyone residing in settlements. Any contract signed by a European Union country with Israel should include a clause stating that settlements are not part of Israel and therefore not part of the agreement. The media reported that, in response, Israel will refuse to grant new permits or renew existing permits for European Union construction projects in Area C, and will not issue or renew any documents that European Union personnel might need for travel in the West Bank or into Gaza from Israel. This may negatively affect many Palestinians who benefit from European Union projects in Area C.<sup>30</sup>

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<sup>29</sup> This situation obtains despite the fact that the Oslo Accords called for the gradual transfer of power and responsibility in the sphere of planning and zoning in Area C from Israel to the Palestinian Authority.

<sup>30</sup> According to B'tselem, European investment in the planning of Area C communities at present is currently valued at 2.7 million euros.

### **Impact of Israeli settlement policies on Palestinians' economic, social and cultural rights**

36. Some 43 per cent of the land in the West Bank, including almost all land considered as "State land", has been allocated to settlements, including fertile agricultural and grazing lands, water and other natural resources and tourist sites. This, coupled with the responsibility undertaken by Israel for planning and zoning in all of Area C, has significantly decreased the space available for Palestinians to sustain their livelihoods and develop adequate housing and basic infrastructure and services, such as health and education facilities, and therefore directly impinging upon the economic, social and cultural rights of Palestinians.

37. Settlements and settlement related activities seriously jeopardize Palestinians' livelihoods. A case recently monitored by OHCHR illustrates this. The Palestinian Bedouin community of Umm Al Khair (Hebron Governorate) is located a few metres behind the settlement of Karmel, which has recently expanded its boundaries by building new housing units in the area used by the Bedouins of Umm Al Khair to access their grazing lands. Reportedly, Israeli security forces, in support of the Karmel settlers, are enforcing the new self-established boundaries and are preventing the Bedouin Palestinians from accessing their grazing lands, arresting shepherds, and using physical force against them. Lack of access to their grazing lands is increasing the economic hardship of the Bedouin Palestinians of Umm Al Khair.

38. Israel controls all sources of water in the West Bank and prevents Palestinians from exercising effective control over the development and management of the available water resources in the region (see [A/64/516](#), paras. 41-47, and [A/67/375](#), para. 14). A joint water committee was established in the context of the Oslo Accords. While Israel exercises considerable influence in relation to water issues, in principle all decisions regarding water projects are approved by the committee. In practice, however, the Israeli water management system and policies in place discriminate against Palestinians.<sup>31</sup> The Israeli settler population consumes approximately six times the amount of water used by the Palestinian population.<sup>32</sup> Israeli settlers consume per capita a daily average of 369 litres of water for domestic use, while Palestinians on average have access to 70 litres, well below the standard of 100 litres set by the World Health Organization. The Israeli Water Authority has contested this data, stating that Palestinians consume around 190 million cubic metres of water per year, compared with 60 million cubic metres in 1967 and 118 million cubic metres in 1995. The Israeli Water Authority also claims that the Palestinian Authority loses more than 33 per cent of its water owing to faulty water pipes, and that Palestinians do not comply with the Oslo Accords because they do not treat their sewage. Nevertheless, the ability of the Palestinian Authority to address these issues is significantly limited by the need to obtain Israeli approval for repair of the existing water networks or the development of new infrastructure.

39. In terms of the water used for agricultural purposes, the discrepancy between the levels of access to water and water consumption by Palestinians and settlers is

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<sup>31</sup> Human Rights Watch, "Separate and unequal, Israel's discriminatory treatment of Palestinians in the Occupied Palestinian Territory" (2010).

<sup>32</sup> Al Haq, *Water For One People Only: Discriminatory Access and Water-Apartheid in the OPT* (Al-Haq Organization, 2013); and *Amnesty International, Troubled Waters: Palestinians denied fair access to water* (London, Amnesty International, 2009).

even greater.<sup>33</sup> Furthermore, settlers in the West Bank confiscate, destroy and hinder access to water, sanitation and hygiene infrastructures in their vicinity, including water springs (see [A/67/375](#) para. 21).

40. Before 1967, agriculture was the biggest employer of Palestinian labour.<sup>34</sup> Confiscation of land and restrictions on access to land and to water are among the main factors that have led to the decline of Palestinian agriculture. Cultivated areas shrunk by 30 per cent from 1965 to 1994, and Palestinian agricultural production amounts to 4.9 per cent of the gross domestic product (GDP), compared with 50 per cent in 1968. The low quantity of water available has forced Palestinian farmers to rely increasingly on rain-fed crops, which are less profitable than irrigated crops. The cost of the forgone opportunity in irrigated agriculture is estimated to be as high as 10 per cent of GDP and 110,000 jobs.<sup>35</sup>

41. Conversely, agriculture is the largest sector of the Israeli settlement economy and Palestinian markets are flooded with agricultural settlement products.<sup>36</sup> Settlers in the Jordan Valley, an area largely off limits for Palestinians, cultivate large areas of land and grow crops that require large amounts of water, using most of the water resources in the area.

## V. Failure to maintain public order, settler violence and lack of accountability

42. As previously highlighted by the Secretary-General, Palestinians are often victims of acts of violence by Israeli settlers and Israeli law enforcement forces have in numerous cases failed to protect them against such attacks (see [A/67/375](#), para. 30). Israel has the legal obligation to protect the rights of Palestinians in accordance with international human rights law. In addition, pursuant to article 43 of the Hague Regulations and articles 4 and 27 of the Fourth Geneva Convention, Israel, as the occupying Power, has the obligation to maintain the public order and safety in the Occupied Palestinian Territory and has the obligation to provide Palestinians with all guarantees accorded to protected persons under international humanitarian law.

43. Palestinians continued to be the target of acts of violence by Israeli settlers in the West Bank, including East Jerusalem, putting their security and livelihood at risk. Such acts include physical attacks with different weapons, including batons, knives and live ammunition, and the throwing of stones; destruction and denial of access to property, in particular agricultural lands; and “price tag” incidents.<sup>37</sup> Many of the injuries to Palestinians occurred in the middle of clashes with settlers or were attributable to stone-throwing by Israeli settlers. During the reporting period, 178 Palestinians were injured in acts of violence committed by settlers, out of which 16 were women and 34 were children. This is an increase compared with the period

<sup>33</sup> Al Haq, 2013, see footnote 32 above.

<sup>34</sup> Emergency Water and Sanitation/Hygiene (EWASH), Fact Sheet 14, 2013; and Palestinian Central Bureau of Statistics, “Palestine in figures 2012”, March 2013.

<sup>35</sup> World Bank, “The underpinnings of the future Palestinian State: sustainable growth and institutions”, Economic Monitoring Report to the Ad Hoc Liaison Committee, 2010.

<sup>36</sup> EWASH, 2013, see footnote 34 above.

<sup>37</sup> Strategy whereby Israeli settlers attack Palestinians and sometimes, IDF, in response to events or actions affecting them, such as the evacuation of outposts or the killing of settlers.

covered in the previous report, during which 147 injuries were reported. Incidents of violence by Palestinians against Israeli settlers also increased; one killing and 80 injuries, including of 10 women and 7 children, were reported.

44. On 17 September 2012, in a case monitored by OHCHR, three Palestinian farmers from Aqraba village were walking home from their olive groves south of Itamar settlement (south of Nablus) when six settlers, masked and armed with rifles and clubs, reportedly attacked them on an agricultural road leading to the village. One farmer was beaten all over his body by two settlers. Another farmer was struck on his left arm, right shoulder, legs and knees and was then hit with a stone in the head. It was reported that the two farmers fell unconscious while settlers continued to attack them. The third farmer managed to get up, run away and call his father for help. When residents from the village arrived, the settlers allegedly had left the area. One victim was hospitalized for two days and the other for three days.

45. During the reporting period, OHCHR monitored cases in which IDF failed to protect Palestinians against settler violence, including cases in which IDF soldiers were present. On 23 February 2013, clashes took place between settlers from the outpost Esh Kodesh and Palestinians of the nearby village of Qusra. Settlers allegedly used live ammunition against Palestinians, causing serious injury to a man. IDF soldiers arrived to the site shortly after the clashes started but reportedly intervened only after settlers started using live ammunition. The soldiers did not detain any of the settlers using firearms; instead, they used tear gas to disperse the Palestinians.

46. In another case monitored by OHCHR, settlers from Yitzhar settlement attacked a neighbourhood of Burin village south of Nablus, on 2 February 2013. Settlers were allegedly masked and had batons, plastic tubes, knives and saws. When village residents gathered to help to protect the families under attack, one settler reportedly shot and injured a 17-year-old boy in the right thigh. An IDF military jeep later arrived on Road 60 and reportedly started firing tear gas at the Palestinians who were clashing with settlers in the area. Clashes continued until IDF allegedly raided the village and carried out security measures against the Palestinian residents until late in the evening. Reportedly, IDF fired tens of tear gas canisters among the houses, which forced some families to leave their homes.

47. Despite the fact that, as reported previously (see [A/67/375](#)), incidents of settler violence often take place in Qusra and in villages surrounding the Yithzar settlement, Israel has not taken sufficient effective measures to prevent settler violence in these areas. Recently, the Israeli State Comptroller noted that IDF was not fulfilling its responsibility to maintain public order and safety in the Occupied Palestinian Territory. He indicated that the army's order setting out the forces' obligation to know its mission did not explicitly refer to law enforcement.

48. Settlers also frequently attack and destroy Palestinian property, including homes, cars, olive trees and crops, seriously undermining the livelihoods of Palestinians. In a case monitored by OHCHR in Zeef (Hebron Governorate), on 29 May 2013, settlers stopped their car and allegedly threw a Molotov cocktail at piles of recently harvested wheat, and fled the scene. The extent of the damage was estimated at 13 dunums.

49. Palestinian farmers, whose agricultural lands are located inside or near settlements, face regular restrictions on access and settler attacks against them and

their properties. An estimated 90 Palestinian communities in the West Bank have land within, or in the vicinity of, 55 Israeli settlements and settlement outposts. Access by Palestinians to such land is subject to “prior coordination” with the Israeli authorities, even in cases in which the fencing-off of the land was carried out by settlers without authorization from the Israeli authorities. If “prior coordination” is approved, access is generally granted for a limited number of days during the annual olive harvest, and Israeli soldiers are deployed to protect their access during these periods. In July 2013, approximately 1,000 olive trees were uprooted and destroyed by settlers in Awarta village (Nablus Governorate), in an area where Palestinian farmers are granted only few days of access a year subject to prior coordination with the Civil Administration. During the reporting period, 9,375 trees and saplings were damaged or destroyed by settlers. The monthly average of trees and saplings damaged or destroyed in the first five months of 2013 increased by 51 per cent compared with 2012.

50. Settler violence curtails the right of Palestinian children to education. According to information provided by UNICEF, during the reporting period, settlers from Yitzhar repeatedly attacked schools in the Palestinian village of Urif, affecting some 1,540 students. In addition, 17 incidents of settler violence hindered access to education for more than 5,000 children, with the highest number of incidents registered in Nablus Governorate, followed by those registered in Hebron. Incidents included direct physical attacks against children on their way to school. In four separate incidents, raw sewage from nearby Israeli settlements flooded Palestinian school premises and impeded the normal delivery of the classes in Azzun Bait Amin Secondary School (Qalqiliya).

#### **Lack of accountability**

51. The lack of accountability for crimes committed by Israeli settlers persists (see [A/66/364](#), paras. 22-23, and [A/67/375](#), paras. 37-39). The challenge of accountability is analysed in depth in the Secretary-General’s report requested by the General Assembly in its resolution [67/121 \(A/68/502\)](#).

52. An Israeli human rights organization that assists Palestinians in filing complaints in cases of settler violence recently issued a report indicating that, between 2005 and 2013, only 8.5 per cent of the investigations opened in relation to settler violence incidents in the West Bank resulted in indictments. Some 84 per cent of the investigations were closed, owing mainly to investigatory failures, including the lack of identification of suspects and the inability to collect evidence for prosecution.<sup>38</sup> These findings are almost identical to those published since 2005 (see [A/67/375](#), para. 38), indicating that the Israeli authorities have not taken measures to effectively address impunity for settler violence, in spite of several recommendations to that effect made by the Secretary-General (see [A/63/519](#) and [A/64/516](#)). The most recent report of the State Comptroller of Israel illustrates the failure of the Israeli authorities to investigate settler violence. According to the Comptroller, Israeli soldiers typically arrive to the crime scene before the police and do not take appropriate action to protect Palestinians and preserve the crime scene. The Comptroller also indicated that soldiers are not trained to handle crime scenes

<sup>38</sup> Yesh Din Monitoring Update, data sheet, “Law enforcement on Israeli citizens in the West Bank”, July 2013.

and do not send evidence in time, if at all, to the police, thereby disrupting any investigation and criminal procedures.

## **VI. Settlements in the occupied Syrian Golan**

53. The Government of Israel continues to occupy the Syrian Golan. It is estimated that approximately 20,000 Israeli settlers live in 33 settlements in the occupied Syrian Golan. Israel continues to encourage the growth of the settler population in the Golan through socioeconomic incentives, in clear violation of the Fourth Geneva Convention. Israel also controls scarce water resources in the Golan and distributes a disproportionate share to Israeli settlements through Mekorot, the Israeli national water company, and Mey Golan, a private Israeli company that supplies water directly to Israeli settlers at preferential rates.<sup>39</sup>

54. The Secretary-General is particularly concerned about the exploitation by Israel of natural resources in the occupied Syrian Golan for its own benefit. In this connection, the Secretary-General recalls that, in February 2013, the Israeli Ministry of Energy and Water granted a local Israeli subsidiary of United States-based Genie Oil and Gas a three-year exclusive petroleum exploration licence in the occupied Syrian Golan. The Secretary-General is also concerned at reports of Government-sponsored investments in wind energy turbines. In this regard, regional Israeli authorities granted a permit to a local company in February 2013 for 41 turbines to be installed at Emek Habacha in the northern occupied Syrian Golan. The project is expected to be operational by 2015.<sup>40</sup>

## **VII. Conclusion and recommendations**

**55. Despite past commitments to freeze settlement activity in the Occupied Palestinian Territory, Israel has over the years been playing a leading role in, and supporting and encouraging, the establishment and expansion of, settlements in the West Bank, including East Jerusalem, and the occupied Syrian Golan through many different means. In contravention of its international legal obligations, Israel has failed to ensure public order in the Occupied Palestinian Territory and to protect Palestinians against violent acts committed by settlers. Israel has also failed to ensure accountability for settler violence.**

**56. The Government of Israel must stop playing a leading role in, and supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory and the occupied Syrian Golan. In particular, it should stop using the requisition and expropriation of land and the allocation of State land for the establishment and expansion of settlements and should halt the granting of benefits and incentives to settlements and settlers. Israel must enforce the existing applicable laws against settlers who take over land, whether it is State land or privately owned. Israel must also refrain from issuing permits and licences to private companies seeking to**

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<sup>39</sup> Al-Marsad — Arab Human Rights Centre in the Golan Heights, “Water is life”, 2013.

<sup>40</sup> *Wind Power Monthly*, “Israel approves 120 megawatts in the Golan Heights”, 5 February 2013.

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**exploit and profit from the natural resources of the Occupied Palestinian Territory and the occupied Syrian Golan.**

**57. Israel must bring its legislation, policies and practices into compliance with its international legal obligations and its commitments set out in the road map, including by immediately ceasing the transfer of its population to the Occupied Palestinian Territory and by completely ending all settlement activity. Israel must also implement relevant United Nations resolutions, including Security Council resolution [497 \(1981\)](#), and withdraw from territories occupied in 1967.**

**58. Israel must cease its discriminatory policies and practices against Palestinians in the West Bank, including East Jerusalem, including by amending the zoning and planning legislation and processes, in order to ensure the full participation of Palestinians throughout the planning process, in accordance with due process standards, and to ensure their right to an effective remedy.**

**59. Israel, as the occupying Power, must take all necessary measures to ensure the protection of Palestinians and their property from acts of violence, including through preventive measures. All acts of violence committed by Israeli settlers against Palestinians and their property must be investigated independently, impartially, thoroughly, promptly, effectively and in a non-discriminatory manner. Transparency in investigations should also be ensured. Individuals who are responsible for violations should be prosecuted and victims should be provided with an effective remedy.**





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### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report by the Secretary-General**

#### *Summary*

The present report, which has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution [68/82](#), provides an update on Israel's activities aimed at creating and expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan. It focuses on both official and informal methods used by Israel to control land, which is then allocated to settlements. It also provides an update on settler violence and addresses the failure of Israel to maintain public order and ensure accountability for settler violence.

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\* [A/69/150](#).



## I. Introduction

1. In its resolution 68/82, the General Assembly, deploring “settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced displacement of civilians and the de facto annexation of land”, affirming that “the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law” and expressing grave concern about the continuation of Israel’s settlement activities, “in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities”, reiterated its demand for the “immediate and complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan” and called for the prevention of and accountability for illegal acts by Israeli settlers against Palestinians in the occupied territory.

2. The present report, submitted pursuant to that resolution, covers the period from 1 July 2013 to 15 May 2014, although important information about events taking place up until early June 2014 is included, where relevant. The information contained in the report is based on monitoring and other information gathering activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and information provided by other United Nations entities in the Occupied Palestinian Territory. The report also contains information received from Israeli and Palestinian non-governmental organizations (NGOs) and media sources. It should be read in conjunction with previous reports of the Secretary-General on Israeli settlements ([A/68/513](#) and [A/67/375](#)) and with other reports of the Secretary-General submitted to the General Assembly at its sixty-ninth session, notably the report on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem ([A/69/355](#)).

3. Previous reports highlighted different aspects of the impact of Israeli settlements on the human rights of Palestinians, as well as Israel’s leading role in the creation and expansion of settlements. The report provides an update on the settlement activities of the Government of Israel during the reporting period and analyses official and informal methods used by the Government to create and expand settlements. The report also provides an update on settler violence and examines the ongoing failure of Israel to maintain public order and establish accountability for such violence.

## II. Legal background

4. The legal framework applicable to Israeli settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan is found in international humanitarian law and international human rights law (see [A/68/513](#), para. 4, and [A/67/375](#), para. 4). The General Assembly (resolution 68/82), the Security Council (resolution [799 \(1992\)](#)), the Human Rights Council (resolution 25/30) and the International Court of Justice ([A/ES-10/273](#) and Corr.1, para. 101) have all affirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of

War of 1949 (Fourth Geneva Convention) applies to the Occupied Palestinian Territory. Article 49 of that Convention, in absolute terms, prohibits the Occupying Power from deporting or transferring parts of its own civilian population into the territory it occupies. The Hague Regulations<sup>1</sup> further prohibit an occupying power from undertaking permanent changes in the occupied area unless they are strictly for military necessity or for the benefit of the local population (A/64/516, para. 8).

5. Moreover, the International Court of Justice (A/ES-10/273 and Corr.1, paras. 102-113) and United Nations treaty bodies responsible for reviewing the implementation of international human rights treaties have affirmed that Israel, as the Occupying Power, is bound by the international human rights treaties it has ratified (A/67/375, para. 5) and has the obligation to implement its human rights obligations in the occupied territories.<sup>2</sup> The recent accession by the State of Palestine to several human rights treaties<sup>3</sup> does not affect Israel's obligations under international human rights law and international humanitarian law.

### III. Overview

6. During the reporting period, Israel continued to expand existing settlements in occupied territory and to approve new settlements. According to Peace Now, an Israeli NGO, between 1 July 2013 and 15 May 2014, tenders were announced for 6,013 housing units in Israeli settlements in the West Bank, including East Jerusalem, and 9,712 housing units were "promoted",<sup>4</sup> including 7,290 in the West Bank and 2,422 in East Jerusalem. In addition, on 4 June 2014, the Government of Israel announced the issuance of tenders for over 1,400 new settlement units in the West Bank, including East Jerusalem. According to the Office of the United Nations Special Coordinator for the Middle East Peace Process, Israeli authorities have also advanced plans for around 1,000 settlement housing units, following the Government's decision to unfreeze planning processes for 1,800 settlements units. According to Peace Now, Israeli official statistics show new construction and building plans in Israeli settlements increased by over 150 per cent during 2013, and construction began on 828 units in the latter half of 2013 in the Occupied Palestinian Territory compared with 484 units during the same period in 2012.<sup>5</sup>

7. The Secretary-General further notes that the tender or promotion of a large number of units occurred during the last round of Israeli-Palestinian peace talks, held from 29 July 2013 to 29 April 2014, when at least 13,851 housing units were reportedly tendered or promoted in the Israeli settlements in the West Bank, including East Jerusalem. This includes 4,868 tenders, of which 2,248 were in the

<sup>1</sup> The Hague Regulations are annexed to the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV). According to the International Court of Justice, while Israel is not a party to that Convention, the Hague Regulations are applicable to Israel as part of customary law (A/ES-10/273 and Corr.1, paras. 89-101).

<sup>2</sup> CERD/C/ISR/CO/14-16, para. 10, CRC/C/ISR/CO/2-4, para. 3, and A/HRC/25/38, para. 5.

<sup>3</sup> In April 2014, the State of Palestine acceded to 20 international treaties, including eight human rights treaties, the four Geneva Conventions of 1949 and First Additional Protocol and the Hague Convention and Regulations.

<sup>4</sup> The term "promote" is used by Peace Now to indicate support from the Government of Israel in advancing new settlement units in the different stages of the planning process (A/HRC/25/38, footnote 10).

<sup>5</sup> See <http://peacenow.org.il/eng/9Months>.

West Bank and 2,620 in East Jerusalem, and 8,983 promoted plans, including 6,561 in the West Bank and 2,422 in East Jerusalem.<sup>5</sup>

8. During the reporting period, Israel also undertook significant actions to allow for further expansion of its settlements. As outlined in paragraphs 12 to 16 below, this included advancing plans to transfer Palestinian Bedouin communities living in the central West Bank, including the eastern Jerusalem periphery and the Jordan Valley, to three centralized sites planned by the Israeli Civil Administration, apparently in connection with plans to expand settlements in those areas.

9. In addition, Israel continued to support and contribute to the expansion of settlements by providing funding. For instance, almost 600 million shekels (approximately \$172 million) were reportedly transferred to Israeli settlements through budget adjustments requested by the Government from the Knesset between October 2013 and March 2014.<sup>6</sup> In line with past practice, these sums were not included in the annual State budget (A/68/513, para. 9). In late March 2014, an additional 177 million shekels (approximately \$51 million) were reportedly allocated to the Settlements Division of the World Zionist Organization,<sup>7</sup> the official role of which is to assist the Government in establishing or expanding settlements in the Occupied Palestinian Territory.

10. Ten years after the International Court of Justice issued its 2004 Advisory Opinion on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory, Israel continues to breach international human rights and humanitarian law by building and expanding the wall and the settlements in the West Bank, including East Jerusalem.<sup>8</sup> Since 2004, several new settlements have been established, notably in East Jerusalem,<sup>9</sup> and the settler population in the West Bank, including East Jerusalem, has increased from an estimated 415,000 settlers in 2004 to between 500,000 and 650,000 in 2012 (A/HRC/25/38, para. 8). This represents an increase of at least 85,000 settlers since the issuance by the International Court of Justice of its landmark opinion.

11. Israeli settlements continue to be at the centre of multiple violations of the human rights of Palestinians, including their freedoms of non-discrimination, liberty, security of person and fair trial, freedom of movement, adequate housing, health, education, work and an adequate standard of living (see A/HRC/25/38 and A/68/513). Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights establishes that all peoples have the right to self-determination and that they may freely determine their political status and freely pursue their economic, social and cultural development. The continuation of the transfer by Israel of its population into the Occupied Palestinian Territory and the maintenance, creation and expansion of Israeli settlements have severe negative impacts on the right to self-determination of

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<sup>6</sup> [www.haaretz.com/news/national/1.581405](http://www.haaretz.com/news/national/1.581405).

<sup>7</sup> [www.haaretz.com/.premium-1.582875](http://www.haaretz.com/.premium-1.582875).

<sup>8</sup> The Court indicated that the wall, along the route chosen, and its associated regime gravely infringe a number of human rights of Palestinians residing in the territory occupied by Israel and contravene international humanitarian law provisions, including article 49 of the Fourth Geneva Convention (see A/ES-10/273 and Corr.1, paras. 123-137).

<sup>9</sup> Mostly in East Jerusalem: Nof Zion (2004); Mosrara East (2004); Hashalom Forest (2006); Beit Hachoshen (2006); Beit Yonatan (2006); Kidmat Zion (2006); and Jabel Mukabber (2010). Source: Peace Now.

Palestinian people (A/67/375, para. 10). This right is generally understood as having several elements, including the right to have a demographic and territorial presence and the right to permanent sovereignty over natural resources.<sup>10</sup> Those elements are affected not only by the expansion of Israeli settlements, but also by their mere presence (A/67/375, para. 10) and by the phenomenon of settler violence. The Secretary-General recalls that the realization of the right to self-determination is of particular importance because it is an essential condition for the effective guarantee and observance of human rights and for the promotion and strengthening of those rights.<sup>10</sup> In addition, articles 1(3) of the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, to which Israel is party, establish that States should promote and respect the right to self-determination.

## IV. Creation and expansion of settlements

### A. Forcible transfer of Palestinian Bedouin and herder communities

12. During the reporting period, Israel took significant steps to facilitate the expansion of its settlements in the West Bank, including East Jerusalem. In particular, it has taken measures aimed at transferring Palestinian Bedouin communities living in the central West Bank, including the eastern Jerusalem periphery and the Jordan Valley, to three centralized sites. On 27 April 2014, at a meeting of a Knesset subcommittee, the Coordinator of Government Activities in the Territories of the Ministry of Defense presented a comprehensive initiative to transfer Palestinian Bedouin communities residing in rural areas within Area C of the central West Bank, including the Jordan Valley, the so-called “E-1”<sup>11</sup> area in the Jerusalem periphery and the Ma’ale Adumim settlement area, to centralized sites planned by the Israeli Civil Administration, namely Al-Jabal, Nweima and Fasayil. It is reported that the Civil Administration is advancing the plans, currently in the final stages of approval, to facilitate the transfer to these three sites.<sup>12</sup> It appears that this initiative is connected with plans to expand settlements which would affect thousands of Palestinian Bedouins and herders, including approximately 2,300 currently living in the eastern Jerusalem periphery. Such transfers would also adversely affect the traditional economy of the affected communities and would likely lead to the disintegration of their social fabric (A/HRC/24/30, para. 27).

13. According to the Office of the Special Coordinator for the Middle East Peace Process, the Civil Administration has recently increased pressure on these Bedouin communities to leave their places of residence by issuing and enforcing more demolition orders, stop-work and seizure orders against residential and agricultural structures. It is of concern that between January and May 2014, 13 demolitions have been reported in the E-1 area, which is higher than the total number of demolitions carried out between 2010 and 2013 (11). Moreover, according to the Norwegian

<sup>10</sup> Human Rights Committee, general comment 12 (HRI/GEN/1/Rev.9 (Vol. I), chap. I).

<sup>11</sup> The area is within the municipal boundary of the Ma’ale Adumim settlement, adjacent to East Jerusalem. Plans to construct settlements in the E-1 area would create an urban block between Ma’ale Adumim and Jerusalem, exacerbate the isolation of East Jerusalem from the rest of the West Bank and interrupt the territorial contiguity of the West Bank (A/HRC/25/38, footnote 17).

<sup>12</sup> According to Bimkom, an Israeli NGO, plans for Nweima and for Fasayil were approved for publication on 15 June 2014 by the High Planning Council of Judea and Samaria.

Refugee Council, during the reporting period more than 100 stop-work and demolition orders have been issued by the Civil Administration targeting different Bedouin communities in the E-1 area.

14. On 28 April 2014, as reported in an OHCHR press release, 40 members from the Sateh Al-Bahr community received eviction orders and were given 48 hours to leave their homes permanently or face eviction and confiscation of their livestock. During a court hearing on this case and on a case relating to a school building in the Khan al Ahmar community, the Israeli Government proposed to relocate both communities to Nweima, one of the centralized sites referred to above. Other communities have also been told informally by the Civil Administration that they would be relocated to Nweima.

15. It is reported that the Israeli military is using military firing zones as a way to push Palestinians out of certain areas.<sup>13</sup> At the above-mentioned Knesset meeting, an operations officer of the Central Command confirmed that the army has increased the number of military exercises in the military firing zones in the Jordan Valley. It is of serious concern that the implementation of recent demolitions, eviction and seizure orders against Palestinian Bedouin communities appear to pave the way for broader plans to relocate or transfer them outside their current locations and to allow for further expansion of settlements.

16. According to the United Nations Office for the Coordination of Humanitarian Affairs, there has been almost no consultation on the transfer plans with the affected communities. Except where the affected persons provide their genuine and fully informed consent, such transfer is forcible. Consent would not be genuine in an environment marked by the use or threat of physical force, coercion, fear of violence or duress ([A/67/372](#), para. 37). The Office reports that a combination of measures implemented by Israeli authorities have created a coercive environment for the targeted communities, including restricted access to grazing lands and markets for their products, which undermines their livelihoods, demolitions and threat of demolitions, and restrictions to the obtaining of building permits. The transfer, if implemented, may thus amount to individual and mass forcible transfer, contrary to Israel's obligations under article 49 of the Fourth Geneva Convention and international humanitarian law. Under article 147 of the Convention, the unlawful transfer of protected persons constitutes a grave breach of its provisions,<sup>14</sup> and such acts potentially incur the individual criminal responsibility of officials engaged in forcible transfers. In addition, the transfer of these Palestinian Bedouin communities would contravene Israel's international human rights law obligations, in particular regarding the right to adequate housing ([A/HRC/25/38](#), paras. 15 and 16).

## **B. Creation and expansion of settlements through official methods**

17. One of the methods used by Israel in the 1980s and 1990s to seize land for the purpose of settlement construction and expansion was the declaration of State land. Such declarations are based on civilian laws in place prior to the occupation, which

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<sup>13</sup> [www.haaretz.com/news/diplomacy-defense/.premium-1.591881](http://www.haaretz.com/news/diplomacy-defense/.premium-1.591881).

<sup>14</sup> The exception to this provision, in which the safety of the protected persons makes the forcible transfer absolutely necessary, is not applicable in this case. International Committee of the Red Cross, "Commentary, IV Geneva Convention relative to the protection of civilian persons in time of war".

Israel interprets as allowing the occupying Power to take possession of uncultivated land (A/63/519, para. 19). Currently, at least 16 per cent of the West Bank has been declared State land and is used for settlements (A/68/513, para. 20).

18. Since 2013, a recurrence of the practice of claiming land as State land was reported. The body responsible for this is the “Blue Line Task Force”, created in 1999 by the Civil Administration to re-examine land not clearly designated as State land during the 1980s. The examination and endorsement conducted by this task force is a precondition for any new settlement construction plan to be undertaken in land designated as State land. The task force reportedly endorsed some 7,000 acres (28,000 dunams) as State land in 2013, of which around 5,000 acres (22,058 dunams) are within settlement boundaries and could become sites for planned construction. About 900 acres (3,700 dunams) are on land already developed, which may indicate that the declaration as State land was used to retroactively legitimize the settlement construction.<sup>15</sup>

19. In April 2014, the Blue Line Task Force endorsed the declaration of approximately 250 acres (1,000 dunams) in the West Bank as State land. Some Israeli media reported this as the largest appropriation of land in the West Bank in many years.<sup>16</sup> The land is located west of Bethlehem within the physical boundaries of the villages of Al Khader, Nahhalin and Beit Ummar. According to the Office for the Coordination of Humanitarian Affairs, several residents of these villages claim ownership over parts of the land, but due to a range of mainly Israeli-imposed constraints, they have not cultivated or otherwise used it, with the exception of about five acres (20 dunams). Some of the plots have been taken over by Israeli settlers in past years and the declaration of State land appears to be part of a process towards the retroactive “legalization” under Israeli law of the takeovers, including those in the outpost Nativ Ha’avot.<sup>17</sup> Based on their ownership claims, residents of the aforementioned villages were given 45 days to object to the declaration of their property as State land before the Military Appeals Committee. This period was further extended until 17 July 2014. If their objection is rejected, they can petition the Supreme Court. However, concerns have been raised, notably by the NGOs Diakonia and Action against Hunger, that the Supreme Court does not provide an effective remedy for Palestinians whose private land has been declared State land, in particular because the Court does not review the substance of the cases<sup>18</sup> and in the majority of its rulings, it follows the Civil Administration policy on land requisition.

20. Previous practice indicates that once the declaration of State land is endorsed, it is likely that the land is allocated to Israeli settlements for development. According to the Office for the Coordination of Humanitarian Affairs, given the spatial distribution of the affected parcels of land, their development will encircle a

<sup>15</sup> www.haaretz.com/news/diplomacy-defense/.premium-1.587901#.

<sup>16</sup> www.haaretz.com/news/national/.premium-1.585377.

<sup>17</sup> Reportedly, an official Israeli survey showed that 60 per cent of the outpost (established in 2001) was built on private Palestinian farmland.

<sup>18</sup> The Court can exercise judicial review over decisions of the Military Commander, which, according to the Court, must exercise careful consideration before requisitioning property of civilians in the Occupied Palestinian Territory. However, the Court has upheld decisions regarding the issuance of requisition orders pertaining to Palestinians’ private property claiming that there is “no cause to intervene in the discretion of the Commander” (High Court of Justice 10356/02, Hass et al. v. IDF Commander in the West Bank et al.; and High Court of Justice 10497/02, The City of Hebron et al. v. IDF Commander in the West Bank et al.).

large section of the Gush Etzion area, connecting and creating territorial contiguity between the settlements of El'azar, Allon Shvut, Rosh Zurim, Neve Danyyel and Efrata. It is expected that Palestinians would face increased restrictions to access their farmlands located within the encircled area (A/67/375, paras. 20 and 21), even if many plots cultivated by them are not covered by the declaration of State land. Access by Palestinian farmers would be further restricted if the wall is completed as planned, thereby separating these lands from the Bethlehem urban area, where some of the landowners reside. In addition, it has been reported on the Business Insider news website that on 28 May 2014 Palestinian residents in the surroundings of Kafr Al-Deek in the northern West Bank were notified of the start of settlement construction on lands they claim as their private property. It appears from information gathered by the NGO Kerem Navot that this action follows the declaration of State land of almost 120 acres (500 dunams) in the area, dating back to 1985.

21. The resumption of the use of declarations of State land, coupled with the large amount of land seized through this method, may be a sign of a broader policy change. The Secretary-General reiterates that the process of declaring State land is not compatible with international standards of due process and undermines the right of Palestinians to an effective remedy. It also appears to be a measure by the Government of Israel destined to favour the expansion of settlements or the creation of new ones, which may amount to the transfer by Israel of its population into the Occupied Territory in violation of international humanitarian law (A/67/375, para. 10).

22. According to Peace Now, two new settlements were created in the Occupied Palestinian Territory during the reporting period: the settlement of Leshem, near Salfit in the central West Bank, where 60 families have recently moved to, and another known as the Al-Rajabi house. The case of the Al-Rajabi house, a four-story building capable of housing 40 families, is emblematic since it is located in a strategic area between the settlement of Kiryat Arba and the Ibrahimi Mosque, also known as Cave of Patriarchs, in the old city of Hebron. According to the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967, this is the first time since the 1980s that a new settlement has been created in the centre of Hebron.

23. In March 2014, as reported by OHCHR, the Israeli Supreme Court ruled that Israeli settlers were the legitimate owners of the Al-Rajabi house, after a long legal dispute between the settlers and Palestinians who alleged being tricked by the settlers because they sold the house without knowing that the settlers were the actual buyers. The Court indicated that the settlers would be allowed to move to the house only after the approval of the Minister of Defense. In April 2014, the Minister of Defense granted the approval, and, since then, at least three families reportedly have moved into the house, despite not having electricity or running water.<sup>19</sup>

24. According to Peace Now, at least seven new outposts were established during the reporting period, including Givat Eitam, an agricultural outpost located south of Bethlehem, and Brosh, an outpost situated in the Jordan Valley. Kerem Navot reports that an abandoned military base east of Beit Sahur in the Bethlehem Governorate is also undergoing renovation by Israeli settlers who have established a

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<sup>19</sup> [www.jpost.com/Diplomacy-and-Politics/Yaalon-Settlers-can-move-into-Hebron-house-348388](http://www.jpost.com/Diplomacy-and-Politics/Yaalon-Settlers-can-move-into-Hebron-house-348388).



cultural centre there. From Peace Now there are reports that other outposts have been “legalized” under Israeli law by promoting plans for them,<sup>5</sup> including Nahlei Tal and Zayit Ra’anan, near Ramallah; Givat Salit, in the Jordan Valley; and Elmatan, near Qalqilya. Since January 2013, nine outposts<sup>20</sup> have reportedly been included in the mapping conducted by the Blue Line Task Force towards endorsement of State land declarations. If the lands in which these outposts are erected are confirmed as State land, the path towards their retroactive “legalization” and future expansion as a fully-fledged settlement will be open.

25. With some exceptions, Israel continued to fail to implement demolition orders against outposts, despite the fact that they are not officially recognized under Israeli law. For example, in early January 2014, Peace Now called on the Government to implement outstanding demolition orders against Esh Kodesh outpost, following an incident in which settlers attacked the neighbouring Palestinian village of Qusra, apparently as retaliation for the evacuation by the Israeli army of a plot of private Palestinian land taken over by Esh Kodesh settlers.<sup>21</sup> The residents of Esh Kodesh often attack the Palestinian village, which frequently results in serious injuries to Palestinians and damage to their property (A/68/513, para. 45). However, as of May 2014, most of the demolition orders against the outpost remained unimplemented.

26. In another case, the Government reportedly committed itself to demolishing the entire Amona outpost by end 2012, and later postponed demolition to June 2013.<sup>22</sup> At the end of the reporting period, according to the Yesh Din, a volunteer organization working to defend the human rights of Palestinians, the demolition had still not been implemented, despite an order of July 2013 by the President of the Israeli Supreme Court for the evacuation of all the structures, except for the houses built on plots for which the settlers made purchase claims. A few days before the outpost was scheduled to be dismantled, a settler organization (Al-Watan) claimed that it had purchased portions of land within its boundaries. The Government reportedly decided to freeze the demolitions until an Israeli court passed judgement on the status of the lands allegedly purchased by this settler organization, in contradiction with its pledge to remove the outpost. In May 2014, Israeli media reported that a police investigation found that the documents presented as proof of purchase of the land in the Amona outpost by Al-Watan were forged. The Government is considering how to proceed.<sup>23</sup>

27. In some cases, Israel has dismantled outpost structures, in line with legal rulings on the matter. For example, on 14 May 2014, according to the United Nations Special Coordinator for the Middle East Peace Process, 10 structures in the outpost of Ma’ale Rehavam were demolished after the Israeli Supreme Court rejected claims by settlers that the land on which the structures were located was purchased legally. This followed a decision of the Israeli Supreme Court on 18 November 2013 to demolish houses erected on private Palestinian property in three outposts, Givat Assaf, Mizpe Yitzhar and Ma’aleh Rehavam, within six

<sup>20</sup> Givat Harel, Elmatan, Elisha, Ibei Hanachal Alonei Shilo, Ma’ale Rehavam and three outposts located east of Tekoa (source: Kerem Navot).

<sup>21</sup> According to a report from the Office for the Coordination of Humanitarian Affairs, following the attack, Palestinians apprehended and beat the settlers. Other Palestinians and human rights activists intervened and handed the settlers over to the Israeli Security Forces.

<sup>22</sup> The Government made these commitments before the Israeli Supreme Court, following a 2008 petition by the Palestinian owners of the land to evacuate the outpost.

<sup>23</sup> www.haaretz.com/news/national/.premium-1.592768.

months. In the same decision, the Court ordered the Government to show progress towards “legalizing” structures allegedly on State land in five other outposts cited in a petition filed by Peace Now, including Mitzpe Lachish, Ramat Gilad and HaRoeh.<sup>24</sup> It is expected that other buildings in Ma’ale Rehavam, which the Court found had been built “legally”, will receive permits, thus endorsing the “legality” of the outpost’s existence.<sup>25</sup>

### **C. Expansion of settlements through informal methods**

#### **Control of land through agriculture**

28. Along with the official methods by which the Government of Israel seeks to take control of land that is subsequently allocated to settlements (A/68/513, paras. 17-22), it appears that the Government has also encouraged takeovers of land by Israeli settlers through agricultural projects.<sup>26</sup> A study commissioned in 2005 by the Government of Israel on outposts in the West Bank indicated that one way that settlers establish outposts is to falsely request the creation of an agricultural farm, which is then transformed into an outpost. This is facilitated by the fact that agricultural projects do not need political-level approval. It is reported by Kerem Navot that, as of August 2013, Israeli settler agriculture in the West Bank covers around 23,000 acres (93,000 dunams), more than the built-up area of settlements and outposts, excluding those in East Jerusalem, constituting about 15,000 acres (60,000 dunams). Most of this increase has occurred after the signing of the Oslo Accords in September 1993. Between 1997 and 2012, land used by Israelis for agriculture in the West Bank grew by 35 per cent.<sup>27</sup>

29. In addition, Israel continues to fail to protect Palestinians and Palestinian property from criminal attacks by settlers (see paras. 36-44 below), including the construction of physical obstacles impeding the access of Palestinians to their own farmlands, intimidation and violence against Palestinian farmers (A/67/375, para. 19), and destruction of trees and crops. According to the United Nations Office for the Coordination of Humanitarian Affairs, during the reporting period, there were 217 incidents involving damage to Palestinian property by Israeli settlers, including to 10,711 trees. The lack of enforcement and of accountability in relation to such violent acts creates an atmosphere of impunity that facilitates the seizing of land by settlers, which they can then cultivate in order to expand the area effectively occupied by settlements (see A/67/375, paras. 30-36, and A/68/513, paras. 42-49). The Yesh Din volunteer organization reports that the vast majority of cases accusing settlers of seizing Palestinian land, including by trespassing and unauthorized cultivation, are closed without indictment.

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<sup>24</sup> [www.haaretz.com/news/diplomacy-defense/.premium-1.558882](http://www.haaretz.com/news/diplomacy-defense/.premium-1.558882).

<sup>25</sup> [www.timesofisrael.com/amid-fears-of-violence-demolition-of-west-bank-outposts-begins](http://www.timesofisrael.com/amid-fears-of-violence-demolition-of-west-bank-outposts-begins).

<sup>26</sup> Agriculture provides economic support to settlements and enables settlers to seize large portions of land without undertaking costly infrastructure construction (see Kerem Navot, “Israeli settlers’ agriculture”, 2013).

<sup>27</sup> Israeli agriculture in the West Bank by 1997 covered around 69,000 dunams (see Kerem Navot, “Israeli settlers’ agriculture”, 2013).

30. The Israeli NGO Kerem Navot reports that the fastest growth of Israeli settler agriculture is taking place in the West Bank Hill Country,<sup>28</sup> and is linked to numerous restrictions affecting Palestinian farmers' access to agricultural fields, (A/67/375, paras. 19-21). It argues that privately owned Palestinian land situated around most settlements in these areas has been appropriated de facto by settlers for agricultural use, with the support of the Israeli military present in the settlements. Kerem Navot has reported that between 1997 and 2012, Israeli settler agriculture increased in areas close to Ramallah (by 64 per cent), Hebron (by 61 per cent) and Nablus (by 89 per cent).<sup>29</sup>

31. The situation is different in the Jordan Valley because a significant proportion of the land there was already registered as State land under the Jordanian administration, predating the occupation, and there was no extensive Palestinian farming in the early days of the occupation. This enabled Israel to seize large portions of land, which were then transferred for settlements.<sup>30</sup> In addition, Israel created an extended closed military zone along the border with Jordan, covering approximately 41,000 acres (167,000 dunams) of land that was previously farmed by Palestinians and now is off limits to them.<sup>31</sup> Currently, there are 37 settlements in the Jordan Valley, with the settlement authorities (regional councils) controlling 86 per cent of the land.<sup>32</sup> According to Kerem Navot, the Jordan Valley constitutes 85 per cent of the entire Israeli agricultural area in the West Bank.

32. In contrast, Palestinian agriculture is in decline. Cultivated areas in the West Bank shrank by 30 per cent between the 1960s and the 1990s, mainly due to land confiscation and restrictions on access to land and to water resources imposed by Israel on the Palestinian population (A/68/513, paras. 36-41).<sup>33</sup> This correlates to figures showing that around 40 per cent of Israeli settler agriculture in the West Bank is farmed on privately owned Palestinian land.<sup>28</sup> The decline is further reflected in figures on exports of agricultural products. Every year, Israeli settlers export around \$285 million worth of agricultural products, whereas Palestinians only export \$19 million. Approximately 28 per cent of the total Israeli agricultural exports come from products grown in the West Bank and in the occupied Syrian Golan.<sup>34</sup>

### **Archaeological excavations and parks**

33. Archaeological excavations and parks are also used as a way to control land for settlements, mainly through the funding, participation and endorsement by the Government of Israel of archaeological projects led by settler organizations.

<sup>28</sup> Kerem Navot uses the term West Bank Hill Country to designate the ridge running north-south along highway 60 which connects the Northern and the Southern West Bank (see Kerem Navot, "Israeli settlers' agriculture", 2013).

<sup>29</sup> See Kerem Navot, "Israeli settlers' agriculture", 2013.

<sup>30</sup> See B'tselem, *Land Grab, Israel's settlements policy in the West Bank*, 2002.

<sup>31</sup> Thousands of dunams within this area appear to have been transferred to settlements. Settlers with special permits cultivate around 8,500 dunams (see Kerem Navot, "Israeli settlers' agriculture", 2013).

<sup>32</sup> See OXFAM briefing paper, "On the Brink, Israeli settlements and their impact on Palestinians in the Jordan Valley", 2012.

<sup>33</sup> See [www.ewash.org/files/library/WBfactsheet\\_fianl\\_march9\[1\].pdf](http://www.ewash.org/files/library/WBfactsheet_fianl_march9[1].pdf).

<sup>34</sup> Who Profits from the Occupation, "Made in Israel: agricultural exports from the occupied territories" (see [http://www.whoprofits.org/sites/default/files/made\\_in\\_israel\\_web\\_final.pdf](http://www.whoprofits.org/sites/default/files/made_in_israel_web_final.pdf)).

Observer organizations report that several archaeological projects in the Old City of Jerusalem are being used as a means to consolidate the presence of settlements and settlers in the area.<sup>35</sup> On 3 April 2014, despite several objections presented by Palestinian residents of the Silwan neighbourhood, a Palestinian community with a population of 45,000, located around the southern Old City wall in East Jerusalem, the Jerusalem District Planning and Building Committee approved a project known as the Kedem Compound.<sup>36</sup> The Kedem Compound includes a museum, a visitors centre, and a parking lot covering around 16,000 square metres. The plan was presented by Israel's Nature and Parks Authority and the Ir David Foundation, also known as Elad, which works to strengthen the Jewish connection to Jerusalem, notably the Silwan area.<sup>37</sup> The Kedem Compound would constitute a gateway to the City of David National Park, a touristic archaeological site controlled by the same organization.<sup>38</sup>

34. Furthermore, Elad presented plans, covering an estimated area of 1,200 square metres for the construction of another tourist compound above a site known as the spring house in Silwan, an ancient structure built above the main spring.<sup>39</sup> Palestinians in the area have been prevented from accessing one of their main sources of water, since Elad has blocked the entrance to the spring by walls and fences.<sup>40</sup> According to the Ir Amim archaeological organization, the plan was submitted for objections in February 2014. According to Emek Shaveh, an organization of archaeologists, an examination of the placement of the excavations and the planned tourist centres (the Kedem Compound, the City of David Visitors Centre, and the Spring House tourist centre) shows that a contiguous line of Israeli settler presence along the entire northern boundary of the Silwan area is being created.<sup>41</sup>

35. Archaeological excavations are also taking place in Hebron City in the archaeological mound known as Tel Rumeida, located in the south-western edge of the H-2 area.<sup>42</sup> Israel's Ministry of Culture and the Israel Civil Administration finance them, with the participation of Israel's Antiquities Authority and the University of Ariel, located in one of the biggest Israeli settlements in the West Bank. The works started in January 2014 and are reportedly planned to cover around one acre and a half (six dunams).<sup>43</sup> According to some observers, the archaeological park would connect the excavations area with three Israeli settlements on al-Shuhada Street<sup>44</sup> in the H-2 area, to which Palestinians are denied access.<sup>45</sup> Palestinians in and around the H-2 area have seen their freedom of movement

<sup>35</sup> Source: Emek Shaveh and Ir Amim organizations.

<sup>36</sup> [http://www.civiccoalition-jerusalem.org/system/files/silwan\\_factsheet\\_2\\_2014.pdf](http://www.civiccoalition-jerusalem.org/system/files/silwan_factsheet_2_2014.pdf).

<sup>37</sup> [www.haaretz.com/news/national/.premium-1.576207](http://www.haaretz.com/news/national/.premium-1.576207).

<sup>38</sup> [www.haaretz.com/news/national/.premium-1.583518](http://www.haaretz.com/news/national/.premium-1.583518) and [www.haaretz.com/news/middle-east/1.583763](http://www.haaretz.com/news/middle-east/1.583763).

<sup>39</sup> See <http://alt-arch.org/en/press-release-tourist-center-at-the-spring-house-beit-hamaayan>.

<sup>40</sup> <http://www.ewash.org/files/library/Through%20the%20camera%20lens.pdf>.

<sup>41</sup> <http://alt-arch.org/en/press-release-tourist-center-at-the-spring-house-beit-hamaayan>.

<sup>42</sup> The H-2 area constitutes 20 per cent of Hebron City, which is fully controlled by Israel as a result of the Oslo accords. The excavations are being carried out in the spaces between Palestinian houses built at the top of the mound.

<sup>43</sup> [www.haaretz.com/news/diplomacy-defense/.premium-1.567694](http://www.haaretz.com/news/diplomacy-defense/.premium-1.567694).

<sup>44</sup> Beit Hadassah, Beit Romano and Avraham Avinu.

<sup>45</sup> Emek Shaveh, "Archaeology in the shadow of the conflict" (<http://alt-arch.org/en/tel-rumeida-the-future-archaeological-park-of-hebron>).

severely restricted. This, compounded by the systematic harassment by Israeli settlers and often by the Israel Defense Forces (IDF), has resulted, according to the Office for the Coordination of Humanitarian Affairs, in the displacement of thousands of Palestinians and the deterioration of living conditions of those who have remained. There are concerns that this park would create a new settlement enclave in the heart of Hebron, thereby increasing the Israeli settler presence inside the city and negatively impacting the rights of Palestinians, with risks of increased settler violence and heightened restrictions on their freedom of movement.

## **V. Settler violence, failure to maintain public order and lack of accountability**

36. Under article 43 of the Hague Convention and international human rights law, Israel has the obligation to protect the rights of Palestinians and, as occupying Power, the obligation to maintain public order and safety in the Occupied Palestinian Territory, including by providing Palestinians with all guarantees accorded to protected persons under international humanitarian law.<sup>46</sup>

37. Acts of violence by Israeli settlers against Palestinians and their property continue to take place on a regular basis. As in the past, most incidents appear to aim at intimidating Palestinians in order to obtain control of certain geographic locations (A/66/364, para. 21). During the reporting period, there were 271 incidents reported, including 217 involving property damage (see paras. 28-35 above), and 61 involving attacks on Palestinians that resulted in the injury of 108 persons, including 32 children and 11 women. This constitutes a decrease compared with the same period between 2012 and 2013, when 357 incidents were recorded, including 270 involving damage to property and 87 attacks on Palestinians, resulting in the injury of 171 persons, including 35 children. The number of attacks by Palestinians against Israeli settlers also decreased. During the reporting period, the Office for the Coordination of Humanitarian Affairs lists 39 incidents, including 12 cases of property damage and the injury of 48 Israeli settlers, including five children.

38. Attacks against Palestinians and their property were most frequent in the Governorates of Nablus, Ramallah, Hebron and in East Jerusalem. The Office for the Coordination of Humanitarian Affairs reported that these locations also registered a higher number of incidents of settler violence between July 2012 and May 2013. Also according to the Office for the Coordination of Humanitarian Affairs, the highest number of incidents was recorded in the Nablus Governorate, where there were 70 incidents, 15 involving physical violence, resulting in the injury of 20 Palestinians, and 55 involving attacks on Palestinian property, including damage to 2,486 trees.

39. Cases monitored by OHCHR illustrate how settler violence, coupled with actions by Israeli authorities, including harassment, violent search operations and arbitrary detentions, have affected a range of human rights of Palestinians, including the rights to private and family life, fair trial and adequate standard of living. One such case involved a Palestinian man and his family living on their 5 acre (22 dunams) farm on the outskirts of the Palestinian village of Lubban ash-Sharqiya, some 30 kilometres south of Nablus city near the Israeli settlements of Eli, Shilo

<sup>46</sup> Fourth Geneva Convention, articles 4 and 27.

and Ma'le Levona. The family has repeatedly been the target of attacks by settlers leading to injuries and damage to their property. Also, the Palestinian man has been arrested several times by the Israel Defense Forces. On 16 April 2014, 17 settlers, led by a rabbi, tried to enter their home to pray in the “Jewish” building. When the man denied them entry, the settlers tried, unsuccessfully, to knock down the farm gate. They later returned to the farm and proceeded to throw stones at the house, in which eight family members, including three children, were located. Shortly thereafter, IDF soldiers arrived and asked the man about a knife which they claimed he had used to attack a settler. One of the soldiers allegedly picked up a poleaxe from the orchards and accused the man of attempting to attack the settlers with it. Israeli police then arrived and arrested the Palestinian man, allegedly without informing him of the reasons of his arrest. The man was brought before an Israeli military court, accused of attacking a settler with a knife and a poleaxe and of planning to kill a settler by pushing him into a well on the farm. He was released on bail on 24 April. During his detention, his son was reportedly injured by IDF and on 26 April 2014, the same son was reportedly arrested by the Forces. At the time of writing, OHCHR had not been able to establish the reasons for the arrest. On 27 April, citing a lack of a building permit, the Palestinian man received a demolition order against the farm gate and some trees and stone walls that he had built in an area between the farm gate and his house.

40. As previously reported, IDF often fails to take appropriate measures to protect Palestinians against acts of violence perpetrated when soldiers are present (A/67/375, paras. 30-32, and A/66/364, paras. 23-25). During the reporting period, such incidents continued to be reported. For example, in a case monitored by OHCHR, on 7 March 2014, four settlers reportedly from Bet El settlement hurled stones at a car of a Palestinian photographer working for Agence France Press, breaking the windshield. The photographer was on his way to cover the Friday demonstrations in the Al-Jalazun refugee camp. IDF soldiers, present at the time, did not intervene until the photographer left his car and started to hurl stones back at the settlers. The photographer sustained light injuries to his arms while trying to protect his face from the stones. Despite still being on site, none of the settlers were arrested by the Israeli police. The photographer filed a complaint in the Israeli police station in Benyamin settlement, and submitted photographs and videos taken by fellow journalists showing the identity of his attackers.

41. The fact that Israeli authorities are able to take effective action against settler violence is demonstrated in a case where, on 8 April 2014, Israeli settlers attacked IDF soldiers and an IDF post following the demolition of some structures in Yitzhar settlement. Media reported that five people were arrested<sup>47</sup> and that the Israeli Government announced a policy of “zero tolerance” towards settlers attacking the authorities.<sup>48</sup> It was reported that IDF immediately decided to station a company of border police at Yitzhar.<sup>49</sup>

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<sup>47</sup> [www.ynetnews.com/articles/0,7340,L-4508832,00.html](http://www.ynetnews.com/articles/0,7340,L-4508832,00.html).

<sup>48</sup> [rt.com/news/israeli-settlers-attack-idf-297](http://rt.com/news/israeli-settlers-attack-idf-297).

<sup>49</sup> [www.jpost.com/Defense/IDF-responds-to-violence-at-Yitzhar-Deploys-Border-Police-unit-to-West-Bank-settlement-348268](http://www.jpost.com/Defense/IDF-responds-to-violence-at-Yitzhar-Deploys-Border-Police-unit-to-West-Bank-settlement-348268). Reportedly, soldiers were stationed at the Yeshiva religious school which settlers had used as a base to attack Palestinian villages, as well as Israeli security forces.

42. East Jerusalem is another area particularly affected by settler violence. According to the Office for the Coordination of Humanitarian Affairs, during the reporting period, 50 incidents were recorded in East Jerusalem, including 16 physical attacks, resulting in 30 injuries, and 34 incidents of damage being done to property. Incidents at two locations, namely the Sheikh Jarrah neighbourhood and the Old City, increased between 2012 and 2013.

43. Of particular concern is the increase in reported incidents of settler violence in the Old City, which rose from 3 in 2012 to 17 in 2013. On 14 August 2013, OHCHR monitored a case in which a Palestinian family was attacked by around 40 Israeli religious students from a Talmudic school located near the family's house in the Al-Qerami neighbourhood of the Old City. The family, composed of the parents and three children, were walking towards their house, when they were attacked by the religious students with wooden and metal sticks and metal chains. As a result of the attack, all members of the family were injured; the mother and one of the sons suffered serious injuries and were hospitalized. The Israeli police intervened to stop the attack and arrested seven people. That same evening, the police asked the eldest son of the family to go to the police station to identify the attackers. Although he reportedly recognized five of them, it appears that some may have been released.<sup>50</sup>

44. Even if attacks by settlers appear to occur consistently in the same areas, Israel has not taken effective measures to prevent such attacks. This is compounded by the persistent lack of accountability for attacks by settlers. Although some positive measures have been taken, including the recent arrest of some Israeli citizens suspected of committing so-called "price tag" attacks,<sup>51</sup> the situation remains largely unchanged since the last report of the Secretary-General to the General Assembly (A/68/513), which indicated that between 2005 and 2013, only 8.5 per cent of investigations on incidents of settler violence against Palestinians in the West Bank resulted in indictments.

## VI. Settlements in the occupied Syrian Golan

45. In the occupied Syrian Golan, Israeli authorities continued to consolidate the presence of Israeli settlements during the reporting period. In January 2014, the Government of Israel approved a five-year plan for the development of around 30,000 dunams of land near existing settlements. The development plan involves the removal of mines and the improvement of water infrastructure systems in order to grant agricultural plots of land for up to 750 settler families for farming.<sup>52</sup> The Government is reported to have set aside over 375 million shekels for this purpose.<sup>53</sup> This strategy of focusing on agricultural development of the occupied Syrian Golan to control the land appears to be similar to the approach taken by Israel in the West Bank.

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<sup>50</sup> The suspects were reportedly seen in the neighbourhood. As of mid-May 2014, no information was available on the state of the investigation.

<sup>51</sup> <http://www.jpost.com/National-News/Police-Yitzhar-teens-arrested-for-price-tag-against-Israeli-Arabs-to-face-indictment-353112>.

<sup>52</sup> The Israeli settler population in the occupied Syrian Golan is currently estimated to be around 20,000 (A/68/513, para. 53).

<sup>53</sup> [www.haaretz.com/news/national/.premium.1568172](http://www.haaretz.com/news/national/.premium.1568172).

46. The Government-sponsored agricultural expansion has also been linked to Israel's efforts to increase the settler presence in the occupied Syrian Golan for the purpose of further exploiting the natural resources of the territory for economic gain.<sup>54</sup> This is in violation of Israel's obligations under international humanitarian law and numerous United Nations resolutions, notably Security Council resolution 497. In this connection, the Secretary-General has previously raised concerns regarding Israeli Government-sponsored investments in the occupied Syrian Golan, including licences granted for oil and gas exploration by multinational companies (A/HRC/25/38, para. 48, and A/68/513, paras. 53 and 54). The Secretary-General notes that the Governments of France, Germany, Italy, Spain, and the United Kingdom of Great Britain and Northern Ireland have all recently issued warnings to their citizens outlining the legal and financial risks of doing business with Israeli settlements, including in the occupied Syrian Golan.<sup>55</sup>

## VII. Conclusions and recommendations

**47. Israel continues to violate its international legal obligations and commitments under the road map, and fails to heed the repeated calls from the international community to cease transferring its civilian population into occupied territory.**

**48. Israel plays a leading role in the establishment and expansion of Israeli settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, including by using its legal system to seize land, which is later allocated to settlements, and by expanding the area effectively occupied by settlements. Israel must implement relevant United Nations resolutions, including Security Council resolution 497 (1981), and withdraw from territories occupied in 1967.**

**49. Israel continues to fail to protect Palestinians from violent acts committed by Israeli settlers, in contravention of its international obligation as the occupying Power to maintain public order and safety in the occupied territory. Israel continues to fail to ensure accountability for settler violence.**

**50. Israeli settlements in the West Bank, including East Jerusalem lead to multiple violations of the human rights of Palestinians. Israel must abide by its international obligations by respecting, protecting and fulfilling the rights of Palestinians, as contained in international human rights law. In addition, Israel, as the occupying Power, must ensure that Palestinians are afforded the protection provided under international humanitarian law for protected persons.**

**51. Israel is called on to put an end to the creation and expansion of settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan. In particular, it should cease using its legal system to control land which is then allocated to settlements, specifically through declarations and endorsements of State land. In addition, the Secretary-General calls on Israel to immediately stop using informal land control methods, such as agriculture and**

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<sup>54</sup> <http://golan-marsad.org/wp-content/uploads/Settlement-Agricultural-Expansion-in-the-Golan-Final-editedCrystal.pdf>.

<sup>55</sup> [www.haaretz.com/news/diplomacy-defense/.premium-1601631](http://www.haaretz.com/news/diplomacy-defense/.premium-1601631).



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archaeological parks, aimed at expanding the area effectively occupied by settlements. In this regard, Israel must take action against settlers who take over land, including by agricultural activities.

52. Moreover, Israel must stop the funding, support and participation in archaeological projects, often managed by settler organizations, which contribute to the consolidation of settler presence in the Occupied Palestinian Territory and could result in several violations of the rights of Palestinians, including their right to freedom of movement.

53. The forcible transfer of the Palestinian population, including the Bedouin communities and herders currently residing in the central West Bank and the eastern Jerusalem periphery, violates Israel's obligations under international humanitarian and international human rights law. Therefore, plans that would result in the forcible transfer of such communities should be halted immediately.

54. Israel also has an obligation under international law to provide Palestinian communities in Area C, including the Bedouin communities and herders at risk of forcible transfer, with adequate housing, security of tenure and access to water and services, including health and education, in their current locations.

55. Israel, as the occupying Power, is obliged to prevent violent attacks by Israeli settlers against Palestinians, in particular in geographic locations where such acts are known to occur persistently. Israel must take all measures to ensure that all acts of violence committed by Israeli settlers against Palestinians and their property are investigated independently, impartially, thoroughly, promptly, effectively and in a non-discriminatory manner. Investigations should allow for public scrutiny and the participation of victims. Individuals responsible for violations should be prosecuted and victims should be granted effective remedies.



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### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General\*\***

#### *Summary*

The present report has been prepared pursuant to General Assembly resolution 69/92. It provides an update on Israeli authorities' decisions and activities aimed at creating or expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan. It examines human rights violations linked to settlements, including in the context of two case studies, and the detrimental impact of settlements on efforts towards sustainable peace on the basis of a two-State solution.

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\* [A/70/150](#).

\*\* Late submission: clearance of the report took longer than expected.



## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/92 and covers the period from 16 May 2014 to 15 May 2015.

2. The information presented in the report is based on monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and on information provided by other United Nations entities in the Occupied Palestinian Territory. The report also contains information received from Israeli and Palestinian non-governmental organizations (NGOs). The report should be read in conjunction with previous reports of the Secretary-General on Israeli settlements to the Human Rights Council and the General Assembly, particularly [A/HRC/20/13](#), [A/HRC/25/38](#), [A/HRC/28/44](#), [A/63/519](#), [A/64/516](#), [A/65/365](#), [A/66/364](#), [A/67/375](#), [A/68/513](#) and [A/69/348](#).

3. The report provides an update on Israeli authorities' decisions and activities aimed at creating or expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, including through retroactive legalization of outposts under Israeli law. The report also examines the human rights violations linked to settlements, including in the context of two case studies, and the detrimental impact of settlements on efforts towards sustainable peace on the basis of a two-State solution.

4. In accordance with paragraph 9 of resolution 69/92, it is noted that the United Nations country team has embarked on a review of existing procurement policies to ensure full respect for and compliance with Human Rights Council resolution 17/4 and the Guiding Principles on Business and Human Rights.

## II. Legal background

5. Analysis of the applicable framework and the basis for Israel's obligations in the Occupied Palestinian Territory and occupied Syrian Golan can be found in previous reports of the Secretary-General ([A/69/348](#), paras. 4-5, and [A/HRC/25/38](#), paras. 4-5).

## III. Update on settlements during the reporting period

### A. Construction, tenders, plans and expansion

6. Tenders and plans for settlements as well as the construction of settlements increased in 2014. According to the Israeli NGO Peace Now, the construction of 3,100 residential units, 2,671 permanent structures and 429 caravans and light construction structures started in the period from June 2013 to September 2014.<sup>1</sup>

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<sup>1</sup> Some discrepancy between figures from Peace Now and the Israeli Central Bureau of Statistics, table N/4, "Dwellings by Stage of Construction, Initiator and District" available from: <http://www.cbs.gov.il/publications15/yarhon0415/pdf/n4.pdf>. The Bureau reports that construction of fewer dwelling units had begun in the West Bank in 2014 (1,344) as compared to 2013 (2,829). Peace Now figures are used in this report as they are "based on all visible construction starts on the date the aerial photos are taken". Bureau figures are based on "the date a construction permit is issued". See [http://peacenow.org.il/eng/CBS\\_PN\\_Data](http://peacenow.org.il/eng/CBS_PN_Data).

Overall, the construction of settlements increased by 40 per cent compared to the period from March 2012-May 2013.<sup>2</sup>

7. A record 4,485 tenders were issued from January to December 2014, the highest number in a decade. A further 450 tenders were issued at the end of January 2015, including 102 in Kiryat Arba, near Hebron. Between 18 March 2013 and January 2015, the Government of Israel promoted at least 66 plans comprising 10,113 residential units in 41 settlements, a significant increase compared to previous years.<sup>3</sup>

8. A pause in settlement advancement in East Jerusalem, which started in November 2014, ended on 27 April 2015 when tenders were issued for 77 residential units in the settlements of Pisgat Ze'ev and Neve Ya'akov. Settlement activities were advanced in early May 2015, building on significant developments in relation to Ramat Shlomo, Har Homa and Givat Hamatos, reported previously, and significantly affecting the makeup of East Jerusalem (A/HRC/28/44, paras. 7-10).<sup>4</sup> Settlers continued to push into Silwan, taking over several Palestinian properties in March 2015, compounding similar developments in September 2014, when Israeli settlers moved into six buildings in the Palestinian neighbourhood of Silwan in East Jerusalem. (A/HRC/28/44, para. 11).<sup>5</sup>

9. In a significant and unprecedented positive development in March 2015, 2,200 new homes for Palestinians in Jabal al-Mukabber were approved by the Jerusalem District Planning Committee, and 300 existing homes were retroactively legalized.<sup>6</sup> There were also reports that construction of 1,500 homes in Har Homa settlement was frozen by the Office of the Prime Minister of Israel in March 2015.<sup>7</sup>

## B. “Legalization” of unauthorized outposts

10. During the reporting period, new outposts were established (see A/HRC/28/44, para. 9). Although often established with a certain level of government support, including security and basic infrastructure, such settlements are not officially recognized under Israeli law, at least at their inception. Therefore, in addition to being illegal under international law — like all settlements — outposts are considered unauthorized under Israeli law.

11. In February 2015, the Israeli High Court of Justice ordered the demolition, by 2017, of nine unauthorized settler structures built on privately owned Palestinian

<sup>2</sup> Peace Now, “3rd Netanyahu Government: 40% increase in construction”, February 2015, available from: [http://peacenow.org.il/eng/sites/default/files/ConstructionReport2014Eng\\_0.pdf](http://peacenow.org.il/eng/sites/default/files/ConstructionReport2014Eng_0.pdf).

<sup>3</sup> Ibid.

<sup>4</sup> Peace Now, “The Ramat Shlomo Plan is to get the Final Green Light”, 4.05.2015, available from: <http://peacenow.org.il/eng/RamatShlomo>, see also A/HRC/28/44, para. 10; Peace Now, “Government Issues Tenders for 85 Housing Units at Givat Ze’ev Settlement”, 14.05.2015.

<sup>5</sup> Peace Now, “The Government Helps the Settlers Take Over a Home in Silwan”, 10.03.2015 available from: <http://peacenow.org.il/eng/RuweidiHouse>; Peace Now, “Settlers Entered New Properties in Silwan”, 22.03.2015, available from: <http://peacenow.org.il/eng/NewHousesSilwan>.

<sup>6</sup> Daniel K. Eisenbud, “In ‘major victory to Arab residents’ 2,200 homes approved in east Jerusalem”, *Jerusalem Post*, 31.03.2015.

<sup>7</sup> Stuart Winer, “Plan for 1,500 homes in East Jerusalem reportedly frozen”, *The Times of Israel*, 25.03.2015: <http://www.timesofisrael.com/plan-for-1500-homes-in-east-jerusalem-reportedly-frozen/>.

land in the West Bank settlement outpost of Ofra.<sup>8</sup> The Court stated that not ordering the demolition “would have sanctioned severe harm to Palestinian rights and the rule of law”.<sup>9</sup> In another important ruling on 25 December 2014, the High Court of Justice ordered the outpost of Amona to be evacuated within two years.<sup>10</sup> However, the orders have not been implemented yet and such demolitions of settler structures are frequently not carried out.

12. However, in other cases, Israeli courts, including the High Court, have refrained from intervening with respect to outposts. An example is the “Six Outposts” petition submitted by Peace Now in 2007 to the High Court for the Israeli authorities to evacuate and demolish six outposts in the West Bank. On 7 December 2014, the Court issued a verdict that did not oblige the authorities to evacuate the outposts apart from one plot and an access road.<sup>11</sup> The Court argued that one of the main reasons for this decision was the fact that the Israeli authorities had indicated they would be taking steps to legalize the outposts under Israeli law.

13. Although Israel has made a number of commitments to dismantle the outposts in the past,<sup>12</sup> for the most part this has not happened.

14. During the reporting period, NGOs documented a worrying policy shift which furthers Israeli authorities’ support to settlement expansion. According to Yesh Din, since May 2011, “approximately a quarter of the 100 unauthorized outposts in the West Bank have either been retroactively approved” or are in the process of retroactive approval by the Civil Administration’s Supreme Planning Committee.<sup>13</sup> This trend was also apparent following the Israeli elections in March 2015, with the new coalition Government committed to establishing an inter-ministerial committee tasked with proposing a framework to promote the legalization of outposts.<sup>14</sup>

15. The retroactive legalization under Israeli law is considered as another arm of settlement expansion, alongside the planning, tendering and construction process, and the support given to outposts at their outset, such as the security provided by

<sup>8</sup> Ofra is not a typical small outpost, but a large settlement entirely built on private Palestinian land with the support of the Government of Israel. The court has rejected all petitions to remove it except for these nine recent structures. For more information, see B’tselem, “The Ofra Settlement: An Unauthorized Outpost”, December 2008, available from: [www.btselem.org/download/200812\\_ofra\\_eng.pdf](http://www.btselem.org/download/200812_ofra_eng.pdf).

<sup>9</sup> B’tselem, Press release, “HCJ to State: Demolish nine structures in the settlement of Ofra”, 9.02.2015.

<sup>10</sup> Yesh Din, “Historic ruling on Amona: Unauthorized outpost of Amona to be evacuated within two years; HCJ charges State NIS 20,000 for petitioners’ legal fees”, 25.12.2014; see <http://www.yesh-din.org/infoitem.asp?infocatid=650>; see also Tovah Lazaroff, “High court orders razing of last 7 homes in West Bank Migron outpost”, *Jerusalem Post*, 6.01.2015, available from: <http://www.jpost.com/Israel-News/Politics-And-Diplomacy/High-court-orders-raising-of-last-7-homes-in-West-Bank-Migron-outpost-386907>.

<sup>11</sup> Peace Now, “Shalom Achshav Press Release: Israeli High Court Verdict on Peace Now’s Six Outposts Petition”, 11.12.2014, available from: <https://peacenow.org/entry.php?id=9668#.VVXsWPAVK8g>.

<sup>12</sup> For example, under the April 2003 Road Map for Peace.

<sup>13</sup> The Rights Forum and Yesh Din, “Under the Radar: Israel’s silent policy of transforming unauthorized outposts into official settlements”, March 2015, available from: [http://www.rightsforum.org/sites/default/files/bestanden/report\\_under\\_the\\_radar\\_-\\_by\\_yesh\\_din\\_and\\_the\\_rights\\_forum.pdf](http://www.rightsforum.org/sites/default/files/bestanden/report_under_the_radar_-_by_yesh_din_and_the_rights_forum.pdf).

<sup>14</sup> Peace Now, 10.05.2015, see: <http://peacenow.org.il/eng/sites/default/files/JewishHomeAgreement100515.pdf>.

Israel Defense Forces soldiers upon establishment of an outpost.<sup>15</sup> This policy effectively rewards settlers for grabbing land in the West Bank in a process that “frequently involves violations of the rights of Palestinians”.<sup>16</sup> The lack of enforcement of the rule of law, and the rewarding of illegal activity, serves to further encourage settlement expansion — creating additional obstacles to the objective of a negotiated two-State solution, and the right of Palestinians to self-determination and thereby undermining possibilities of peace.<sup>17</sup>

## IV. Settlements as a driver of violations of international human rights and humanitarian law and an obstacle to peace

### A. Human rights violations linked to settlements

16. Settlements are at the centre of many of the ongoing human rights violations in the West Bank, including East Jerusalem (A/HRC/28/45, para. 45). The far-reaching impact of settlements on the full range of Palestinian rights was analysed in detail by an independent international fact-finding mission which found in February 2013 that the “existence of the settlements has had a heavy toll on the rights of the Palestinians”, with multiple rights “being violated consistently and on a daily basis” (A/HRC/22/63, para. 105).

17. At the core of these violations is Palestinians’ right to self-determination. Occupation is supposed to be temporary<sup>18</sup> because the annexation or acquisition of territory by force is strictly prohibited under international law.<sup>19</sup> The specific prohibition of transferring the population of the occupying Power into occupied territory aims at countering attempts at de facto annexation.<sup>20</sup> In the West Bank, including East Jerusalem, the establishment and maintenance of the settlements amount to a slow, but steady annexation of the occupied Palestinian territory. This deprives Palestinians of their right to self-determination and is an obstacle to the two-State solution (A/67/375, paras. 10-12).

18. In the case of East Jerusalem, the continued settlement advances in Jerusalem and around the Jerusalem periphery, appears to have been intended to alter the demographic composition there (A/HRC/22/63, para. 25), in the context of an illegal annexation condemned by the Security Council.<sup>21</sup> The impact of settlement expansion on Palestinian self-determination in the E1 area east of Jerusalem is well

<sup>15</sup> The Rights Forum and Yesh Din, “Under the Radar”, p. 12.

<sup>16</sup> Ibid., p. 16.

<sup>17</sup> A/67/375, paras. 10-11; A/68/502, paras. 5-6.

<sup>18</sup> <https://www.icrc.org/eng/resources/documents/misc/634kfc.htm>; International Criminal Tribunal for the former Yugoslavia, *The Prosecutor v Mladen Naletilic and Vinko Martinovic*, Case No. IT-98-34-T, Judgment (Trial Chamber, 31 March 2003, para. 214).

<sup>19</sup> See Charter of the United Nations, Article 2(4), and General Assembly resolution 2625 (1970).

<sup>20</sup> International Committee of the Red Cross, Commentary to article 49, Geneva Convention IV, available from <https://www.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=523BA38706C71588C12563CD0042C407>.

<sup>21</sup> See e.g., Security Council resolution 478 (1980).

documented (A/HRC/22/63, para. 34).<sup>22</sup> If fully implemented as planned, it would almost completely cut the West Bank in two at the expense of territorial contiguity.

19. Recent plans and expansions in other areas compound the fragmentation of Palestinian communities. The plan to build in Givat Hamatos threatens to cut Palestinian neighbourhoods off from each other (A/HRC/28/44, para. 7).<sup>23</sup> Meanwhile, the promotion of the settlement Givat Eitam in A-Nahla, near Bethlehem, threatens to carve up the West Bank, directly impacting Palestinian rights and the viability of the two-State solution.<sup>24</sup>

20. The settlements also have a broad impact on the rights of Palestinians, setting off a chain of human rights violations throughout the West Bank, including East Jerusalem. These violations drive the conflict and, in that respect, the Israeli authorities support for the settlements undermines prospects for peace. The settlements are indeed at the heart of a vicious cycle of land takeovers, friction between the settler and Palestinian population, increased Israeli security force presence, restrictions on freedom of movement of Palestinians, and discriminatory measures entailing multiple violations of Palestinians' rights (A/HRC/28/45; A/HRC/22/63). There also remain serious concerns regarding the linkage between the risk of forcible transfer facing Palestinian Bedouin and herding communities and settlement expansion.

21. The Secretary-General continues to be concerned about the Israeli authorities denying Palestinians access to agricultural land for reasons related to settlements, and about the huge discrepancies in water allocation between settlements and Palestinians in the West Bank.<sup>25</sup> At the same time demolition orders are stringently enforced against Palestinians but to a much lesser extent against settlers.<sup>26</sup>

22. Settler violence against Palestinians continues largely unchecked and without adequate protection or accountability on the part of the Israeli authorities. Between 16 May 2014 and 30 April 2015, Office CHA recorded 256 settler-related violence incidents in the West Bank, including East Jerusalem, leading to injuries to 95 Palestinians. This compares to 278 incidents resulting in 61 injuries between July 2013 and 15 May 2014.<sup>27</sup>

23. Adequate protection or accountability on the part of the Israeli authorities with regard to settler-related violence remains lacking (A/HRC/28/44, paras. 39-51). These issues were brought to the fore again when the Israeli organization Yesh Din found that the success rate of investigations into offences against Palestinians had actually worsened, despite the creation of the "nationalistic crimes unit" in the "Samaria and Judea" District Police. In 2013-2014, suspects of settler violence

<sup>22</sup> See also Secretary-General's message to the United Nations Seminar on Assistance to the Palestinian People, 27.02.2013, available from: <http://www.un.org/sg/STATEMENTS/index.asp?nid=6626>.

<sup>23</sup> Peace Now, 2.10.2014, available from: <http://peacenow.org.il/eng/NetanyahuFalseClaimsGivatHamatos>.

<sup>24</sup> Peace Now, "The New Settlement in E2 (Nahla) — A Significant Threat to the Two States Solution", September 2014, available from: <http://peacenow.org.il/eng/E2-Nahla>.

<sup>25</sup> A/HRC/28/44, paras. 17-38, and A/HRC/22/63, paras. 80-88.

<sup>26</sup> Association for Civil Rights in Israel, October 2014, p. 102, available from: <http://www.acri.org.il/en/wp-content/uploads/2015/02/Two-Systems-of-Law-English-FINAL.pdf>.

<sup>27</sup> Office for Coordination of Humanitarian Affairs, unpublished data.

against Palestinians were charged in just 1.9 per cent of cases. Between 2005 and 2014, there were indictments in 7.4 per cent of cases, according to Yesh Din.<sup>28</sup>

24. The linkages between settlement expansion, including retroactive legalization of outposts under Israeli law and informal means of settlement expansion, and violations of Palestinians' rights is illustrated in the following case studies, examining the situation in Silwan and around Shiloh settlement and Qaryut village in the northern West Bank.

## **B. Case study: Silwan in East Jerusalem**

25. Silwan is a Palestinian neighbourhood in East Jerusalem, just south of the Old City, with a population of 45,000 Palestinians.<sup>29</sup> Like other Palestinians in East Jerusalem, its residents have the status of permanent residents, rather than citizens. Silwan has sites of particular archaeological significance concentrated mainly in its northernmost neighbourhood of Wadi Hilweh.

26. It is the strategic location of Silwan, bordering the Haram Ash-Sharif/Temple Mount, which has made it a target for settlement activities, resulting in tremendous adverse impact on the rights and daily lives of local residents. A few hundred settlers live in various locations in the heart of Silwan. Silwan is also part of the so-called Holy Basin in East Jerusalem, to which millions of shekels have been allocated for settlement activities through archaeology and tourism schemes.<sup>30</sup>

27. Since 2005, successive Israeli Governments and the Jerusalem Municipality have allocated significant budgets — totalling 974 million shekels between 2006 and 2009 — to plans that ostensibly aim at promoting tourism development in the Old City and its environs.<sup>31</sup> These plans involve a variety of activities, including creation of gardens and national parks, tourist facilities and information centres.

28. While these activities appear to be part of the regular public works and tourist operations of a municipal authority, they must be understood in the very specific context of East Jerusalem. They are being carried out in cooperation with private settler organizations active in the Old City and its environs. They are therefore rooted in the illegal annexation of East Jerusalem and ongoing settlement expansion in and around Palestinian neighbourhoods there, and serve to continue changing the status quo in East Jerusalem.

<sup>28</sup> Yesh Din, "Law Enforcement on Israeli Civilians in the West Bank", November 2014, <http://www.yesh-din.org/infoitem.asp?infocatid=636>.

<sup>29</sup> Civic Coalition for Palestinian Rights in Jerusalem, "Factsheet on Silwan — Destruction of Palestinian Homes and Heritage in occupied East Jerusalem", October 2014.

<sup>30</sup> The "Holy Basin" is a contested term for an area comprising the Muslim and Christian quarters of the Old City, Silwan, Sheikh Jarrah, At-Tur (Mount of Olives), Wadi Joz, Ras al-'Amud, and Jabal Al Mukabbir. This report refers to this area as the Old City and its environs.

<sup>31</sup> Amounting to \$253 million. Peace Now, "Government's Plan to deepen hold over Jerusalem", May 2009, <http://peacenow.org.il/eng/content/government%25E2%2580%2599s-plans-deepen-hold-over-jerusalem>; Emek Shaveh, "From Silwan to The Temple Mount: Archaeological Excavations as a Means of Control in the Village of Silwan and in Jerusalem's Old City — Developments in 2012", February 2013, available from: <http://alt-arch.org/en/from-silwan-to-temple-mount/>.



### Increased settler presence and expansions

29. There are two main settler organizations active in Silwan: Elad and Ateret Cohanim. Established in 1986, Elad on its City of David website states that it is “committed to continuing King David’s legacy”, including through “archaeological excavation, tourism, development, educational programming and residential revitalization”.<sup>32</sup> In practice, Elad uses these activities to promote settler expansion into East Jerusalem, and Silwan in particular. According to the Israeli organization Emek Shaveh, the guided tours offered by the City of David associated with Elad push a “one-dimensional and limited story of the place”, focusing on “the 2nd Temple period and the renewal of the Jewish presence today.”<sup>33</sup>

30. Settler organizations have used different means to take over Palestinian property, including through the application of the 1950 Absentee Property Law.<sup>34</sup> The first permanent settlers’ presence in Silwan started in 1991 when Elad took over two houses belonging to Palestinians in Wadi Hilweh, using the law.<sup>35</sup> It is estimated that at least 23 properties in Silwan were transferred to Elad’s control in this way.<sup>36</sup>

31. Other claims have been made on the basis of the alleged ownership of the pre-1948 Yemenite Jewish community that lived in Silwan from the 1880s until 1936.<sup>37</sup> Some transactions appear to have been conducted with the consent of the owner, although in other cases documents were reportedly forged.<sup>38</sup> Settlers have also reportedly used Palestinian middlemen to purchase property on their behalf without the owner knowing who the actual buyer was.<sup>39</sup>

32. By September 2011, there were 380 settlers in 34 settlement outposts in Silwan, most of them affiliated with Elad and Ateret Cohanim.<sup>40</sup> Towards the end of 2014, the number of outposts in Silwan almost doubled. On 30 September 2014, settlers took over six large buildings consisting of 26 housing units, most of them located in Wadi Hilweh (A/HRC/28/44, para. 11). Elad was reportedly behind the takeover working through a company registered abroad and a Palestinian

<sup>32</sup> The Ir David Foundation, available from: <http://www.cityofdavid.org.il/en/The-Ir-David-Foundation>.

<sup>33</sup> Emek Shaveh, “Elad’s Settlement in Silwan”, available from: <http://alt-arch.org/en/settlers/>.

<sup>34</sup> The 1950 Absentee Property Law provides that any person who lived between 27 November 1947 and 1 September 1948 outside the boundaries of the Israeli State, his or her property automatically will be transferred to the tenure of the Israeli Custodian for Absentee Property, without any compensation.

<sup>35</sup> Emek Shaveh, “Elad’s Settlement in Silwan”; M. Margalit, “Seizing Control of Space in East Jerusalem”, May 2010, p. 69.

<sup>36</sup> The Association for Civil Rights in Israel (ACRI), “Unsafe Space — The Israeli Authorities’ Failure to Protect Human Rights amid Settlements in East Jerusalem”, September 2010, p. 36.

<sup>37</sup> Emek Shaveh, “Elad’s Settlement in Silwan”.

<sup>38</sup> Margalit, “Seizing Control of Space in East Jerusalem”, p. 85.

<sup>39</sup> *Ibid.*, pp. 84-85.

<sup>40</sup> Peace Now, “Settlements in Palestinian Neighborhoods in East Jerusalem”, September 2011, available from: <http://peacenow.org.il/eng/content/settlements-palestinian-neighborhoods-east-jerusalem>; in April 2012 the Office for Coordination of Humanitarian Affairs estimated 2,000 settlers lived in Palestinian neighbourhoods in East Jerusalem, mostly in the “Holy Basin”. See Office for Coordination of Humanitarian Affairs, “Settlements in Palestinian Residential Areas in East Jerusalem”, April 2012, available from: [https://www.ochaopt.org/documents/ocha\\_opt\\_ej\\_settlements\\_factsheet\\_april\\_2012\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_ej_settlements_factsheet_april_2012_english.pdf).

intermediary.<sup>41</sup> On 20 October 2014, another two Palestinian residential structures were taken over by settlers said to be associated with Ateret Cohanim in Baten el-Hawa/Yemenite neighbourhood.<sup>42</sup> On 18 March 2015, Elad took over three housing units in a building consisting of four units in Wadi Hilweh.<sup>43</sup> Elad and Ateret Cohanim claim that they purchased the houses although this is disputed by some of the families (A/HRC/28/44, para. 11). Settlers took over another house in Silwan in early May 2015.<sup>44</sup>

### Archaeological excavations

33. There were sporadic archaeological excavations around the Old City and Silwan at the end of the nineteenth century.<sup>45</sup> However, following the occupation of East Jerusalem, they have become intensely politicized and linked to the settlements in East Jerusalem.

34. Many current archaeological excavations in Wadi Hilweh are managed by Elad.<sup>46</sup> As Elad faced legal challenges to its takeover of property through the Absentee Property Law, it turned its focus to archaeology as a means of appropriating Palestinian property.<sup>47</sup>

35. In a 2005 agreement, the Israeli National Parks Authority transferred the responsibility of managing the City of David National Park to Elad. The park includes property that was previously confiscated from Palestinians because of its archaeological importance. While Elad then sub-contracted the Israel Antiquities Authority to conduct excavations, it retained control over the management of the archaeological findings.<sup>48</sup> Currently, excavations are ongoing in 15 different locations in Wadi Hilweh/City of David National Park.<sup>49</sup>

36. Elad projects in Silwan have been harmonized with plans promoted by the Government of Israel and the Jerusalem municipality. A key example is the joint Elad and Israeli National Parks Authority project for the construction of a multi-purpose tourist centre, known as the “Kedem Compound”, located over an

<sup>41</sup> Office for Coordination of Humanitarian Affairs, *Humanitarian Bulletin*, September 2014, p. 7, [https://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2014\\_10\\_27\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_27_english.pdf); N. Hasson, “Settlers move into 25 East Jerusalem homes, marking biggest influx in decades”, *Haaretz*, 30.09.2014, available from: <http://www.haaretz.com/news/israel/.premium-1.618470>.

<sup>42</sup> N. Hasson, “Number of Jewish Silwan residents doubles in overnight mission”, *Haaretz*, 20.10.2014, <http://www.haaretz.com/news/israel/.premium-1.621688>.

<sup>43</sup> Office for Coordination of Humanitarian Affairs, “Protection of Civilians”, 17-23.03.2015, available from: <http://www.ochaopt.org/poc17march-23march.aspx>.

<sup>44</sup> Peace Now, “Settlers Take Over Another House in Silwan”, 6 May 2015, available from: <http://peacenow.org.il/eng/AbuNab>.

<sup>45</sup> “The Case of Silwan/City of David”, *Public Archeology*, Vol. 8, No. 1, February 2009, pp. 35-50, available from: [http://www.uhasselt.be/Documents/UHasselt\\_EN/International/Lezing%20NZ%202011/Towards%20an%20inclusive%20archeology%20in%20Jerusalem.pdf](http://www.uhasselt.be/Documents/UHasselt_EN/International/Lezing%20NZ%202011/Towards%20an%20inclusive%20archeology%20in%20Jerusalem.pdf).

<sup>46</sup> Elad is an acronym of the Hebrew “El Ir David” meaning “To the city of David”.

<sup>47</sup> Emek Shaveh, “Elad’s Settlement in Silwan”.

<sup>48</sup> Greenberg, “Towards an Inclusive Archeology in Jerusalem”, p. 42.

<sup>49</sup> Emek Shaveh, “From Silwan to the Temple Mount”, p. 8.

archaeological site currently under excavation at the northern part of Wadi Hilweh.<sup>50</sup> The proposed compound includes a museum, a visitors' centre and a parking lot with an expected accumulative area of 16,000 square metres (see A/69/348, para. 33).<sup>51</sup> The plan has advanced significantly in the planning process and risks extending the ongoing settlement expansion<sup>52</sup> in Silwan, as part of broader efforts to change the status quo in East Jerusalem.

### Clashes in Silwan

37. Clashes between Palestinian residents of Silwan and Israeli security forces have been routine for years. The tension is usually directly related to the presence of settlers or plans for Israeli development in Silwan (A/HRC/16/71, paras. 20-22).

38. Tension increased after June 2014 owing to three key developments: the June-August military operation in Gaza, the kidnapping and killing of a 16-year-old youth from Shu'fat on 2 July 2014, and the tension around Al Aqsa Mosque Compound during October-November 2014.<sup>53</sup>

39. Between 1 July and 18 November 2014, the Office for Coordination of Humanitarian Affairs recorded 58 clashes between Israeli security forces and Palestinians in Silwan, which was the third most volatile neighbourhood in East Jerusalem after At Tur (60 clashes) and the Old City (80).<sup>54</sup> A total of 119 Palestinians were injured in Silwan during clashes in 2014, including 118 between July and November. Between 1 January and 30 April 2015, eight Palestinians had been injured in Silwan during clashes with Israeli security forces.<sup>55</sup> While the increased tension in Silwan during the second half of 2014 was the result mainly of developments not specific to Silwan, the notable increase of security forces-exacerbated tensions.

40. Settlers in Silwan are protected by hundreds of armed private guards who fall under the authority of the Israeli Ministry of Construction and Housing — illustrating the direct involvement of the Government in the Silwan settlement enterprise.<sup>56</sup>

41. In previous years, these guards were involved in serious human rights abuses in Silwan. In October 2010, Samer Sarhan was killed after he was shot by a private

<sup>50</sup> N. Hasson, "Israel approves new East Jerusalem visitors' compound, razes Palestinian community center", *Haaretz*, 13.02.2012, available from: <http://www.haaretz.com/news/diplomacy-defense/israel-approves-new-east-jerusalem-visitors-compound-razes-palestinian-community-center-1.412700>.

<sup>51</sup> *Ibid.*, p. 24.

<sup>52</sup> See Section IV.A. on human rights violations linked to settlements.

<sup>53</sup> Office for Coordination of Humanitarian Affairs, *Humanitarian Bulletin*, June-August 2014 and October 2014, available from: [https://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2014\\_10\\_03\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_03_english.pdf) and [https://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2014\\_11\\_26\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_11_26_english.pdf).

<sup>54</sup> Office for Coordination of Humanitarian Affairs, unpublished data.

<sup>55</sup> *Idem.*

<sup>56</sup> ACRI, *Unsafe Space*, p. 16; ACRI, *High Court to State: Explain Use of Private Guards in E. Jerusalem*, 13.12.2012, available from: <http://www.acri.org.il/en/2012/12/13/hcj-security-guards-jerusalem/>.

guard.<sup>57</sup> On 13 May 2011, a 17-year-old boy, Milad Ayyash, was shot and killed, allegedly by a private guard during clashes around the Beit Yehonatan outpost.<sup>58</sup> Both incidents provoked a series of clashes and violence in Silwan that lasted for weeks.<sup>59</sup> In May 2015, the Israeli NGO B'tselem appealed the decision by the Department for the Investigation of Police and by the Israel Police to close the investigations into the killing of Ayyash.<sup>60</sup> According to the Israeli organization, the Association for Civil Rights in Israel, an investigation into the killing of Sarhan was closed in September 2013 and a subsequent appeal rejected in April 2015.

### Demolitions

42. Silwan is no exception to the discriminatory planning system in East Jerusalem, which the Secretary-General and others previously noted (A/HRC/25/38, paras. 11-14; CERD/C/ISR/CO/14-16, para. 25). The existing plans allocated for Silwan are from 1974-1976 and allow for limited construction only. The takeover of land by settler groups or inclusion within national parks further limits possibilities for Palestinian development in Silwan. In the limited areas where building is permitted, the residents face bureaucratic, administrative and financial challenges that make the process of obtaining a building permit close to impossible.<sup>61</sup> As a result, a wide range of unauthorized construction has been carried out in both areas where building is prohibited or not allowed. Many buildings therefore become subject to demolition.

43. In 2014, the Israeli Jerusalem municipality demolished eight structures in occupied East Jerusalem, displacing five families consisting of 29 individuals, including 17 children. The municipality delivered 27 demolition orders in 2014 and five stop-work/demolition orders concerning residential structures as of May 2015.<sup>62</sup>

44. Despite this strict policy on demolishing houses without a permit owned by Palestinians, the municipality has shown a different practice when enforcing such orders against settlers. The most obvious example is the settlers' outpost of seven storeys known as Beit Yehonatan, built during the period 2002-2003 in Silwan. Despite court orders to evacuate Beit Yehonatan, the authorities have not implemented them.<sup>63</sup>

45. Some demolition orders of Palestinian houses are directly linked to municipal takeover of land aimed at creating a contiguity of tourist sites changing the status

<sup>57</sup> B'tselem, *Caution: Children Ahead: The Illegal Behavior of the Police towards Minors in Silwan Suspected of Stone Throwing*, December 2010, p. 5, available from: [http://www.btselem.org/download/201012\\_caution\\_children Ahead\\_eng.pdf](http://www.btselem.org/download/201012_caution_children Ahead_eng.pdf).

<sup>58</sup> DCI-Palestine, "17 year old boy killed during protest in Silwan", 2.06.2011, available from: <http://www.dci-palestine.org/documents/17-year-old-boy-killed-during-protests-silwan>.

<sup>59</sup> See, for example, B'tselem, "Caution: Children Ahead".

<sup>60</sup> B'tselem, "B'Tselem appeals to State Attorney's Office against closing investigative files in case of Milad 'Ayash, 17, killed by gunfire from East Jerusalem settlement", 3.05.2015, available from: [http://www.btselem.org/firearms/20150503\\_btselem\\_appeals\\_closing\\_%20of\\_milad\\_ayash\\_case](http://www.btselem.org/firearms/20150503_btselem_appeals_closing_%20of_milad_ayash_case).

<sup>61</sup> Ir Amim, "The Giant's Garden: The 'King's Garden' Plan in Al-Bustan", p. 7, available from: <http://www.ir-amim.org.il/sites/default/files/al%20bustan%20ENG.pdf>.

<sup>62</sup> Office for Coordination of Humanitarian Affairs, unpublished data.

<sup>63</sup> Peace Now, "Settlers Take Over Another House in Silwan", 6.05.2015, available from: <http://peacenow.org.il/eng/AbuNab>.

quo in East Jerusalem.<sup>64</sup> In 2005, the Jerusalem municipality delivered demolition orders to houses in the Al Bustan neighbourhood, in the centre of Silwan, because they lacked a building permit.<sup>65</sup> These orders put at risk approximately 90 houses and threaten to displace more than 1,000 people.<sup>66</sup> Under a 1976 city master plan, listing only the few houses existing at that time, Al Bustan is marked as a green space and linked to plans to turn the area into a park replicating the garden of biblical King Solomon.<sup>67</sup>

46. There has been significant international pressure to stop implementation of the plan, and while so far none of the houses in Al Bustan have been demolished, all remain under threat. Residents of the neighbourhood provided alternative development plans prepared by professional planners, but these were rejected by the municipality.<sup>68</sup>

47. The latest municipality version of the plan divides the land into three parts: a residential area in the East, the park in the West and hotels in the South.<sup>69</sup> All houses in the western side are to be demolished for the planned biblical garden, those in the eastern side will be legalized and some additional construction will be allowed to accommodate residents of the western side whose houses will be demolished.<sup>70</sup>

#### **Israeli security forces' presence and child detention**

48. Human rights organizations have raised concerns regarding the detention of children in Silwan in recent years.<sup>71</sup> This has included the case of a 7-year-old boy from Silwan — the youngest of 700 children arrested in East Jerusalem in 2014.<sup>72</sup> Most of these cases in Silwan relate to stone throwing at settlers, private guards or ISF, and are linked to the friction between settlers and the local population. NGOs have also raised concerns regarding ill-treatment of child detainees in Silwan.<sup>73</sup>

<sup>64</sup> Emek Shaveh, "From Territorial Contiguity to Historical Continuity: Asserting Israeli Control through National Parks in East Jerusalem — Update 2014", available from: <http://alt-arch.org/en/national-parks-in-east-jerusalem-update-2014/>.

<sup>65</sup> Margalit, "Seizing Control of Space in East Jerusalem", p. 5.

<sup>66</sup> Office for Coordination of Humanitarian Affairs, "East Jerusalem — Key Humanitarian Concerns", p. 34.

<sup>67</sup> B'tselem, "Al-Bustan Neighbourhood — Garden of the King", 16.09.2014, available from: [http://www.btselem.org/jerusalem/national\\_parks\\_al\\_bustan\\_garden\\_of\\_the\\_king](http://www.btselem.org/jerusalem/national_parks_al_bustan_garden_of_the_king); Ir Amim, "The Giant's Garden", p. 5; H. Ofra, "Invisible Settlements in Jerusalem", *Palestine-Israel Journal*, Vol. 17, No. 12, 2011, available from: <http://www.pij.org/details.php?id=1283>.

<sup>68</sup> Ir Amim, "Shady Dealings in Silwan", May 2009, p. 33, available from: <http://www.ir-amim.org.il/sites/default/files/Silwanreporteng.pdf>.

<sup>69</sup> Bimkom, "From Public to National: National Parks in East Jerusalem", 2012, p. 27, available from: [http://bimkom.org/eng/wp-content/uploads/From-Public-to-National\\_English\\_FINAL2012\\_withMAPS\\_lowres1.pdf](http://bimkom.org/eng/wp-content/uploads/From-Public-to-National_English_FINAL2012_withMAPS_lowres1.pdf).

<sup>70</sup> Office for Coordination of Humanitarian Affairs, "East Jerusalem — Key Humanitarian Concerns", pp. 34-35.

<sup>71</sup> DCI-Palestine, "Arrest and abuse by Israeli police part of life for children in Silwan", 22.02.2014, available from: [http://www.dci-palestine.org/arrest\\_and\\_abuse\\_by\\_israeli\\_police\\_part\\_of\\_life\\_for\\_children\\_in\\_silwan](http://www.dci-palestine.org/arrest_and_abuse_by_israeli_police_part_of_life_for_children_in_silwan); B'tselem, "Caution: Children Ahead".

<sup>72</sup> A total of 70 of the children were under the age of 13. Wadi Hilweh Information Center — Silwan, Annual Report 2014, 8.01.2015, available from: <http://silwanic.net/?p=55921>.

<sup>73</sup> Madaa Creative Center, Silwan, "The Impact of Child Arrest and Detention", 2012, pp. 14-16, available from: <http://www.roomno4.org/wp-content/uploads/2013/12/2012-Madaa-Report-on-Child-arrest-and-Detention-in-Silwan.pdf>. See also B'tselem, "Caution: Children Ahead".

## Conclusion

49. Settlement activities in Silwan have been supported by different governmental bodies, the Jerusalem municipality and private settlers' organizations.

50. The impact of these activities on the rights and daily lives of Palestinians in Silwan is multifaceted and the situation as of May 2015 remains tense. Clashes sparked by the presence of settlers have resulted in injuries. Security forces in Silwan regularly detain children, mainly for stone throwing. Meanwhile, the local inhabitants are running out of space to live, with many at risk of their houses being demolished, while plans are made to build hotels and national parks in the limited space.

51. Settlement expansion in Silwan and around the Old City is changing the status quo and the character of East Jerusalem, and creating a physical separation between the Palestinian neighbourhoods and the Old City. Frequently expressed Palestinian aspirations remain to see East Jerusalem, including the Old City, as the future capital of the Palestinian State. The continuation of such settlement activities in East Jerusalem place significant obstacles to the peaceful settlement of the conflict.

## C. Case study: settlement corridor in the northern West Bank around Shiloh settlement and Qaryut

### Overview

52. In the northern West Bank, a cluster of settlements and outposts, with Shiloh at its centre, forms a near contiguous line of settlement-controlled land, stretching from the Green Line (1949 Armistice demarcation line) in the West, to the Jordan Valley in the East, effectively linking isolated outposts in the heart of the West Bank to the settlement of Ariel. The gradual growth of this settlement corridor is taking place to the detriment of the political, economic, social and cultural rights of over 35,000 Palestinians living in 10 nearby rural villages.<sup>74</sup>

53. The death of Palestinian Minister Ziad Abu Ein in December 2014 brings to the fore these intersecting concerns. Mr. Abu Ein was with protesters on Human Rights Day, peacefully demonstrating against the settlement of Adei Ad, residents of which have repeatedly attacked Palestinians and prevented them from cultivating their own land. The Israeli High Court has also called for dismantling the settlement, which is considered illegal under Israeli law. Ziad Abu Ein died following an assault by an Israeli soldier during a scuffle at the protest.<sup>75</sup>

54. The Shiloh settlement corridor, consisting of four settlements (Shiloh, Rechelim, Ma'ale Levona and Eli) and some 14 outposts, with a total estimated

<sup>74</sup> Palestinian Central Bureau of Statistics, [http://www.pcbs.gov.ps/Portals/\\_Rainbow/Documents/nabls.htm](http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/nabls.htm). The following Palestinian villages and towns have been identified as directly affected by settlement expansion in the area: Al Lubban ash Sharqiya, Al Mughayyir, As Sawiya, Jalud, Qaryut, Qusra, Sinjil, Talfit, Turmus'ayya, Yasuf and Yatma.

<sup>75</sup> "Zeid says Israel must take action to curb rise in protest fatalities in Occupied Palestinian Territory", Geneva, 12.12.2014, available from: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15416&LangID=E#sthash.OTVoun3q.dpuf>. A joint Israeli - Palestinian autopsy could not agree on the exact cause of death, see <http://www.aljazeera.com/news/middleeast/2014/12/palestine-minister-autopsy-results-disputed-2014121161857231665.html>.

population of 8,747,<sup>76</sup> has been established and grown through a combination of measures, which typify modalities of informal settlement expansion documented throughout the West Bank. Largely based on restricting or discouraging Palestinian movement and access, these practices lead to the de facto appropriation of land by settler groups.<sup>77</sup> In the corridor, informal measures primarily implemented by settlers in the area, include the erection of unauthorized residential outposts, illegal takeover and cultivation of Palestinian farmland, and the establishment of archaeological excavation and touristic sites. Such practices facilitate the exertion of control over lands that are often well beyond the built-up areas or even the outer security perimeter of the settlements. In the area around Qaryut in particular, these settlement expansion tactics have frequently been enabled by acts of violence and intimidation targeting Palestinian residents of the area.

55. Illegal activity originating from the Shiloh settlement corridor is facilitated by both passive and proactive measures by Israeli authorities. These range from the absence of law enforcement towards settlers — for criminal as well as civil offences including unauthorized construction — to steps taken by the Israel Defense Forces towards the formalization and implementation of movement and access restrictions. In addition, the Israeli authorities have allocated land and resources for the erection of unauthorized outposts, and have been engaged in their retroactive formalization. Finally, large-scale public investment in tourism sites managed by settlers is further cementing the presence and expansion of settler-controlled lands in this area.

#### **Settler violence and restrictions on access to land and resources**

56. Settler violence and other criminal offences committed by Israeli civilians in the area against Palestinian residents have been met with a near absence of law enforcement by the Israeli authorities. Of a sample of 116 police investigations into alleged settler offences monitored by Israeli human rights organization Yesh Din from 2005 to 2015 in the Shiloh settlement corridor, 95 per cent ended without prosecutions.<sup>78</sup>

57. Between January 2012 and May 2015, the Office for Coordination of Humanitarian Affairs recorded a total of 103 settler-related incidents perpetrated against Palestinians in the communities identified above. Of these, 22 resulted in Palestinian casualties and the remainder involved damage to Palestinian property, including to at least 13,000 olive trees, a main source of income for Palestinian communities in the area.

58. Illegal settler activity, often enabled by policies and practices of the Israeli authorities, must be understood in the context of the systematic violations of the rights of Palestinians. Intimidation and violence against Palestinian farmers, landowners and herders serves to establish de facto no-go zones, and results in the gradual dispossession of Palestinian rural communities, while clearing a path for the expansion of the areas under effective settler control. Further compounding this

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<sup>76</sup> Population data for settlements and outposts based on Peace Now estimates for 2011 except Shvut Rachel, HaBait Ha'adom and Rechalim, 2008, available from: <http://peacenow.org.il/eng/content/settlements-and-outposts>.

<sup>77</sup> Forthcoming publication, Office for Coordination of Humanitarian Affairs, *The humanitarian impact of informal settlement expansion*, 2015.

<sup>78</sup> The sample represents results of police investigation files monitored in Al Mughayyir, Jalud, Qaryut, Sinjil and Turmus'ayya. Yesh Din, unpublished data.

cycle, the culture of impunity enjoyed by settlers reinforces the boldness of attacks,<sup>79</sup> in turn causing Palestinian farmers and landowners to further restrict their movements out of fear of violence and harassment.<sup>80</sup>

59. A range of Israel Defense Forces practices contribute to the cycle. These include the frequent failure of Israel Defense Forces units to provide adequate protection to Palestinian residents from settler attacks, the declaration of no-go zones for Palestinians, and the institution of a permit regime by which Palestinian landowners are granted rare access to their land after coordination with the Israel Defense Forces to ensure safety of movement (A/HRC/22/63).<sup>81</sup> Towards the easternmost end of the Shiloh corridor, in the areas adjacent to the outposts of Adei Ad, Ahiya, Esh Kodesh, HaBait HaAdom and Kida, Palestinian landowners' access to land is almost entirely blocked, barring a few days for the ploughing and harvesting season under the coordination regime.<sup>82</sup>

60. The erection of roadblocks, checkpoints and road gates by Israel Defense Forces further restricts Palestinians' movement and access to land. 98.5 km of roads in the area around Qaryut are prohibited for Palestinian vehicular use (of which 77.5 km are inside settlements and settlement outer limits, or connecting settlements).<sup>83</sup> According to the Office for Coordination of Humanitarian Affairs, the 14 settlement outposts located in the Shiloh settlement corridor exert control over more than 150 hectares of Palestinian privately owned land.<sup>84</sup> The failure of Israeli authorities to protect the private property and freedom of movement of Palestinian residents of the area, not only runs counter to Israel's obligations under international humanitarian law to ensure the protection of the Palestinian population under its occupation, but further constitutes a violation of a range of human rights, including the right to an adequate standard of living.

#### **Retroactive formalization of outposts**

61. The Government of Israel has also taken deliberate, formal steps towards consolidating the presence of settlers and settlements in this part of the West Bank, including by way of a "silent policy" of retroactive formalization of unauthorized outposts noted above.<sup>85</sup>

62. In the Shiloh settlement corridor, this has become apparent with the approval of Rehelim and Nofei Nehemia as new settlements to the east of Ariel, effectively

<sup>79</sup> According to Yesh Din data, in 2013-2014, 28.3 per cent of police investigations into alleged offences by Israeli civilians in the West Bank took place inside villages, including attacks on Palestinian homes. Yesh Din, "Law Enforcement on Israeli Civilians in the West Bank", November 2014, available from: <http://www.yesh-din.org/infoitem.asp?infocatid=636>.

<sup>80</sup> Yesh Din, "The Road to Dispossession", March 2013, pp. 74-143 and map on p. 124, available from: <http://www.yesh-din.org/infoitem.asp?infocatid=324>.

<sup>81</sup> Ibid; A Hass, Israeli soldiers are licensed thugs applying state violence in the West Bank, Amira Hass, *Haaretz*, 15.12.2014, available from: <http://www.haaretz.com/news/diplomacy-defense/.premium-1.631735>.

<sup>82</sup> Kerem Navot, "Israeli Settler Agriculture as a Means of Land Takeover in the West Bank", August 2013, p. 93, available from: <http://rhr.org.il/heb/wp-content/uploads/Kerem-Navot.pdf>.

<sup>83</sup> Access restrictions include 13 earth mounds, 6 roadblocks, 1 checkpoint and 5 road gates, 2 earth walls, and 4 road barriers with a total length of 2.2 km.

<sup>84</sup> Office for Coordination of Humanitarian Affairs, unpublished data.

<sup>85</sup> Peace Now, "Netanyahu Established 20 New Settlements for Tens of Thousands of Settlers", 12.03.2015, available from: <http://peacenow.org.il/eng/OutpostsLegalized>.



expanding the reach of this settlement bloc. In addition, Israeli authorities have initiated procedures to allow for the retroactive approval of Haroeh, HaYovel and Shvut Rachel outposts, which will result in the further eastward consolidation of settlement control over land. Thousands of settlers who engaged in the unauthorized establishment of settlement outposts and illegal construction inside them, already protected by the Israel Defense Forces,<sup>86</sup> are “rewarded” with the retroactive formalization of these settlements.<sup>87</sup>

### Archaeology and tourism

63. As in Silwan and other parts of the West Bank, Israel’s policies and practices to promote tourism and archaeology sites in the areas around Qaryut consolidate settler presence there while excluding Palestinians from the right to participate in and enjoy the area’s cultural life and heritage.

64. Shiloh and its satellite settlements and outposts have seen extensive private and public investments in tourism in recent years. The area is promoted by the regional settlement council (Binyamin Regional Council) as “the land of biblical heroes”, targeting a broad Israeli and international public<sup>88</sup> with attractions and activities ranging from expansive archaeological excavations to wine tasting, cycling routes and picnic sites.<sup>89</sup> Several of the advertised tourism destinations are located inside unauthorized settlement outposts and known hotspots for settler violence against Palestinian residents.

65. Khirbet Seilun (promoted by Israeli authorities and settler bodies as Tel Shiloh), located on the land of the Palestinian village of Qaryut, and within the boundaries of the settlement of Shilo, is one of the most well-funded Israeli archaeological tourist sites<sup>90</sup> in the West Bank.<sup>91</sup> It is administered by the Binyamin Regional Council and a private settler organization, and features a watchtower, a visitors’ centre and event facilities, offering educational activities, biblical arts and crafts workshops and guided tours. In 2012, “Tel Shiloh” was incorporated into a national heritage development programme by a Government Decision, with an initial 5 million shekels in public funds allocated towards its development.<sup>92</sup> In 2014, further attesting to its significance to the consolidation of the settler presence in the area,<sup>93</sup> the Binyamin Regional Council submitted master plans for the site to the Civil

<sup>86</sup> The Rights Forum and Yesh Din, “Under the Radar”, p. 12.

<sup>87</sup> Ibid.

<sup>88</sup> Y Avivi, “Israel’s settlement tourism”, 13.06.2014, available from: <http://www.al-monitor.com/pulse/originals/2014/06/tourism-west-bank-settlements-green-line.html#>.

<sup>89</sup> See Binyamin Regional Council website at: <http://www.binyamin.org.il/?CategoryID=704>.

<sup>90</sup> The Israeli Ministry of Tourism refers to the site as “one of the most dramatic in the country”, see: [http://www.goisrael.com/tourism\\_eng/tourist%20information/jewish%20themes/jewish\\_sites/pages/tel%20shiloh%20jew.aspx](http://www.goisrael.com/tourism_eng/tourist%20information/jewish%20themes/jewish_sites/pages/tel%20shiloh%20jew.aspx).

<sup>91</sup> Emek Shaveh, “Interim conclusions from the discussion of the objections to the development plans of Tel Shiloh (Khirbet Seilun)”, 12.08.2014, available from: <http://alt-arch.org/en/press-release-tel-shiloh/>.

<sup>92</sup> \$1.3 million, see: <http://www.pmo.gov.il/mediacenter/spokesman/pages/spokemoreshet140212.aspx> (Hebrew).

<sup>93</sup> “Tel Shiloh” has also been the site of numerous ministerial visits. Most recently, Israeli Minister of Education (at the time, Minister of Housing) Naftali Bennet, can be seen in December 2014 encouraging the revival of an ancient tradition to visit the site during Jewish High Holidays: available from: <https://www.facebook.com/AncientShilo/videos/vb.290996024346212/662677760511368/?type=1&theater> (Hebrew).

Administration, proposing its further development to include over 300,000 square metres of land, including the construction of an amphitheatre, a commercial tourism centre, a hotel and parking lots to accommodate 5,000 visitors per day.<sup>94</sup>

66. According to archaeologists with the Israeli organization Emek Shaveh, the narrative presented by tour guides, audiovisual presentations and signage at “Tel Shiloh” emphasizes biblical events, with Jewish-Christian faith and tradition determining the content of the antiquities site to the exclusion of a full archaeological accounting of the range of artefacts that have in fact been found at the site. There is a disregard for the Muslim and Palestinian history of the site, including the ruins of a mosque.<sup>95</sup> Exacerbating the exclusion of the area’s residents and their ties to the site in the narrative chosen by the site’s administrators, Palestinians, until recently, were prohibited from accessing Khirbet Siloun or the entire “Tel Shiloh” complex, owing to security restrictions imposed by Israel.<sup>96</sup>

### **Conclusion**

67. The gradual expansion of lands under settlement control in the area around Qaryut has resulted in the consolidation of settler control over a corridor of Area C land stretching from the Green Line to the Jordan Valley. This “corridor” is further fragmenting the West Bank, with direct detrimental consequences for Palestinians’ right to self-determination.

68. Israel’s policy of retroactive formalization of outposts in the area sets a dangerous precedent by effectively rewarding unlawful behaviour, and thereby potentially further entrenching the cycle of violence in the area, as well as more broadly throughout the West Bank.

69. The creation and consolidation of unauthorized outposts in the “Shiloh corridor” was brought about through violence, intimidation and unlawful activity that have resulted in violations of the rights of Palestinian residents of the area.

## **D. Settlement expansion and the viability of the two-State solution**

70. As the outgoing United Nations Special Coordinator for the Middle East Peace Process noted in his final briefing to the Security Council, “Illegal settlement activity simply cannot be reconciled with the objective of a negotiated two-State solution and may kill the very possibility of reaching peace on the paradigm of two States for two peoples.” He warned that “the minimum conditions of trust cannot be restored without the new Israeli government taking credible steps to freeze settlement activity.”<sup>97</sup>

<sup>94</sup> Emek Shaveh, “Tel Shiloh (Khirbet Seilun) — Archaeological settlement in the political struggle over Samaria”, November 2014.

<sup>95</sup> Ibid., p. 22.

<sup>96</sup> See “Archaeological Dig Inside Settlement Must Be Open to Palestinians, Civil Administration Decides”, *Haaretz*, Friday, 12 August 2015, where the Israeli Civil Administration in a recent decision insists that the site should be made available to all, including Palestinian visitors.

<sup>97</sup> Robert Serry, Special Coordinator for the Middle East Peace Process, Briefing to the Security Council on the Situation in the Middle East, 26.03.2015, available from: <http://www.unsco.org/Documents/Statements/MSCB/2008/Security%20Council%20Briefing%20-%2026%20March%202015.pdf>.

71. The Secretary-General has called on the Government of Israel on a number of occasions “to halt and reverse such decisions in the interest of peace and a just final status agreement,” most recently following a flurry of settlement activity in early May 2015.<sup>98</sup>

72. Just before the March 2015 elections, Prime Minister Netanyahu reportedly committed to continued building in East Jerusalem during a tour of Har Homa settlement, promising that “we will continue to build in Jerusalem; we will add thousands of housing units.”<sup>99</sup>

73. This follows a series of declarations and actions in recent years by various Israeli politicians aimed at obtaining a formal endorsement by the State of the 2012 “Report on the Legal Status of Building in Judea and Samaria” (the Levy Report). The Levy Report contains a legal analysis of the settlements that has been challenged as flawed, and, if its recommendations were to be implemented, would clear the way for large-scale settlement expansion.<sup>100</sup> The legalization of outposts is a stated political objective of HaBayit HaYehudi — one of the parties of the governing coalition Government.

74. The continued existence of the settlements drives violations of human rights in the Occupied Palestinian Territory and challenges the viability of the two-State solution. The Secretary-General reiterates his call on Israel to demonstrate its stated commitment to peace with the Palestinians by ceasing and reversing settlement activity (A/HRC/28/45, paras. 43-45).

## V. Settlements in the occupied Syrian Golan

75. In the occupied Syrian Golan, about 21,000 settlers continue to live in 33 Israeli settlements.<sup>101</sup> In line with previous measures to consolidate the presence of settlements and settlers, reportedly, in July 2014, an Israeli college in the occupied Syrian Golan offered a wide range of financial incentives to prospective students in order to increase its enrolment into the college. The college, located in Katzrin settlement, seeks to double its enrolment to 2,500 students over the next seven years. It is reported that in order to do so, Israeli authorities will invest

<sup>98</sup> Statement attributable to the Spokesman for the Secretary-General on Israeli settlements in the occupied West Bank, including East Jerusalem, 15.05.2015, available from: <http://www.un.org/sg/statements/index.asp?nid=8632>.

<sup>99</sup> Agence France Press, “If reelected, Netanyahu vows wave of E. Jerusalem building”, 16.03.2015, available from: <http://news.yahoo.com/netanyahu-attacks-rivals-jerusalem-last-pitch-voters-110810742.html>.

<sup>100</sup> “Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk” (A/HRC/25/67), 13.01.2014. For detailed critiques of the analysis of the Levy Report, see, for example: Yesh Din, “Unprecedented: A Legal Analysis of the Report of the Committee to Examine the Status of Construction in Judea and Samaria”, May 2014, available from: <http://www.yesh-din.org/infoitem.asp?infocatid=580>; I. Scobbie, “Justice Levy’s Legal Tinsel: The Recent Israeli Report on the Status of the West Bank and Legality of the Settlements”, 6.09.2012, available from: <http://www.ejiltalk.org/justice-levys-legal-tinsel-the-recent-israeli-report-on-the-status-of-the-west-bank-and-legality-of-the-settlements/>.

<sup>101</sup> A/68/513, para.53, and “Residents in the Occupied Golan Heights Fear Creeping Israeli Presence”, Middle East Eye, 2.09.2014. <http://www.middleeasteye.net/news/golan-heights-residents-fear-creeping-israeli-presence-587458799>.

millions in the settlement, including building new student accommodation, and provide monthly stipends of up to 75 per cent for rent fees.<sup>102</sup>

76. The government-sponsored agricultural expansion has also been linked to Israel's efforts to increase the settler presence in the occupied Syrian Golan for the purpose of further exploiting the natural resources of the territory for economic gain.<sup>103</sup> Reportedly, on 11 September 2014, an Israeli company was granted exclusive licence to conduct exploratory drilling for oil in 10 possible locations in the occupied Syrian Golan.<sup>104</sup> Shortly thereafter, the Israeli High Court reportedly froze the company's efforts to proceed with exploratory drilling, owing to a petition submitted by environmental activists. The petition remains undecided. In this connection, the Secretary-General previously raised concerns regarding Israeli Government-sponsored investments in the occupied Syrian Golan, including licences granted for oil and gas exploration by multinational companies (A/68/513, para. 54).

## VI. Conclusions and recommendations

**77. Israeli settlement-related activities and settler violence are at the core of many of the violations of human rights in the Occupied Palestinian Territory, including East Jerusalem.**

**78. Israel must halt the creation and expansion of settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan. In addition, the Secretary-General calls on Israel to immediately stop using land control methods, such as agriculture, archaeological parks and educational centres, aimed at expanding the area effectively occupied by settlements.**

**79. Settlement expansion, including in areas such as Silwan and around Qaryut in the northern West Bank, takes multiple forms and is supported and encouraged by the Israeli authorities in stark contravention of international law, including through retroactive legalization of outposts under Israeli law. The result is a significant obstacle to the exercise of Palestinians' right to self-determination.**

**80. The existence and growth of the settlements is closely linked to the deprivation of the rights of Palestinians. Touristic and archaeological developments deprive Palestinians of access to land as well as their cultural rights. At the same time, settlers' presence in these areas increases tension. The Israel Defense Forces is deployed to defend settlements established in contravention of Israeli law. The security of Israeli settlers outplays that of Palestinians, undermining the equal application of the law. As the occupying Power, Israel is responsible for the protection and welfare of Palestinians in the Occupied Palestinian Territory.**

**81. As settlements expand, Palestinians face an array of obstacles in terms of building their own homes, including the threat of demolition.**

<sup>102</sup> "As world watched Gaza, Israel announced 1472 new settlements in the West Bank", Mondoweiss blog, 30.08.2014.

<sup>103</sup> <http://golan-marsad.org/wp-content/uploads/Settlement-Agricultural-Expansion-in-the-Golan-Final-editedCrystal.pdf>.

<sup>104</sup> "Israel's oil drilling in Golan criticised", 30.12.2014, *Al-Jazeera*.

82. **The Government of Israel must stop funding and supporting touristic and archaeological projects, often managed by settler organizations, which contribute to the consolidation of settler presence in the Occupied Palestinian Territory and result in violations of the rights of Palestinians, including their rights to self-determination and freedom of movement.**

83. **Continued settlement expansion and related violations of the Palestinians' rights run counter to the objective of a negotiated two-State solution. The Government of Israel must fulfil its obligations under international humanitarian law to cease the transfer of its civilian population into occupied territory and must immediately freeze and reverse all settlement activity.**

84. **The Government of Israel must implement relevant United Nations resolutions, including Security Council resolutions pertaining to territories occupied since 1967.**

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### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General\*\***

#### *Summary*

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 70/89 and provides an update on Israel's activities aimed at creating and expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan. It includes a case study on the impact of the settlements on the human rights situation in Hebron.

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\* A/71/150.

\*\* The present report was submitted after the deadline in order to reflect the most recent developments.



## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 70/89 and provides an update on its implementation for the period from 16 May 2015 to 31 May 2016. It should be read in conjunction with previous reports of the Secretary-General on Israeli settlements to the Assembly and to the Human Rights Council.<sup>1</sup>

2. The report shows how settlement expansion activities continued unabated within the Occupied Palestinian Territory and that instances of settler violence remained a concern, notwithstanding a decline in incidence. It also features a case study on the impact of the settlements on the human rights situation in the West Bank city of Hebron.

## II. Legal background

3. In its resolution 70/89, the General Assembly reaffirmed the illegality of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, as ruled by the International Court of Justice, and reiterated by the Security Council and the High Commissioner for Human Rights. These settlements amount to the transfer of a State's population to the territory it occupies, which is prohibited by international humanitarian law.<sup>2</sup> To meet its international legal obligations, Israel must stop building settlements, reverse any settlement development activity and make full reparations, which include the obligation to re-establish the situation affected by the violation.<sup>3</sup> The transfer of the occupying Power's population to the territory it occupies amounts to a war crime that may lead to the individual criminal responsibility of the officials involved.<sup>4</sup>

## III. Update on settlement-related activities

### A. Settlement expansion

4. Previous reports of the Secretary-General have clarified the role of Israel in the construction and expansion of settlements.<sup>5</sup> Besides the allocation of land for the purposes of constructing settlement homes and infrastructure, Israel also supports settlements through the delivery of public services, the encouragement of economic activities, including agriculture and industries around the settlements, the development of national parks and tourist sites, support for private initiatives and the retroactive approval of unauthorized constructions. Population growth in Israeli

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<sup>1</sup> See [A/HRC/28/44](#) and, in particular, [A/HRC/31/43](#), which cover the first months of the period under review. See also [A/69/348](#) and [A/70/351](#).

<sup>2</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention), art. 49 (6). See also [A/69/348](#), paras. 4 and 5, and [A/HRC/25/38](#), paras. 4 and 5.

<sup>3</sup> International Law Commission, draft articles for the responsibility of States for internationally wrongful acts, 2001, arts. 30 and 31.

<sup>4</sup> Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

<sup>5</sup> [A/68/513](#), paras. 23-29, [A/69/348](#), paras. 33-35, and [A/70/351](#), paras. 33-36.

settlements is also encouraged by providing benefits and incentives in the areas of housing, education and taxes.

## **B. Constructions, tenders and plans**

5. Steps by Israel to expand settlements in the West Bank, including East Jerusalem, continued. In March 2016, Israeli media reported that Israel had declared 234 hectares of land south of Jericho, the largest appropriation of land since August 2014, as “State land”.<sup>6</sup> Overall trends point to a slowdown in the issuance of planning approvals and tenders in 2015, with 1,143 housing units tendered, returning to pre-2012 figures.<sup>7</sup> However, this has been offset by support for private initiatives and steps to gain the retroactive approval of unauthorized construction during the same period.

6. By contrast, construction rates remained high, in particular for Area C, with 1,806 construction starts recorded by Israel’s Central Bureau of Statistics for 2015, compared with 1,556 construction starts in 2014. This likely reflects the significant number of units that had already been cleared for construction in previous years. East Jerusalem saw a drop in construction starts in 2015 (429 starts), after a year of intensive building in 2014.

## **C. Privately led initiatives supported by Israel**

7. An unprecedented wave of seizures of Palestinian properties by private settler associations in the Old City of Jerusalem and adjacent neighbourhoods has been reported by the non-governmental organization (NGO) Ir Amim since mid-2015.<sup>8</sup> This trend includes the forced evictions of Palestinian families from their homes. These seizures and evictions are attributable mainly to the settler-affiliated organization Ateret Cohanim (A/70/351, paras. 29-32), which has been purchasing East Jerusalem houses or filing successful pre-1948 ownership claims,<sup>9</sup> with the apparent support of the Israeli Ministry of Justice.<sup>10</sup> Various State authorities have also aided in or coordinated the transfer of property and the eviction of Palestinians.

8. Of particular concern are ongoing developments within the Batan al-Hawa neighbourhood of Silwan, which is likely to feature the largest settlement near the Old City and adjacent neighbourhoods. On 26 August and 1 September 2015, Israeli settlers escorted by police moved into two residential buildings. On 19 October 2015, two Palestinian families were forcibly evicted, as police officers were deployed and the entire area placed under curfew. While 17 Palestinian families had

<sup>6</sup> “Israel seizes large tracts of land in West Bank, report says”, *Haaretz*, 15 March 2016.

<sup>7</sup> From July 2014 to May 2016, 330 units were validated for construction in Area C settlements, compared with 1,035 during the first half of 2014 alone.

<sup>8</sup> Ir Amim, “Planning, building, and settlements in East Jerusalem: 2015 year-end review”, January 2016.

<sup>9</sup> Under Israeli law, Israeli citizens may submit claims regarding land or property allegedly owned by Jews in East Jerusalem prior to the establishment of the State of Israel. The reciprocal right is not granted to Palestinians, who are not entitled to reclaim land and property in Israel.

<sup>10</sup> Ir Amim, “Planning, building and settlements in East Jerusalem: 2015 year-end review”, and Nir Hasson, “How Israel helps settler group move Jews into East Jerusalem’s Silwan”, *Haaretz*, 6 January 2016.



already been evicted during 2015, eviction demands were pending against 15 additional families and 70 additional families were currently facing the same risk at the time of writing the present report.<sup>8</sup> According to Ir Amim, “these collective and fast unfolding developments signify a steep increase over the last year and a clear pattern of using demolitions and evictions to displace Palestinians from the city”.<sup>11</sup> In addition, a building permit request for a large three-story building that would add to an existing settlement is awaiting approval.<sup>12</sup> The development of settlements and the potential arrival of hundreds of settlers in the densely populated area of Batan al-Hawa further exacerbate friction between Palestinian residents, settlers and the Israeli security forces.

9. Palestinian residents of the Old City are also facing evictions. Settlers seized a living space in the Muslim Quarter and evicted its Palestinian resident. Two Palestinian families received eviction orders and claims were submitted against four additional families.<sup>8</sup>

#### **D. “Legalization” of outposts and other unauthorized construction**

10. Unauthorized settlement construction in the West Bank remains widespread. More than 100 unauthorized outposts and thousands of housing units in existing settlements have been erected over the years without the formal approval of the Israeli authorities. A recent report of the Israeli State Comptroller<sup>13</sup> concluded that there were substantial flaws in law enforcement mechanisms under the Israeli Civil Administration with regard to the ongoing phenomenon of unauthorized Israeli construction in the West Bank. Those flaws would result in the inadequate monitoring of illegal construction and a lack of enforcement of demolition orders, even in areas designated as high priority.<sup>13</sup>

11. Israel continued to promote settlements in the West Bank through the retroactive approval of illegal constructions.<sup>14</sup> Since May 2011, Israeli authorities have either completed or initiated steps for the retroactive “legalization”, under Israeli law,<sup>15</sup> of at least one quarter of the outposts in the Occupied Palestinian Territory and there are indications that those processes are still being advanced.<sup>16</sup> In addition, steps were taken to retroactively approve housing units built without the

<sup>11</sup> Ir Amim, “Mounting uptick in eviction and demolition orders in Old City and historic basin cause for heightened attention”.

<sup>12</sup> The Jerusalem Local Planning Committee approved the construction on 15 June 2016. See <https://settlementwatcheastjerusalem.wordpress.com/2016/05/31/batan-al-hawa-new-building/>.

<sup>13</sup> State Comptroller, “Judea and Samaria area: activities of the Unit for Inspection and Enforcement and Land Regulation Aspects”, (annual report No. 66B), 2016.

<sup>14</sup> Ziv Stahl, “From occupation to annexation: the silent adoption of the Levy report on retroactive authorization of illegal construction in the West Bank”, position paper (Yesh Din-Volunteers for Human Rights, 2016).

<sup>15</sup> Construction of unauthorized outposts deemed to be illegal under Israeli law. All settlements in the Occupied Palestinian Territory are illegal under international law.

<sup>16</sup> Nineteen outposts have undergone “legalization” and in at least 13 more the Government of Israel has indicated its intentions or initiated the process of “legalization”. See Yesh Din-Volunteers for Human Rights, “Under the radar: Israel’s silent policy of transforming unauthorized outposts into official settlements”, 17 May 2015. During the period under review, the Government conveyed its intentions to the High Court of Justice to retroactively approve outposts in the southern Nablus and eastern Ramallah districts.

prior authorization of the relevant planning authorities.<sup>17</sup> Retroactive legalization typically involves the expansion of the jurisdiction of existing settlements to encompass outposts as nearby “neighbourhoods”. While these measures allow Israel to circumvent the formal establishment of new settlements, possibly avoiding international scrutiny, the net effect of these efforts is the entrenchment of otherwise isolated settlement points and their connection with so-called settlement blocs. Joining the dots gradually paves the way for new contiguous areas of settlement control over land. These steps also have the effect of sanctioning illegal activity by settler groups in an environment that has been characterized by a culture of impunity.

12. As previously reported by the Secretary-General, this process marks a significant departure from previous Israeli policy<sup>18</sup> and is reinforced by efforts to adopt the recommendations of the government-appointed committee to examine the status of construction, known as the “Levy committee”, which proposed concrete measures for the so-called “regulation”, amounting to the retroactive approval of unauthorized settlement construction in the West Bank.<sup>14</sup>

13. Given that 80 per cent of unauthorized outposts were constructed partially or entirely on privately owned Palestinian land,<sup>19</sup> several administrative measures taken in the context of facilitating outpost legalization are aimed at resolving the issue of proprietary status. This includes the appointment, in July 2015, by the Prime Minister of Israel of a professional committee tasked with formulating recommendations to advance retroactive authorizations on privately owned Palestinian land<sup>20</sup> and the work of the Israeli Civil Administration’s task force for the survey of State land boundaries, also known as the Blue Line task force, assigned with inspecting and defining the boundaries of land designated as State property, or so-called “State land”, by Israeli authorities since 1970 (A/HRC/22/63, para. 63). The task force significantly accelerated its work during the period under review. In 2015 alone, it ratified more than 6,300 hectares of Area C land as “State land”, almost as much as during the three previous years.<sup>21</sup>

14. Legislative measures aimed at easing the process of the retroactive authorization of outposts were also introduced. These include the land regulation bill of October 2015, which is currently stalled (A/HRC/31/43, para. 28), and a

<sup>17</sup> Peace Now, “No settlement freeze, especially not in isolated settlements: 2015 in the settlements”, February 2016.

<sup>18</sup> Israel’s position, as presented on numerous occasions before the High Court of Justice until 2011, affirmed the unauthorized status of outposts and its intention to evacuate and demolish them.

<sup>19</sup> Peace Now, “West Bank settlements: facts and figures, June 2009”.

<sup>20</sup> The Committee’s conclusions were slated for publication in December 2015; at the time of writing, they had not yet been released.

<sup>21</sup> Ziv Stahl, “From occupation to annexation: the silent adoption of the Levy report on retroactive authorization of illegal construction in the West Bank”. The policies and practices of the Blue Line task force have come under increasing scrutiny, including by the Israeli State Comptroller and the High Court of Justice, in particular with regard to a lack of transparency and concerns regarding absent mechanisms to ensure the protection of property rights of Palestinian landowners. The impact of resulting Israeli Civil Administration amendments to the operating procedures of the task force, which were ordered by the Court during the period under review, is yet to be assessed. See A/HRC/31/43, paras. 21-23, and State Comptroller, annual report No. 66B.

newly drafted bill,<sup>22</sup> which seeks to delay the court-ordered demolition of settlement structures built on privately owned Palestinian land.<sup>23</sup>

## E. National parks and archaeological sites

15. As previously reported (A/HRC/31/43, para. 16), archaeological excavations, the creation of national parks and the development of tourist activities are other ways that Israel ensures control over Palestinian land.

16. East Jerusalem is particularly affected by such developments (A/70/351, paras. 25-51). At the time of writing, significant plans were pending at various administrative stages, such as the projected parks in Issawiya and in Silwan's Al-Bustan. Seizing orders for the national park on Mount Scopus were issued by the municipality for landscaping purposes in July 2015.<sup>24</sup> The most significant development pertains to the Kedem Compound in Silwan, a major tourist site promoted by the Elad settler organization. In March 2016, the full committee of the National Planning Council issued its formal decision, revoking the June 2015 ruling of the Appeals Committee to reduce the size of the original plans by half. The positive results achieved in 2015 (A/HRC/31/43, para. 19), on the basis of objections from Silwan's residents, NGOs, architects and various planning and conservation experts, have therefore been reversed and the original plan restored as approved by the District Committee in 2014.<sup>25</sup>

17. The full plan for the Kedem Compound foresees the construction of a massive structure of 16,000 square metres that may be at odds with the construction criteria within a national park.<sup>8</sup> Besides its significant impact on the lives of Palestinians in Silwan, the implementation of the plan would represent a milestone in changing the status quo and character of East Jerusalem.

## F. Settler violence and law enforcement

18. Between 1 June 2015 and 31 May 2016, the Office for the Coordination of Humanitarian Affairs registered 175 incidents of settler violence against Palestinians resulting in injuries (81) or property damage (94), with a distinct peak (57 reported incidents) in October 2015 and a noticeable decrease in incidents to date in 2016 (38 incidents during the first five months). Some attacks have featured an exceptional degree of violence, such as the arson attack against the Dawabsheh family home in Duma on 31 July 2015 that took the life of an 18-month-old child and his parents (A/HRC/31/43, paras. 35 and 36). In the aftermath of the attack, the Under-Secretary-General for Political Affairs stated that "such violence is possible

<sup>22</sup> Planning and construction law proposal (amendment — enforcement of administrative demolition order) of 2016 introduced by Micky Zohar of the Likud party.

<sup>23</sup> Both bills appear to be motivated by a number of impending deadlines, imposed by the High Court of Justice, for the evacuation of unauthorized settlement construction, including the outpost of Amona.

<sup>24</sup> Nir Hasson, "Palestinians say Jerusalem council trying to turn Mount Scopus into park", *Haaretz*, 5 July 2015.

<sup>25</sup> The decision is currently being challenged on the grounds that it may be politically motivated. See Nir Hasson, "Settler groups asks High Court to cover up its ties to Israeli Justice Minister", *Haaretz*, 23 June 2016.

because of the environment created as a result of Israel's decades-long policy of illegal settlement activities".<sup>26</sup>

19. The Secretary-General has repeatedly reiterated his concern regarding Israel's failure to enforce the law against violent settlers ([A/HRC/25/38](#), paras. 42 and 43). Figures published by the Israeli Ministry of Justice in January 2016 suggest an increasing indictment rate for ideologically motivated offences by Israelis against Palestinians.<sup>27</sup> Nevertheless, according to a recent report by the Israeli NGO Yesh Din-Volunteers for Human Rights on law enforcement on Israeli citizens, only 7.3 per cent of complaints of ideologically motivated offences against Palestinians that were monitored by the organization between 2005 and 2015 led to an indictment, while 85 per cent of investigations were closed owing to police failures within the investigative process, such as the inability to identify suspects or to collect evidence.<sup>28</sup>

20. Following the arson attack in Duma, Israeli authorities adopted measures, including administrative detention and movement restrictions against settlers, in an effort to prevent further incidents of violence ([A/HRC/31/43](#), paras. 40-43). With respect to administrative detention, the Secretary-General has condemned its use by Israel against Palestinians and Israelis alike. On 3 January 2016, media reported that two Israeli suspects had been indicted with regard to the attack in Duma, one being charged with three counts of murder and the other, a child, as accessory to murder.<sup>29</sup> Welcoming these steps towards accountability, the Secretary-General recalls Israel's duty to respect and ensure the respect of human rights in the Occupied Palestinian Territory and calls for prompt and effective investigations in all other cases of alleged settler violence leading to the injury or death of Palestinians, as well as damage to their property.

## **G. Impact on Palestinian communities at risk of forcible transfer**

21. The impact of settlement expansion on Palestinian communities at risk of forcible transfer has been highlighted in previous reports of the Secretary-General ([A/HRC/31/43](#), paras. 44-63). The year 2016 began with a dramatic increase in demolitions in Area C. According to the Office for the Coordination of Humanitarian Affairs, February 2016 saw the highest number of structures demolished in a single month since 2009 when the systematic documentation of demolitions began. As at 7 June 2016, a total of 546 structures, including 79 in East Jerusalem, had been demolished since the beginning of the year, more than the total number of demolitions for the whole of 2015 (453 structures, including 78 in East Jerusalem). Some 796 Palestinians have already been displaced by demolitions in

<sup>26</sup> Statement available from: [www.un.org/undpa/en/speeches-statements/19082015/middleeast](http://www.un.org/undpa/en/speeches-statements/19082015/middleeast).

<sup>27</sup> Ministry of Justice, "Israel's investigation and prosecution of ideologically motivated offences against Palestinians in the West Bank".

<sup>28</sup> See Yesh Din-Volunteers for Human Rights, "Law enforcement on Israeli civilians in the West Bank", data sheet, October 2015. See also Yesh Din's analysis of the Ministry of Justice report on Israel's investigation and prosecution of ideologically motivated offences against Palestinians in the West Bank. Available from: [www.rightsecretariat.ps/category/item/141-yesh-din-s-analysis-of-moj-report-on-israel-s-investigation-and-prosecution-of-ideologically-motivated-offences-against-palestinians-in-the-west-bank](http://www.rightsecretariat.ps/category/item/141-yesh-din-s-analysis-of-moj-report-on-israel-s-investigation-and-prosecution-of-ideologically-motivated-offences-against-palestinians-in-the-west-bank).

<sup>29</sup> Chaim Levinson and Barak Ravid, "Israel charges two Jews over West Bank arson murders", *Haaretz*, 3 January 2016.

2016, compared with 580 in 2015. Since March 2016, the rate of demolitions has decreased significantly.

22. Bedouins living in Area C are the most affected by demolitions and at risk of forcible transfer. Khirbet Tana has suffered four rounds of demolition since the beginning of 2016. On 23 March 2016 alone, 53 structures were demolished in the hamlet, resulting in the displacement of 87 persons.

23. Other Palestinian communities were also affected by demolitions. Preparations for the new settlement on the site of Beit al-Baraka along Route 60, next to the Al-Arroub refugee camp, resulted in the demolition of three agricultural structures and the uprooting of 85 trees. On 12 April 2016, demolitions resumed after a pause of four years in Al-Walaja with three houses demolished. This coincided with the resumption of construction of the wall in the nearby Cremisan Valley and the initiation of works for the planned visitor centre of the Emek Refaim national park located nearby.

24. Hundreds of families are at risk of forcible transfer in East Jerusalem owing to the seizure of numerous buildings by Israeli settlers in Silwan and in the Old City, as well as by the development of various parks throughout East Jerusalem. These facts suggest that there is a close link between the rate of demolitions and forcible evictions and settlement expansion. The following case study on Hebron illustrates how the coercive environment generated by settlements forces Palestinians to relocate to different areas.

#### **IV. Impact of settlements: a case study of Hebron's coercive environment**

25. After East Jerusalem, Hebron is the second largest city in the West Bank, with a population of 215,000 inhabitants. Its Old City features a site of high religious significance to Jews and Muslims: the Ibrahimi Mosque, or Tomb of the Patriarchs. Hebron is the only other city within the West Bank, besides East Jerusalem, with Israeli settlements within its urban area. Approximately 600 settlers live in five settlements consisting of one to a few buildings: Avraham Avinu, Beit Romano, Beit Hadassah, Tel Rumeida and Beit al-Rajabi.

26. These settlements are part of the H2 zone, the area of Hebron in which Israel retained all authority and responsibilities for internal security and public order under the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip.<sup>30</sup> H2 covers approximately 20 per cent of Hebron, including the Old City, which was once the centre of commercial and cultural life in Hebron, and includes approximately 40,000 of its inhabitants. In addition to settlements in H2, the zone is surrounded by two large settlements, Kiryat Arba and Givat Ha'avot, with a cumulated settler population of 7,000. To ensure the security of the settlers, an average of 1,500 Israel Defense Forces soldiers have been deployed among 6,000 Palestinians living in adjacent neighbourhoods.

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<sup>30</sup> Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995, annex I, art. VII, implemented by the Protocol concerning the Redeployment in Hebron of 21 January 1997.

27. The settlement of Beit al-Rajabi was the latest to be established after the Israeli Supreme Court had ruled in favour of settler ownership of the building in 2014. It is the first new settlement established in the city of Hebron since 1980 (A/69/348, paras. 22 and 23). In April 2012, settlers took over another Palestinian building in H2, the Abu Rajab house, claiming that they had purchased it. They were moved out by the Israel Defense Forces a few days later. The settlers' ownership claim was eventually denied by the Israeli Civil Administration on 28 December 2015.<sup>31</sup> On 20 January 2016, a group of settlers occupied two additional Palestinian houses in the Old City, claiming ownership, before being removed by the soldiers the next day.

28. Since 1994,<sup>32</sup> restricted areas have been established around the five settlements located within H2, covering the main part of the Old City, with several streets prohibited to Palestinian traffic, including some to pedestrian movement. The Protocol Concerning the Redeployment in Hebron foresees the normalization of life in the Old City, including the reopening of Al-Shuhada Street and the wholesale market, but the commitment has not been met. Hundreds of closures by Israeli security forces or physical obstacles remain in Hebron, including 17 permanently staffed checkpoints. Palestinian land in the vicinity of settlements has also been seized on alleged security grounds. More than 1,800 commercial establishments, accounting for 75 per cent of all businesses in the Old City, have closed, most during the second intifada in the early 2000s, mainly as a result of access restrictions for customers and suppliers or on the basis of military orders. More than 1,000 Palestinian homes, or 42 per cent of homes in the Old City, were abandoned by their residents, the majority during the second intifada.<sup>33</sup> Four mosques were also closed in the Old City. What used to be the commercial and cultural heart of Hebron has now been virtually deserted for almost two decades.

29. The Ibrahimi Mosque (Tomb of the Patriarchs), a site of high religious significance to Jews and Muslims, is located in H2. The site was divided in two parts following the 1994 massacre, one for Muslim worshippers and the other for Jewish worshippers. During major religious holidays and for an average of 10 days a year, the site is open to one faith only. During Jewish holidays, thousands of Israeli visitors converge in Hebron, while the movements of Palestinians in the Old City are strictly limited.<sup>34</sup> The Muslim call for prayer is also banned during those holidays. On other days, because of access restrictions to the location from which it is performed, the call for prayer is prevented twice daily and subject to delays at other times.<sup>35</sup>

30. Archaeological works by Israel and related plans to build a tourist centre in the Tel Rumeida area of H2 was another concerning development. While no major advancement was witnessed, previous reports highlight the significant impact that such a project would have on the Palestinian inhabitants of Tel Rumeida (A/69/348, para. 35, A/HRC/31/43, para. 16).

<sup>31</sup> Peace Now, "Settlers' ownership claim of a Hebron house rejected by the Civil Administration's Registration Committee", 29 December 2015.

<sup>32</sup> On 25 February 1994, an Israeli settler opened fire on Muslim worshippers in the Ibrahimi Mosque (Tomb of the Patriarchs), killing 29 Palestinians and injuring 125 others.

<sup>33</sup> Ofir Feuerstein, *Ghost Town: Israel's separation policy and forced eviction of Palestinians from the centre of Hebron* (B'tselem and Association for Civil Rights in Israel, 2007).

<sup>34</sup> Jews do not face similar practical restrictions during Palestinian holidays.

<sup>35</sup> Data from Ministry of Religious Affairs and Endowment (Al-Waqf).

31. The escalation of violence that began in September 2015 had a significant impact on Hebron, further undermining the living conditions of Palestinians in H2, but also general access to the entire city. Besides restrictions on the main roads leading into Hebron, neighbourhoods adjacent to the settlements in H2, or so-called restricted areas, have been isolated further by additional physical obstacles and frequent inspections on individuals. While such measures add to the coercive environment, concern has also been raised that they may result in collective punishment.<sup>36</sup>

32. On 1 November 2015, the part of Al-Shuhada Street still accessible to Palestinians and the neighbourhood of Tel Rumeida were declared a closed military zone, enforced on Palestinians only, to which only residents officially registered with the Israeli authorities could access. Visitors were not allowed into the zone, including friends, family, medical and maintenance personnel and human rights observers. The military zone was officially lifted on 19 May 2016, after more than half a year of isolation for the approximately 120 Palestinian families living in the neighbourhood of Tel Rumeida and Al-Shuhada Street.

33. In addition to being regularly attacked and intimidated by settlers,<sup>37</sup> human rights defenders active in Hebron have also been affected by increasing pressure from the Israeli security forces, including through the latest security measures on restricted areas. International, Palestinian and Israeli human rights defenders, in particular, have been subjected to arrest, intimidation, raids on their offices and death threats. For instance, additional pressure was placed upon volunteers from the International Solidarity Movement after they had witnessed and documented from their premises the killing by the Israel Defense Forces of two Palestinian men in October 2015. On 29 February 2016, the coordinator of the NGO Youth Against Settlements, Issa Amro, was arrested by security forces for his involvement in the organization of a peaceful demonstration to open Al-Shuhada Street. He was released the next day and reported having been ill-treated in detention.<sup>38</sup>

## A. Impact on specific human rights

34. The extraterritorial applicability of human rights law has been recognized by the International Court of Justice and human rights treaty bodies.<sup>39</sup> Accordingly, Israel has the duty to implement its human rights obligations within the Occupied Palestinian Territory with regard to not only Israeli citizens, but also the entire Palestinian population. It has the obligation to exercise due diligence to prevent, investigate, prosecute, punish and remedy harm sustained by the Palestinians in H2, irrespective of whether such harm is caused by officials or individuals, and without any discrimination.

<sup>36</sup> B'tselem, "New restrictions on movement in Hebron and environs disrupt lives and constitute prohibited collective punishment", 5 November 2015.

<sup>37</sup> [A/HRC/31/43](#), paras. 38 and 39. See also International Solidarity Movement, "Notorious violent criminal settler Anat Cohen assaults and terrorizes internationals again", 27 October 2015.

<sup>38</sup> Youth against Settlements, "Human rights defender, Issa Amro, released after another arrest by Israeli forces", 3 March 2016. Available from: <http://hyas.ps/press-release-israeli-soldiers-arrest-human-rights-defender-issa-amro-hold-him-for-24-hours/>.

<sup>39</sup> International Court of Justice, Legal consequences of the construction of a wall in the Occupied Palestinian Territory, advisory opinion of 9 July 2004, paras. 110-112. See also [A/HRC/25/38](#), para. 5, and [A/69/348](#).

35. The present section focuses on the impact of the settlements on specific human rights of the Palestinian population living in H2. Besides direct effects, such as settler violence and limitations on freedom of movement, the large numbers of Israeli security forces in and around H2 to ensure the security of settlers carries an important risk of violations.

## **B. Right to life, liberty and security of person**

### **Excessive use of force and denial of medical assistance**

36. The escalation of violence during the last quarter of 2015 was preceded by the killing of 18-year-old Hadeel al-Hashlamoun by the Israel Defense Forces. She allegedly attempted an attack with a knife at a checkpoint in the Old City of Hebron on 22 September 2015. More than eight months after the incident, no criminal investigation appears to have been opened, even though an inquiry by the Forces had concluded that the death was unnecessary and avoidable (A/HRC/31/40, paras. 11-13).

37. Ms. Al-Hashlamoun's killing was the first in a series of incidents in which Palestinians were killed or seriously injured by Israeli security forces around the numerous checkpoints within or leading to H2 while carrying out or allegedly carrying out an attack against Israelis. A total of 24 Palestinians, including 7 children, 2 women and 1 girl, were shot and killed by the security forces during such attacks or alleged attacks. One Palestinian man was killed during clashes. Since the upsurge in violence in September 2015, this is the highest number of Palestinian casualties in a single city, after East Jerusalem.

38. On 24 March 2016, the Israel Defense Forces killed Abdelfattah al-Sharif and Ramzi al-Qasrawi during an alleged stabbing attack against an Israeli soldier in Tel Rumeida. A videotape recorded by a witness and widely circulated in the media shows a soldier shooting Mr. Al-Sharif in the head at close range, while he was lying, apparently wounded but still alive, on the ground, even though he seemed not to pose any immediate threat.<sup>40</sup> He had received no medical treatment from nearby medical staff after his initial injury. The recording of the incident was shared around the world on social media. The Israeli police immediately opened an investigation. Both the United Nations Special Coordinator for the Middle East Peace Process and the United Nations High Commissioner for Human Rights strongly condemned the "apparent extrajudicial execution".<sup>41</sup> Additional witness accounts emerged suggesting that Mr. Al-Qasrawi, the second Palestinian man involved in the incident, might also have been subject to an extrajudicial execution, given that he was shot in the head while lying wounded on the ground.<sup>42</sup>

<sup>40</sup> See [www.youtube.com/watch?v=S8WK2TgruMo](http://www.youtube.com/watch?v=S8WK2TgruMo).

<sup>41</sup> Nikolay Mladenov, United Nations Special Coordinator for the Middle East Peace Process, statement on the apparent extra-judicial execution of a Palestinian assailant in Hebron in the occupied West Bank, 25 March 2016. Available from: [www.unsco.org/Documents/Statements/SC/2016/Statement%20by%20UN%20Special%20Coordinator%20Mladenov%20-%2025%20March%202016.pdf](http://www.unsco.org/Documents/Statements/SC/2016/Statement%20by%20UN%20Special%20Coordinator%20Mladenov%20-%2025%20March%202016.pdf), and the Office of the United Nations High Commissioner for Human Rights, "Comment by the spokesperson for OHCHR, Rupert Colville, on the killing of a Palestinian man in Hebron", 30 March 2016.

<sup>42</sup> B'tselem, "Testimonies: prior to incident for which Elor Azaria is facing charges, Ramzi al-Qasrawi was also executed", press release, 6 June 2016.



39. On 13 February 2016, Kilzar Eweiwi, an 18-year-old Palestinian woman, reportedly attacked an Israeli soldier with a knife while he was searching her bag at a checkpoint in the Old City. After having lightly injured the soldier, she stabbed a Palestinian bystander while running away into a dead-end yard, with no means to escape. There, according to the injured bystander, two soldiers shot at vital parts of her body with several bullets from a distance of 5 or 6 metres. An eyewitness told the Office of the United Nations High Commissioner for Human Rights (OHCHR) that she was left wounded without medical assistance for approximately 30 minutes before being declared dead.

40. On 25 October 2015, Dania Irshied, a 17-year-old Palestinian girl, was shot and killed by the Israel Defense Forces at the checkpoint leading to the Ibrahimi Mosque. A witness told OHCHR that, after searching the girl's bag, a soldier began shouting at her, repeatedly ordering her to reveal the knife that he alleged she was hiding. The girl continually denied that she was carrying a knife but was shot with several bullets in the upper part of her body while allegedly holding her empty hands in the air. According to witnesses, Ms. Irshied was reportedly left wounded on the ground without medical assistance for approximately 25 minutes. She died at the scene.

41. Similarly, on 26 October 2015, 20-year-old Sa'ad al-Atrash was killed by the Israel Defense Forces at a checkpoint in the Old City for an alleged stabbing attack during what seemed to be a regular identity check. Witnesses reported to OHCHR how a soldier shot at the upper part of his body as Mr. Al-Atrash was handing over his identification. According to those accounts, he was left on the ground without medical assistance for approximately 25 minutes manifestly still alive, despite the nearby presence of an ambulance.

42. On 15 February 2016, 21-year-old Yasmeen al-Zaru was shot by the Israel Defense Forces and critically injured at a checkpoint close to the Ibrahimi Mosque. According to numerous witnesses present at the scene, the soldiers ordered Ms. Al-Zaru to stop once she had already walked through the checkpoint, empty-handed. She was shot in the back by two soldiers from a distance of 6 or 7 metres after apparently ignoring the order. The girl was then left on the ground, bleeding heavily, for approximately 15 minutes. Two witnesses informed OHCHR that an Israeli settler threw a knife near the injured girl while she was on the ground. Ms. Al-Zaru was eventually taken to an Israeli hospital before being arrested on suspicion of an attempted stabbing. At the time of writing, Ms. Al-Zaru was still in prison, but had yet to be indicted.

43. The cases monitored by OHCHR raise serious concerns about the excessive use of force and unlawful killings by the Israeli security forces, including extrajudicial executions ([A/HRC/31/40](#), paras. 10-15). Law enforcement officials, including members of the armed forces acting in that capacity, have the duty to protect the public and the right to protect themselves, but lethal force should only be used when strictly necessary and in accordance with the principle of proportionality. It should be restricted to cases of self-defence or defence of others against an imminent threat of death or serious injury, that is, to situations of last resort.<sup>43</sup> The use of force that does not comply with those principles and results in the death of

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<sup>43</sup> Code of Conduct for Law Enforcement Officials, articles 2 and 3, and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, provisions 5, 9, 13 and 14.

the suspect amounts to an arbitrary deprivation of life.<sup>44</sup> In addition, when the unjustified use of firearms by law enforcement officials of the occupying Power is made against protected persons, this may, depending on the circumstances, amount to an act of wilful killing under international humanitarian law.<sup>45</sup> The cases of Dania Irshied, Sa'ad al-Atrash and Yasmeen al-Zaru are all the more disturbing because OHCHR found no evidence that they were killed within the context of a stabbing or attempted stabbing attack.

44. Systematic delays in the provision of medical assistance to wounded suspects, as documented by OHCHR in all the above-mentioned cases, is an additional concern and may suggest the existence of an established practice. According to international legal principles regulating the use of force by law enforcement officials, medical assistance has to be provided as soon as possible.<sup>46</sup> The loss of life resulting from a failure to respect this principle would also amount to an arbitrary deprivation of life.

45. All allegations of the use of excessive force resulting in death or injury by law enforcement officials should be subject to prompt, independent and impartial investigations. The apparent extrajudicial execution of Mr. Al-Sharif is the only known case of killing by the Israeli security forces during the reporting period that has so far led to an indictment. The soldier that fired the fatal shot at Mr. Al-Sharif has been suspended and is currently facing trial for manslaughter in a military court.

#### **Settler violence and lack of accountability**

46. Hebron has been the scene of continuous harassment and violence committed by Israeli settlers against Palestinians, including against children, mostly without legal consequences. The close proximity within which the settlers live with Palestinians in H2 makes this violence all the more acute and dangerous. After a notable peak in instances of settler violence in early October 2015 (A/HRC/31/43, para. 38), rates decreased significantly in the subsequent months. While attacks often take the form of stone-throwing, damage to Palestinian property and verbal harassment, the violence of a number of attacks and the inaction of the Israel Defense Forces when present at the scene are particularly worrying, as illustrated by two cases monitored by OHCHR.

47. On 17 October 2015, Fadel Mohammad Awad al-Qawasmeh was shot by an Israeli settler while walking on Al-Shuhada Street after having been searched. According to witnesses, the settler approached Mr. Al-Qawasmeh in a provocative way, yelling at him. When Mr. Al-Qawasmeh turned back to avoid the settler, the latter shot at him with several bullets, including at the upper part of his body. As seen in a video of the incident recorded by Youth Against Settlements,<sup>47</sup> Mr. Al-Qawasmeh was lying wounded on the ground as a number of soldiers converged on the location. The soldiers neither arrested the settler nor assisted Mr. Al-Qawasmeh, who was left wounded for approximately 25 minutes before eventually being evacuated by Israeli medical personnel and pronounced dead.

<sup>44</sup> International Covenant on Civil and Political Rights, art. 6.

<sup>45</sup> Fourth Geneva Convention, art. 147.

<sup>46</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, provision 5 (c).

<sup>47</sup> See [www.youtube.com/watch?v=opdMYUpMny8](http://www.youtube.com/watch?v=opdMYUpMny8).

48. On 4 May 2016, Ra'ed Abu Rmeileh, a former cameraman for the NGO B'tselem, was attacked by Israeli settlers close to the Ibrahimi Mosque when he attempted to videotape settlers harassing Palestinian children. Two settlers assaulted Mr. Abu Rmeileh, punching and hitting him on the head with a sealed soda can until he collapsed. Two soldiers present at the scene did not intervene but were reportedly pointing their weapons at nearby Palestinians and towards the victim while he was being beaten. Once the settlers had escaped, the soldiers assisted the wounded man, who was evacuated by a Palestinian ambulance. Mr. Abu Rmeileh filed a complaint with the Israeli police and identified his assailants. He had not received any update on his complaint at the time of writing the present report.

49. Such incidents seem to illustrate soldiers' consistent failure to stop settlers from harassing Palestinians, intervening only in order to protect the settlers and contain the situation.<sup>48</sup> Such discriminatory law enforcement is of strong concern to the Secretary-General.

50. As the occupying Power, Israel is responsible for ensuring public order and safety within the occupied territory.<sup>49</sup> International humanitarian law provides that protected persons are, in all circumstances, entitled to respect for their persons, honour, family rights and religious convictions and practices. They shall be protected against all acts or threats of violence and against insults.<sup>50</sup> Israel also has the obligation under international human rights law to protect the right to life and physical integrity of Palestinians.<sup>51</sup> Settler violence impedes the enjoyment of numerous other human rights by the affected Palestinian population.<sup>52</sup> Israel is obliged to take measures to prevent and address settler violence, given its duty to respect and ensure the respect of human rights in the Occupied Palestinian Territory, as well as its obligations as an occupying Power. However, Israel is repeatedly failing in its obligation to do its utmost to investigate cases of settler violence and prosecute perpetrators.

### C. Impact on children

51. For many years, the living environment in H2 has been particularly harsh for children. Children attending schools in the vicinity of settlements are affected by strict security measures, including daily searches at checkpoints. Students and teachers of Qurtuba school are regularly prevented from accessing the school through the usual routes because of settler harassment and violence and are

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<sup>48</sup> B'tselem, "Footage from Hebron: Israeli military enables 5-day settler attack", 19 October 2015.

<sup>49</sup> The Regulations annexed to the Hague Convention of 1907, art. 43. See also Guidelines for Hebron (annex I, art. VII, of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995) and Protocol concerning the Redeployment in Hebron of 21 January 1997, para. 2, and [A/67/375](#), para. 30.

<sup>50</sup> Fourth Geneva Convention, art. 27 (1). See also the Regulations annexes to the Hague Convention, art. 46.

<sup>51</sup> The International Covenant on Civil and Political Rights, art. 6.

<sup>52</sup> This includes the right not to be subjected to cruel or inhuman treatment (International Covenant on Civil and Political Rights, art. 7), the right to privacy, family and home (International Covenant on Civil and Political Rights, art. 17), the right to an adequate standard of living (International Covenant on Economic, Social and Cultural Rights) and the right to property (Universal Declaration of Human Rights, art. 17, and International Convention on the Elimination of All Forms of Racial Discrimination, art. 5).

sometimes obliged to seek alternative routes, leading to major delays. It was reported that seven students had dropped out of Al-Ibrahimiya school since October 2015 because of the heightened risks and security measures at the checkpoints and that the school would be empty by now if the Palestinian authorities had allowed students to move to other schools. The principals of both schools reported a decline in academic results during the same period. Children visiting the Al-Saraya kindergarten were escorted by members of the NGO Christian Peacemaker Teams for the entire school year to help them through checkpoints and protect them from settler violence.

52. Palestinian children are particularly vulnerable to settler violence ([A/67/375](#), para. 22). The current situation of children living in H2 reflects a failure by the occupying Power to ensure their well-being and to protect them from physical and mental violence, injury and abuse, as guaranteed by human rights law.<sup>53</sup>

53. OHCHR interviewed a resident whose house in Tel Rumeida overlooks the checkpoint and settlements. She reported a number of attacks by settlers against children as young as eight years of age living in her house, including slapping, spraying with pepper and beating with sticks. The children living in this house, like many other children in the area, are now confined to playing indoors, given that their parents fear that they would be subject to further assaults if they played outside. Settler children are reportedly often equipped with pepper spray, batons or whips when walking through restricted areas. Palestinian families living in those neighbourhoods are also constantly worried about their children having to cross checkpoints, given the risk of being arrested on false allegations made by settlers. Their children have witnessed numerous scenes of violence, including the killing of several Palestinians by the Israel Defense Forces, which adds to their psychological distress and trauma.

54. Eleven-year-old Marwan Mofeed al-Sharabati lives on Al-Shuhada Street, close to the Israel Defense Forces base and settlement of Beit Romano. On 18 September 2015, after he complained to a soldier that his bike had been stolen by a child living in a nearby Israeli settlement, Marwan, reportedly crying out of fear, was forcibly taken to the military base where he found his bicycle. He was later arrested by soldiers on the basis of allegations by settlers that he had thrown stones at them. He was handcuffed, blindfolded, verbally threatened and harassed for an hour before being released. Marwan's father explained to OHCHR that the boy had suffered from nightmares and bed-wetting ever since. The NGO Palestinian Prisoners Club reported the arrest of 117 children in H2 and H1 by the Israeli security forces.

55. Such cases are familiar to the NGO Doctors without Borders, which has been providing psychosocial support to families residing in H2. According to the organization, the vast majority of children residing in Tel Rumeida and Al-Shuhada Street, in particular those that witnessed the killings of Palestinians, are suffering from acute traumatic symptoms, such as fear, irritability and nightmares.

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<sup>53</sup> Convention of the Rights of the Child, arts. 3 and 19.

## **D. Right to health and to an adequate standard of living**

56. Adequate access to health services is a serious concern within H2. In addition to Israel's obligations under international human rights law, including the rights to an adequate standard of living and to the highest attainable standard of physical and mental health,<sup>54</sup> the Secretary-General recalls Israel's responsibility, as an occupying Power, to ensure proper access to health-care facilities and services to the whole population, without discrimination.<sup>55</sup>

57. In the restricted areas of Tel Rumeida and Al-Shuhada Street, access for Palestinian ambulances is provided after coordination by the International Committee of the Red Cross with the Israeli Civil Administration. However, this system has caused significant delays and Palestinians no longer rely on it for an emergency first response. Instead, the Palestinian ambulance is left at the checkpoint while the medical personnel cross on foot to reach the patient. This can cause life-threatening delays.

58. On 21 December 2015, Hashem Al'Azzeh, a well-known human rights defender, who had a heart condition, lost consciousness in Tel Rumeida after a possible heart attack. His relatives carried him through the checkpoint, where they were delayed for some minutes by Israel Defense Forces security procedures. On the way, Mr. Al'Azzeh was further exposed to tear gas from nearby clashes. He was pronounced dead upon reaching the hospital.

59. The overbearing military presence and security operations, alongside security restrictions imposed on Palestinians, impede their movement and daily activities, including access to basic services. The closure of businesses also creates a challenging environment for H2 residents to maintain their livelihood and an adequate standard of living. Security measures and access restrictions also have considerable consequences on the social life of H2 residents, given that access to visitors is restricted or banned. Israeli building restrictions preventing the extension of houses located close to settlements have also forced new generations of families to relocate to different areas, mainly in H1.

60. Settler violence and a lack of accountability exacerbate the vulnerabilities created by the already dire living conditions in H2. Paradoxically, the absence of regular policing, away from settler incidents, has turned H2 into a safe haven for criminals. Drug trafficking, smuggling and other crimes have flourished in areas suffering from this security gap, adding to the coercive environment that is forcing Palestinian families out of the area.

## **E. Forced to leave**

61. The coercive environment within H2, added to the events of the past eight months, the deteriorating living conditions and the constant feeling of insecurity, have forced families to move out of H2, as recorded by OHCHR.

62. In November 2015, Ra'ed Sider, his wife and six children moved out of the house in Tel Rumeida, where they had lived since 2000, and relocated to H1.

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<sup>54</sup> International Covenant on Economic, Social and Cultural Rights, arts. 11 and 12.

<sup>55</sup> Fourth Geneva Convention, art. 56.

Mr. Sider took this decision mainly out of concern for the safety of his five sons, ranging from 7 to 15 years of age, and the psychological impact that recent events had had on them. Mr. Sider was also concerned for the safety of his eldest son, who had been stopped and harassed by the Israel Defense Forces on a number of occasions. Additional factors influencing his decision included the increasing security measures at checkpoints, constraints on freedom of movement during security incidents, the constant attacks by settlers and the lack of law enforcement. He recalled how relatives visiting during Ramadan in 2014 were stopped and harassed by soldiers and then arrested when his house was raided during the iftar meal. “The atmosphere for living has become unbearable and we cannot stand it anymore. It is about the safety of our children; otherwise, we don’t mind sacrificing ourselves,” Mr. Sider told OHCHR.<sup>56</sup>

63. OHCHR interviewed another Palestinian from Tel Rumeida, Nidal Salhab, who is planning to leave the area out of concern for the safety of his four boys ranging from 6 to 16 years of age. His eldest son had already moved to H1 after being seriously injured by live fire from the Israel Defense Forces while returning home late at night on 1 December 2015. According to Mr. Salhab, “Restrictions on everyday life activities, the stress around the clock fearing security incidents, concern for the children’s well-being and the unpredictable responses of the IDF and settlers have created an extremely uncomfortable atmosphere to live in. Besides, the strict measures imposed by the soldiers manning the checkpoint have become unbearable and have significantly hampered our daily life”.<sup>57</sup>

64. The adverse impact of Israeli settlements within the Old City of Hebron on Palestinians’ security and standard of living is striking. Palestinians are forced to leave H2 owing to the coercive environment, and the Secretary-General is concerned about possible instances of forcible transfers. As more Palestinian families leave H2, Israeli settlement will likely expand, further adding to the deteriorating living conditions of the remaining Palestinians.

## V. Settlements in the occupied Syrian Golan

65. Illegal settlement expansion in the occupied Syrian Golan continued with the support of the Government of Israel, in violation of Israel’s obligations under international humanitarian law, international human rights law and numerous Security Council resolutions.<sup>58</sup> The expansion has reportedly included a building boom in the kibbutz of Merom Golan, the ongoing “farms project” with plans for up to 750 new settler farms in the coming years and Israeli Government public spending plans of hundreds of millions of shekels to increase the population by up to 100,000 settlers by 2020.<sup>59</sup> The Secretary-General notes with particular concern the statement by the Prime Minister, Benjamin Netanyahu, at a Cabinet meeting held in the occupied Syrian Golan on 17 April 2016 asserting that “the Golan Heights will forever remain in Israel’s hands. Israel will never come down from the Golan Heights. The population on the Golan Heights grows year by year; today it

<sup>56</sup> Interview of 5 May 2016.

<sup>57</sup> Interview of 3 May 2016.

<sup>58</sup> See Security Council resolution 497 (1981). See also [A/70/351](#).

<sup>59</sup> Jodi Rudoren, “As Syria reels, Israel looks to expand settlements in Golan Heights” *New York Times*, 2 October 2015. See also [A/70/406](#) para. 12.

numbers approximately 50,000 and there are thousands of families due to join them in the coming years”.<sup>60</sup>

66. The Secretary-General draws attention to the Security Council’s deep concern over such statements by Israel about the occupied Syrian Golan and reaffirms the validity of resolution 497 (1981), in which the Council decided that, “the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect”.

## **VI. Conclusions and recommendations**

**67. Israeli settlement activities remain at the core of many human rights violations in the West Bank, including East Jerusalem. The Secretary-General reiterates that Israeli settlements within the Occupied Palestinian Territory are illegal under international law.**

**68. Israel must implement all relevant United Nations resolutions, including Security Council resolution 497 (1981), and withdraw from territories occupied in 1967. The Israeli authorities must halt and reverse the creation and expansion of illegal settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan built in violation of international humanitarian law and international human rights law.**

**69. Israeli authorities must stop issuing plans and tenders and stop retroactively legalizing outposts and other unauthorized constructions. They must also halt expanding the area effectively occupied by settlements by other means, such as the development of archaeological and tourist parks. The Israeli authorities must also discontinue their support for private settler organizations’ initiatives aimed at the seizure of Palestinian properties and the forced eviction of their residents.**

**70. The Israeli authorities must cease discriminatory and unlawful planning processes in the West Bank, including East Jerusalem. More specifically, Israel must refrain from implementing evictions and demolition orders on the basis of discriminatory and illegal planning policies, laws and practices that may lead to forcible transfer.**

**71. Israel must respect human rights law within the Occupied Palestinian Territory. In view of its obligation to maintain internal security and public order in the West Bank, Israel must ensure proper enforcement of the law without discrimination, including against settlers who commit acts of violence against Palestinians. The Secretary-General reiterates that the Israeli authorities must ensure full criminal accountability for perpetrators of such acts. In addition, Israel must take all feasible measures to prevent such violence and fulfil its international obligations to provide effective remedy for victims.**

**72. Israel must protect the Palestinian population from arbitrary deprivation of life. Any suspected case of excessive use of force by law enforcement officials must be properly investigated and the perpetrators prosecuted. According to human rights obligations, Israel must also ensure proper access to health care,**

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<sup>60</sup> Israel, Ministry of Foreign Affairs, Cabinet communique, 17 April 2016. Available from: <http://mfa.gov.il/MFA/PressRoom/2016/Pages/Cabinet-communique-17-April-2016.aspx>.

**education and an adequate standard of living to Palestinians living in the Occupied Palestinian Territory. The coercive environment that results from the lack of respect for human rights is a factor that has forced Palestinian families to relocate, as has been the case in the Old City of Hebron.**

**73. Displacement and relocation to alternative residential areas, as a result of demolition orders, forced eviction or a coercive environment, may amount to forcible transfer, in violation of Israel's obligations under international humanitarian law and human rights law.**

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## Seventy-second session

Agenda item 54

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan**

### **Report of the Secretary-General**

#### *Summary*

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 71/97. It provides an update on Israel's settlement activities in the West Bank, including East Jerusalem, and the occupied Syrian Golan. It also highlights instances of demolition and forced eviction in the context of settlements, including case studies on their impact on Bedouin and herder communities in Area C.



## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 71/97 and provides an update on the implementation of the resolution during the period from 1 June 2016 to 31 May 2017. It should be read in conjunction with previous reports of the Secretary-General to the General Assembly and the Human Rights Council on Israeli settlements in the West Bank, including East Jerusalem, and the occupied Syrian Golan.<sup>1</sup>

2. The report provides an update on settlement activities in the Occupied Palestinian Territory and on the conditions contributing to a coercive environment, including instances of demolition and forced eviction, described in two illustrative case studies affecting Bedouin and herder communities. As noted in previous reports, forced evictions constitute one of the factors that contribute to the creation of a coercive environment.<sup>2</sup> The report also highlights the fact that the demolitions and forced evictions faced by Palestinians themselves constitute grave human rights violations, in particular of the right to adequate housing. These continued developments remained of concern during the reporting period, as did cases of settler violence.

## II. Legal background

3. An analysis of the applicable legal framework and the basis for Israel's obligations in the Occupied Palestinian Territory and the occupied Syrian Golan can be found in previous reports of the Secretary-General, including his most recent reports (see A/HRC/34/38, paras. 3–12 and 18; A/HRC/34/39, paras. 4–9; and A/71/355, para. 3).

## III. Update on settlements

### A. New settlements and settlement expansion

4. Since 1967, Israel has established approximately 250 settlements and settlement outposts in the occupied West Bank and East Jerusalem.<sup>3</sup> In addition to being in violation of Israel's international humanitarian law obligations, settlements and settlement outposts continue to have a serious impact on the human rights of the Palestinian population. Palestinians have been deprived of their land and property, forcibly evicted and denied access to essential services as a consequence of settlements. They have also often been subjected to violence, harassment and intimidation by settlers. Previous reports of the Secretary-General have described the role of Israeli authorities in the construction and expansion of settlements, including through the provision of land, infrastructure and public services, along with other benefits and subsidies granted to settlers.<sup>4</sup>

<sup>1</sup> A/71/355 and A/HRC/34/39, which covers the first few months of the reporting period.

<sup>2</sup> See A/HRC/34/39, paras. 45–46; A/70/351, paras. 25–51; and A/HRC/16/71, paras. 20–22.

<sup>3</sup> See Office for the Coordination of Humanitarian Affairs, “The humanitarian impact of de facto settlement expansion: the case of Asfar”, *Humanitarian Bulletin: Occupied Palestinian Territory* (November 2016), available from <https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-case-asfar>; see also A/70/82, para. 46.

<sup>4</sup> See A/68/513, paras. 23–29; A/69/348, paras. 33–35; and A/70/351, paras. 33–36.

5. The Government of Israel had initially planned to compensate settlers<sup>5</sup> evacuated from the outpost of Amona<sup>6</sup> by developing housing in the illegal settlement of Shvut Rachel East. Even though the residents of Amona reportedly rejected that offer, the plan for Shvut Rachel East was approved by Israeli authorities in February 2017, allowing for the construction of 98 out of the 300 planned housing units. According to the Israeli non-governmental organization (NGO) Peace Now, although Shvut Rachel East is officially deemed a “neighbourhood” of the settlement of Shilo, it is effectively a separate settlement, because it will be located approximately 1 km from the built-up area of Shilo.<sup>7</sup>

6. On 28 May 2017, the jurisdiction of a new settlement, Amihai, was defined by a military order of the Central Command of the Israel Defense Forces. It is the first new settlement to be established by the Government of Israel in Area C since 1992.<sup>8</sup> Despite the development of Shvut Rachel East, Amihai was also proposed as compensation for the residents of Amona. It would include 102 housing units, whereas 41 families were evicted from the Amona outpost.

7. According to Peace Now, two new settlement outposts were established during the reporting period: one in September 2016, near the settlement of Mehola, and the other in January 2017, near the settlement of Hemdat.<sup>9</sup>

8. The task force for the survey of State land boundaries (Blue Line task force) of the Israeli Civil Administration<sup>10</sup> continued its surveys and demarcations of State land during the reporting period. Its surveys and decisions are integral steps in the process of advancing settlement plans.<sup>11</sup> In August 2016, the Government of Israel notified the High Court of Justice about its ongoing survey to identify “State lands” near the village of Nahlah, south of Bethlehem, in the so-called “E2” area. The United Nations Special Coordinator for the Middle East Peace Process observed that that step could enable the establishment of a new settlement, Givat Eitam, on the outskirts of Bethlehem, further restricting that city’s development and contributing to the dismemberment of the West Bank.<sup>12</sup>

9. According to the Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO), in March 2017 the Israeli Civil Administration declared as State lands some 24 acres near the settlement of Eli. On the basis of their monitoring of settlement activities, some NGOs have suggested that that declaration reflects the intention to retroactively legalize the settlement outposts of Palgey Maim and Givat Haroeh.<sup>13</sup> In late March, the Blue Line team published its revisions to the demarcation of State land near the settlement of Shilo.

<sup>5</sup> See Barak Ravid, “Inside Amona evacuation budget: 70 million shekels to build new settlement”, *Haaretz*, 18 December 2016, available from <http://www.haaretz.com/israel-news/1.759866>.

<sup>6</sup> The settlement outpost of Amona was evacuated on 1 February 2017. In December 2014, the High Court of Justice had given the Government two years to evacuate Amona, which had been built illegally on privately held Palestinian land.

<sup>7</sup> See Peace Now, “Jurisdiction of the new settlement ‘Amihai’ approved”, 30 May 2017, available from <http://peacenow.org.il/en/jurisdiction-new-settlement-amihai-approved>.

<sup>8</sup> *Ibid.*

<sup>9</sup> Although outposts are set up without authorization, support provided by the Israeli authorities in the form of infrastructure and security has been documented. At the time of reporting, the Office of the United Nations High Commissioner for Human Rights (OHCHR) was not able to confirm whether such support was available to the two new outposts.

<sup>10</sup> See A/71/355, para. 13; and A/HRC/31/43, para. 21.

<sup>11</sup> See A/HRC/31/43, para. 21.

<sup>12</sup> See Nickolay Mladenov, Security Council briefing on the situation in the Middle East, 29 August 2016, available from <http://www.un.org/undpa/en/speeches-statements/29082016/middle-east>.

<sup>13</sup> See Peace Now, “Israeli cabinet approves new settlement”, 31 March 2017, available from <http://peacenow.org.il/en/israeli-cabinet-approves-new-settlement>.

Israeli authorities have previously declared their intention to legalize the nearby outpost of Adei Ad.

## B. Construction starts, plans and tenders

10. The Israeli Central Bureau of Statistics published 2,758 construction starts for housing units in Area C settlements from April 2016 to March 2017, which represents a 70 per cent increase compared with the period from April 2015 to the end of March 2016, when 1,619 construction starts were recorded.<sup>14</sup> No official data on construction starts in East Jerusalem settlements are publicly available.

11. According to monitoring carried out by UNSCO, tenders for approximately 3,200 housing units were issued during the reporting period, the majority of them (2,800) in the first five months of 2017. From June to December 2016, tenders were issued for 365 units, including 323 in East Jerusalem and 42 in the settlement of Qiryat Arba', in Area C. Among those issued during the reporting period were tenders for construction in the settlements of Har Homa, Giv'at Ze'ev, Ma'ale Adummim and Ari'el.

12. UNSCO also reported that during the second half of 2016, plans had been advanced for the construction of some 1,500 units in Area C (220 of which had reached the final stage of approval) and another 1,500 in East Jerusalem. During the first six months of 2017, approximately 5,000 housing units were advanced through the Israeli planning bodies.

## C. Legislation

13. Raising concerns about “de facto annexation”, the Israeli legislature has pursued past practice in enacting laws with direct applicability in the West Bank. During the reporting period, this included legislation that, for the first time, extends the jurisdiction of the Knesset to matters of land and property.

### “Regularization” law

14. On 8 February 2017, the Knesset adopted the Law for the Regularization of Settlement in Judea and Samaria, 5777-2017, referred to as the “regularization” law.<sup>15</sup> It authorizes the continued use in the West Bank of privately owned Palestinian land that has been taken for settlement purposes. The law requires that the regularization take place as soon as possible and that the reallocation of private Palestinian land for settlement use be completed within one year from the date of publication of the law, 13 February 2017. This is the first time that the Knesset has extended its jurisdiction to matters concerning the private property of Palestinians living under Israel’s military occupation. The Attorney General of Israel has opposed the law, describing it as unconstitutional and in violation of the Geneva

<sup>14</sup> See Peace Now, “Central Bureau of Statistics: 70 per cent rise in construction of settlements during the past year compared to previous year”, 19 June 2017, available from <http://peacenow.org.il/en/central-bureau-statistics-70-rise-construction-settlements-past-year-compared-previous-year>.

<sup>15</sup> See A/HRC/34/39, para. 33; see also Office for the Coordination of Humanitarian Affairs, “Zeid urges Israel to reconsider bill to legalize outposts that ‘clearly and unequivocally violate international law’”, available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21003>.

Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).<sup>16</sup>

15. Two petitions against the law have been submitted to the High Court of Justice by Israeli and Palestinian civil society organizations on the grounds that it would violate Israeli and international law.<sup>17</sup> However, the Court has stated that the petitions would not delay the application of the law and that the mandatory deadline of 13 February 2018 for the reallocation remains valid. If not invalidated by the High Court of Justice, the law could remove obstacles to the retroactive legalization of dozens of existing outposts, and approximately 3,000 housing units built illegally in settlements recognized as legal by Israel.<sup>18</sup> With the de facto confiscation of private Palestinian land, the law would violate Israel's obligation to protect private property in the territory that it occupies.<sup>19</sup> The law also raises concerns as to Israel's fulfilment of its obligation, as the occupying Power, to respect the laws in force in the territory that it occupies, unless absolutely prevented from doing so.<sup>20</sup>

### **“Annexation” bills and applicability of Israeli legislation to the West Bank**

16. Since the signing of the Oslo Accords in 1993, dozens of private bills aimed at annexing parts of the West Bank have been proposed by members of the Knesset. At least 20 such bills have been submitted for consideration since the March 2015 elections (e.g., through the direct application of Israeli legislation to settlements),<sup>21</sup> but none has reached a first reading in the Knesset or been endorsed by the Government. However, new laws adopted by the current Knesset explicitly apply to Israeli citizens living in settlements. In January 2017, a bill aimed at applying Israeli laws and regulations to Ma'ale Adummim (one of the largest settlements, with 40,000 inhabitants) came close to being discussed by the Government, but its promotion was eventually blocked by the Prime Minister of Israel, Benjamin Netanyahu.<sup>22</sup>

<sup>16</sup> See “Israel passes controversial law on West Bank settlements”, BBC News, 7 February 2017, available from <http://www.bbc.com/news/world-middle-east-38888649>; see also Allison Kaplan Sommer, “Explained: Israel's new Palestinian land-grab law and why it matters”, *Haaretz*, 7 February 2017, available from <http://www.haaretz.com/israel-news/1.770102>.

<sup>17</sup> The first petition was submitted on 8 February 2017 by Adalah, the Al Mezan Centre for Human Rights and the Jerusalem Legal Aid and Human Rights Centre on behalf of 15 Palestinian local councils and two municipalities (see <http://mezan.org/en/post/21791>); the second was submitted on 15 March 2017 by the Association for Civil Rights in Israel, Peace Now and Yesh Din on behalf of 27 Palestinian local councils and 13 Israeli civil society organizations (see <http://www.acri.org.il/en/2017/03/05/acri-peace-now-and-yesh-din-petition-the-high-court-against-the-expropriation-law/>).

<sup>18</sup> See Association for Civil Rights in Israel, “ACRI, Peace Now and Yesh Din petition the High Court against the expropriation law”, 5 March 2017, available from <http://www.acri.org.il/en/2017/03/05/acri-peace-now-and-yesh-din-petition-the-high-court-against-the-expropriation-law/>.

<sup>19</sup> See Regulations respecting the Laws and Customs of War on Land (Hague Regulations), arts. 46 and 56; Fourth Geneva Convention, art. 53; and A/HRC/34/38, paras. 20–21.

<sup>20</sup> See Hague Regulations, art. 43; Fourth Geneva Convention, art. 63; and A/HRC/34/38, para. 39.

<sup>21</sup> The majority of the bills have aimed at the annexation of particular settlements or areas (e.g., Ma'ale Adummim, Gush Etzion, Jordan Valley) and some at the application of the Israeli planning and zoning legislation to settlements, while others have been much broader in scope and effect, demanding the full annexation of Area C or of all major Israeli settlements.

<sup>22</sup> See Tovah Lazaroff, Jeremy Sharon and Herb Keinon, “Annexation bill put off until after Trump-Netanyahu meeting”, *Jerusalem Post*, 22 January 2017, available from <http://www.jpost.com/Israel-News/Netanyahu-looks-to-delay-Maaleh-Adumim-annexation-bill-479191>; see also Tovah Lazaroff, “Ma'aleh Adumim annexation bill on hold for a week”, *Jerusalem Post*, 4 March 2017, available from <http://www.jpost.com/Israel-News/Maaleh-Adumim-annexation-bill-on-hold-for-a-week-483206>.

## D. Law enforcement regarding settler violence

17. Previous reports of the Secretary-General described how settler violence, trespassing and property damage on Palestinian lands often occurred in concerted efforts to forcibly expel Palestinians in order to expand settlements.<sup>23</sup> In recent years, the Israeli authorities have increased their efforts to address settler violence through both preventive measures and the prosecution of perpetrators.<sup>24</sup> According to official data, between January 2016 and June 2017, 54 indictments were served against Israelis for ideologically motivated crimes.<sup>25</sup> In addition, between January and October 2016, Israeli authorities issued 30 restraining orders against Israelis (including minors) considered to be extremists, prohibiting their presence in the West Bank. As at 29 November 2016, 11 Israelis were being held under administrative detention.<sup>26</sup>

18. However, between 1 June 2016 and 31 May 2017, the Office for the Coordination of Humanitarian Affairs recorded 111 incidents of settler violence affecting Palestinians, 42 of which had resulted in injuries and 69 in property damage. Despite a continuing decline since 2013 (when 397 cases were recorded), there was an increase in such incidents in early 2017, as well as in attacks against Israelis, mostly stone-throwing by Palestinians at vehicles.<sup>27</sup>

19. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has monitored and documented several cases of settler violence in the Nablus area, where a significant proportion of the incidents took place, reflecting recurrent and organized attacks by settlers that are increasingly encroaching on Palestinian villages in that area. Some attacks occurred in the presence of Israeli security forces, who failed to uphold public order and safety in the Occupied Palestinian Territory and to protect its inhabitants, including from all acts of violence, threats and insults.<sup>28</sup>

20. For example, in Arif, the family of Muneer Hassan Ahmed Suleiman experienced several days of violent settler attacks, most severely on 29 April 2017. According to OHCHR monitoring data, an estimated 60 settlers, including a settler armed with an automatic rifle, attacked Mr. Suleiman's property, destroying cars and throwing stones at the house. Mr. Suleiman was struck with stones and beaten with a metal rod, which caused several fractures to his legs. Mr. Suleiman reported that while Israeli security forces had arrived at the scene, they had refused to intervene. He was hospitalized for four days and was wheelchair-bound when OHCHR met him in May 2017.

21. OHCHR also monitored and documented the case of the Amraan family, who live 400 metres from an outpost in East Burin. The family reported almost weekly attacks by settlers over the past three years, believing that the perpetrators came

<sup>23</sup> See A/70/351, paras. 52–60.

<sup>24</sup> See A/HRC/34/39, para. 20; and S/2016/595, annex.

<sup>25</sup> See Ministry of Justice of Israel, "Israel's investigation and prosecution of ideologically motivated offences against Palestinians in the West Bank" (June 2017). The report does not clearly distinguish between investigations regarding ideologically motivated offences directed at Palestinians or their property, and investigations regarding other ideologically motivated offences committed by Israelis in the West Bank (e.g., offences targeting security personnel).

<sup>26</sup> *Ibid.* With respect to administrative detention, the Secretary-General has condemned its use by Israel against Palestinians and Israelis alike; see A/69/347, para. 29; and A/HRC/31/43, paras. 40–43.

<sup>27</sup> According to the Office, between January and May 2017, 152 incidents caused harm to Israelis or their property, compared with 112 during all of 2016.

<sup>28</sup> See Fourth Geneva Convention, art. 27, first para.; Hague Regulations, art. 46; and A/HRC/34/38, paras. 33–37.

from the outpost near the settlement of Har Brakha. On 12 May 2017, seven settlers armed with slings reportedly hurled stones at villagers and the family's house in the presence of Israeli security forces. According to witnesses, the latter did not intervene to stop the attack or arrest any suspects, raising strong concerns as to the obligation of Israeli authorities to ensure public order and safety and to protect the population in the Occupied Palestinian Territory.

22. Between 22 April and 27 May 2017, the Office for the Coordination of Humanitarian Affairs documented five incidents in which settlers had attacked Palestinians while accompanied by members of the Israeli security forces. Most of the attacks were believed to have originated from the settlement of Yitzhar, in the Nablus area, a known hotspot for extremist violence against Palestinians. In those cases, many of which were documented on video, soldiers neither intervened nor detained the attackers. In some cases, they used means of crowd dispersal on Palestinians.<sup>29</sup>

#### IV. Demolitions and forced evictions in the context of settlements

23. In 2016, the Israeli authorities demolished or seized 1,093 Palestinian-owned structures in the West Bank, including East Jerusalem. According to the Office for the Coordination of Humanitarian Affairs, this resulted in the displacement of more than 1,600 Palestinians and had an adverse impact on the livelihoods of more than 7,000 others. The number of demolitions in 2016 nearly doubled compared with 2015 and was the highest since 2009, when the Office began its systematic monitoring of demolitions.<sup>30</sup>

24. During the reporting period, 718 Palestinian-owned structures were seized or demolished, which led to the displacement of 1,122 people.<sup>31</sup> Eighteen of those structures were located in Areas A and B. While the number of demolitions generally decreased during the reporting period, there was a spike in January 2017, when 140 structures were demolished by the Israeli authorities, leading to the displacement of some 240 Palestinians. The number of structures demolished was more than 50 per cent higher than the monthly average number of structures targeted in 2016 (91).<sup>32</sup>

25. The official reason for those demolitions is that the structures were built without permits; however, building legally in most of Area C and East Jerusalem is nearly impossible for Palestinians, owing to the planning policies implemented by Israeli authorities in those areas.<sup>33</sup> As noted in previous reports of the Secretary-General<sup>34</sup> and by the Committee on the Elimination of Racial Discrimination, the planning regime is discriminatory and incompatible with requirements under

<sup>29</sup> See Rabbis for Human Rights, "Series of incidents where soldiers stand by as Palestinians are attacked", press release, 6 June 2017, available from <http://rhr.org.il/eng/2017/06/series-cases-idf-soldiers-stand-idly-palestinians-attacked-extremists-settlers/>.

<sup>30</sup> See Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016", in *Humanitarian Bulletin: Occupied Palestinian Territory* (January 2017), available from <https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016>.

<sup>31</sup> Data are from the Demolition System database of the Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory.

<sup>32</sup> See Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016".

<sup>33</sup> See A/72/565.

<sup>34</sup> A/66/364 and A/HRC/25/38.

international law.<sup>35</sup> Israel's planning policies and processes in East Jerusalem and Area C contravene the principle of non-discrimination in relation to the right to an adequate standard of living, including the right to housing.<sup>36</sup> For many Palestinian communities, particularly the Bedouin and herder communities, Israel also fails to guarantee security of tenure, one of the core components of the right to adequate housing, thus leaving a large proportion of Palestinians vulnerable to forced evictions, threats and harassment.<sup>37</sup>

26. In general comment No. 7 of the Committee on Economic, Social and Cultural Rights, the term "forced eviction" is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The non-discrimination provisions of articles 2.2 and 3 of the Covenant on Economic, Social and Cultural Rights obliges Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.<sup>38</sup> Furthermore, the Committee has noted that house demolitions carried out as a punitive measure are inconsistent with the norms of the Covenant.<sup>39</sup> Therefore, demolitions carried out by the Israeli authorities in the context of discriminatory planning structures or for punitive purposes are unlawful under international law and therefore constitute forced evictions.<sup>40</sup>

27. Forcible transfer is a grave breach of the Fourth Geneva Convention and amounts to a war crime that may lead to individual criminal responsibility.<sup>41</sup> In previous reports, the Secretary-General identified demolitions, and threats thereof, as key factors contributing to a coercive environment in the West Bank, including East Jerusalem,<sup>42</sup> when specific circumstances may leave no other choice to individuals and communities but to leave.<sup>43</sup> The Secretary-General has previously expressed concern that Israel was increasing pressure on Palestinians through practices and policies contributing to a coercive environment in areas under full Israeli control, pushing them to move out of their areas of residence.<sup>44</sup> The following examples and case studies illustrate how populations facing demolitions and forced evictions may be victims or at risk of forcible transfer.

<sup>35</sup> See A/HRC/31/43, paras. 18 and 45; A/HRC/25/38, paras. 11–14; and A/HRC/34/38, para. 25. In 2012, the Committee expressed concern regarding the discriminatory planning policy of Israel and urged the Government to reconsider it entirely in order to guarantee Palestinian and Bedouin rights to property, access to land, access to housing and access to natural resources (see CERD/C/ISR/CO/14-16, para. 25).

<sup>36</sup> See International Covenant on Economic, Social and Cultural Rights, art. 11.

<sup>37</sup> The Committee on Economic, Social and Cultural Rights established, in its general comment No. 4, that everyone should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. The Committee also affirmed that States must take immediate measures aimed at conferring legal security of tenure upon those persons and households lacking such protection, in genuine consultation with affected persons and groups. See Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing.

<sup>38</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions.

<sup>39</sup> *Ibid.*, para. 12.

<sup>40</sup> In its 2011 concluding observations, the Committee on Economic, Social and Cultural Rights expressed deep concern about home demolitions and forced evictions in the West Bank, in particular in Area C, as well as in East Jerusalem, by Israeli authorities, military personnel and settlers (see E/C.12/ISR/CO/3, para. 26).

<sup>41</sup> See Fourth Geneva Convention, arts. 49 and 147; and Rome Statute of the International Criminal Court, art. 8, para. 2 (b) (viii).

<sup>42</sup> See A/HRC/34/39, para. 47.

<sup>43</sup> See A/HRC/34/38, para. 28.

<sup>44</sup> See A/HRC/34/39, para. 41.



## A. East Jerusalem

28. In East Jerusalem, Israeli authorities have allowed for the planning and zoning of only 13 per cent of the city, most of which is already built up, for Palestinian construction. Consequently, one third of all Palestinian homes in East Jerusalem lack Israeli-issued building permits, which places at least 90,000 residents at risk of eviction, demolition of their homes and subsequent displacement.<sup>45</sup>

29. According to data provided by the Office for the Coordination of Humanitarian Affairs for 2016, 17 per cent of the structures demolished or seized (190) in the Occupied Palestinian Territory were in East Jerusalem.<sup>46</sup> The most large-scale demolitions conducted during the reporting period included the destruction of 15 structures in Qalandia village, for lacking the necessary building permits. Although the village is located on the West Bank side of the wall, it falls within the boundaries of the Municipality of Jerusalem. Rising housing costs in East Jerusalem, which are due in part to a housing shortage, have driven many Palestinian families to these particularly vulnerable areas that are located beyond the wall but that Israel considers to be part of Jerusalem. These areas have little or no access to public services, although residents pay taxes to the Municipality of Jerusalem.<sup>47</sup>

30. As of August 2017, eviction orders were pending against at least 180 families in East Jerusalem (818 people), including 21 in the Old City of Jerusalem. In most cases initiated by settler organizations, such orders have the goal of gaining control of Palestinian-occupied properties by claiming ownership prior to 1948 or challenging the “protected tenant” status of some families.<sup>48</sup> In addition, the eviction of Palestinian families as a result of the application of the Law of Judicial and Administrative Arrangements 1967<sup>49</sup> may be considered unlawful owing to its inherently discriminatory nature.<sup>50</sup>

31. The reporting period witnessed significant cases related to forced evictions resulting from demolitions in East Jerusalem. In one instance, on 20 December

<sup>45</sup> See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, “East Jerusalem: key humanitarian concerns” (August 2014), available from <https://www.ochaopt.org/content/east-jerusalem-key-humanitarian-concerns-august-2014>.

<sup>46</sup> See Office for the Coordination of Humanitarian Affairs, “Record number of demolitions and displacements in the West Bank during 2016”.

<sup>47</sup> See Office for the Coordination of Humanitarian Affairs, “Increase in West Bank demolitions during July-August”, in *Humanitarian Bulletin: Occupied Palestinian Territory* (August 2016), available from <https://www.ochaopt.org/content/increase-west-bank-demolitions-during-july-august>. The demolition in Qalandia village was also significant because the Municipality of Jerusalem had not enforced its permit regime on buildings situated beyond the wall.

<sup>48</sup> See Office for the Coordination of Humanitarian Affairs, “East Jerusalem: Palestinians at risk of eviction”, available from <https://www.ochaopt.org/content/east-jerusalem-palestinians-risk-eviction>.

<sup>49</sup> Enacted after the 1967 war, the law transferred all property under the Jordanian Custodian of Enemy Property — which had managed the properties of Jews who had fled or been forced to leave East Jerusalem in 1948, which were used mainly to house Palestinian refugees — to the Administrator General of the Ministry of Justice of Israel. According to sect. 5 (b) of the law, the Administrator General must release property to whoever owned it prior to its transfer to the Jordanian custodian, or to a person standing in for the owner at the owner’s request. In effect, Jews or Jewish entities can recover properties that they owned before 1948. However, Palestinians who lost control of their properties after 1948 can reclaim their properties from the current occupants in extremely rare cases, and are eligible only for compensation that falls far below the current value of the property. This discrepancy in treatment makes the Law of Judicial and Administrative Arrangements 1967 inherently discriminatory against Palestinians.

<sup>50</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions.

2016, the High Court of Justice ruled that the protected tenancy of Nora Ghaith and Mustafa Sub Laban would be terminated in 10 years and that they could live in their home in the Old City until then. It also ruled that after 10 years, the property would be handed over to Atara Leyoshna, the settler organization that has been engaged in a 40-year legal battle to evict the Sub Laban family.<sup>51</sup> In addition, the Court ruled that the children of Nora Ghaith and Mustafa Sub Laban, and their respective families, would not be permitted to continue to live in the Sub Laban house, with immediate effect.<sup>52</sup> In another example, on 15 September 2016, the Kirresh family (six adults and two children) were evicted from their home in the Old City after the Israeli Supreme Court had rejected its appeal. The family had been renting the property since the 1930s and was ordered to transfer it to an Israeli settler organization, Ateret Cohanim, which had claimed that it had purchased the property in 1980. Three other Palestinian families (seven adults and 10 children) were also evicted from their homes in the Old City in August 2016.

## B. Area C

32. Only 30 per cent of Area C is available for Palestinian use and development following the allocation of land for settlements and their expansion, the demarcation of closed military zones and the takeover of land for the construction of the wall. Yet, the Israeli Civil Administration has permitted construction on only 0.4 per cent of the land.<sup>53</sup> In Area C, according to estimates by the Office for the Coordination of Humanitarian Affairs that take into account the populations of Palestinians and settlers, the planned area per Israeli settler is more than 13 times larger than the planned area per Palestinian.<sup>54</sup>

33. Planning for Palestinian villages involves the demarcation of the existing built-up area in a village with little or no room for growth, and with no involvement of the local population in the drafting and decision-making process.<sup>55</sup> Since 2011, the Palestinian Authority has supported communities in submitting local outline plans for the approval of the Israeli Civil Administration. In total, 110 community-based outline plans have been prepared for some 148,000 Palestinians. As at 31 May 2017, five of those plans had been approved by the Israeli Civil Administration, 96 were pending its approval and final decision, and nine remained to be submitted for its consideration.

34. According to the Israeli Civil Administration, approximately 12,500 demolition orders were pending against Palestinian-owned structures across Area C

<sup>51</sup> The Sub Laban family first rented the apartment from the Jordanian Custodian of Enemy Property in 1954, at which point it was awarded protected tenancy status. The family maintained this status and paid rent to the Israeli General Custodian after it had assumed control of properties administered by the Jordanian Custodian of Enemy Property. Despite this protected status, the Sub Labans have been under threat of eviction since 1978, first by the General Custodian and later by Atara Leyoshna.

<sup>52</sup> See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "Palestinian family forcibly evicted from its home in occupied East Jerusalem", 15 September 2016, available from <https://www.ochaopt.org/content/palestinian-family-forcibly-evicted-its-home-occupied-east-jerusalem>.

<sup>53</sup> See United Nations Human Settlements Programme, "'One UN' approach to spatial planning in 'Area C' of the occupied West Bank" (September 2015), available from <https://unhabitat.org/wp-content/uploads/2015/10/One-UN-Approach-to-Spatial-Planning-in-Area-C-.pdf>.

<sup>54</sup> See Office for the Coordination of Humanitarian Affairs, "Under threat: demolition orders in Area C of the West Bank" (September 2015), available from [http://data.ochaopt.org/demolitionos/demolition\\_orders\\_in\\_area\\_c\\_of\\_the\\_west\\_bank\\_en.pdf](http://data.ochaopt.org/demolitionos/demolition_orders_in_area_c_of_the_west_bank_en.pdf) pp 13.

<sup>55</sup> See Nir Shalev and Alon Cohen-Lifshitz, *The Prohibited Zone: Israeli Planning Policy in Palestinian Villages in Area C* (Bimkom, 2008).

by the end of 2016 for lack of appropriate permits.<sup>56</sup> More than 2,900 of those orders were on hold owing to appeals with the Administration or Israeli courts.<sup>57</sup> As the orders do not have expiry dates, they can be executed at any time, which places the Palestinian individuals and families concerned in a very precarious position. In 2016, the Administration issued stop-work orders, demolition orders or warnings regarding more than 100 donor-funded humanitarian aid structures.<sup>58</sup>

35. According to the Office for the Coordination of Humanitarian Affairs, more than 63 per cent of the structures confiscated by the Israeli Civil Administration in Area C in 2016 were in Palestinian herding and/or Bedouin communities, including 283 structures provided by the international community as humanitarian assistance.<sup>59</sup> As highlighted by the United Nations Coordinator for Humanitarian Aid and Development Activities in the Occupied Palestinian Territory, “Most of the demolitions in the West Bank take place on the spurious legal grounds that Palestinians do not possess building permits, but in Area C, official Israeli figures indicate only 1.5 per cent of Palestinian permit applications are approved in any case. So what legal options are left for a law-abiding Palestinian?”<sup>60</sup>

36. The following case studies document forced evictions that were faced by some Bedouin and herder communities in Area C during the reporting period. In previous reports of the Secretary-General, various factors were identified that contribute to the creation of a coercive environment in Area C, including plans to evict and relocate Bedouin and herder communities,<sup>61</sup> as well as demolitions — or the threat thereof — related to the implementation of the illegal and discriminatory planning regime.<sup>62</sup>

#### **Case study 1: Kurshan–Khan al-Ahmar, a community on the periphery of Jerusalem**

37. The Kurshan Jahalin Bedouin community is part of the Khan al-Ahmar cluster of communities, located east of the settlement of Mishor Adumim. Like all Bedouin communities on the periphery of Jerusalem, Kurshan–Khan al-Ahmar is at risk of forcible transfer owing to Israeli relocation and settlement expansion plans and other factors contributing to the creation of a coercive environment, as detailed below. Kurshan is one of the smallest Bedouin communities, with a population of 54 comprising nine Abu Dahuk families.<sup>63</sup>

38. Like other Bedouin communities on the periphery of Jerusalem, Kurshan lies in the path of expansion plans for Ma‘ale Adummim. The community has faced demolitions since the mid-1990s.<sup>64</sup> Its lack of ownership titles and its location, which is almost adjacent to a closed military zone, pose serious constraints on

<sup>56</sup> Some of these orders were issued in the 1980s. Approximately 77 per cent of the demolition orders issued by the Israeli Civil Administration since 1988 have targeted structures located on land recognized by the Israeli authorities as privately owned Palestinian land, while the remaining 23 per cent have concerned structures built on land designated as State land; see Office for the Coordination of Humanitarian Affairs, “Under threat: demolition orders in Area C of the West Bank”.

<sup>57</sup> See Office for the Coordination of Humanitarian Affairs, “Record number of demolitions and displacements in the West Bank during 2016”.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> See Amira Hass, “Israel dramatically ramping up demolitions of Palestinian homes in West Bank”, *Haaretz*, 21 February 2016, available from <http://www.haaretz.com/israel-news/.premium-1.704391>.

<sup>61</sup> See A/HRC/31/43, paras. 50–60; and A/HRC/24/30, paras. 28–29.

<sup>62</sup> See A/68/513, paras. 30–34; A/HRC/25/38, paras. 11–20; A/HRC/31/43, paras. 44 and 46; A/HRC/28/80, para. 24; and A/69/348, para. 13.

<sup>63</sup> See <http://bimkom.org/eng/wp-content/uploads/jahalin/al%20kurshan.htm>.

<sup>64</sup> Ibid.

planning for the community. As a result, necessary building permits cannot be obtained. Residents of Kurshan are not connected to the electrical grid or the sewage system and receive water through private connections. The children who live in Kurshan attend a primary school in nearby Abu Al-Hilw.

39. In July 2011, the Israeli Civil Administration announced plans to relocate Bedouin communities from the periphery of Jerusalem, the Jordan Valley and the South Hebron Hills.<sup>65</sup> It invoked the absence of rights to land as well as the lack of necessary building permits for homes and other structures to justify the relocation.<sup>66</sup> During the reporting period, the Administration demolished 30 structures, including 11 homes, on 9 October 2016. Nine families comprising 47 individuals, including 26 children, were forcibly evicted and left homeless. More than a third of the demolished structures were built as part of a donor-funded project consisting of eight residential structures and five latrines. Emergency tents provided by donors the day after the demolition were confiscated by Israeli authorities on 14 October 2016.

40. According to the Kurshan community, for two months after the forced eviction, members of a settler organization were seen in the area, apparently to monitor the situation. A delegation of the Israeli Civil Administration visited the community, advising the residents to move to either Al Jabal or Nuweima in Area C. As of the end of May 2017, six months after the demolition, the Administration had prevented the provision of humanitarian assistance for the community, including temporary shelters. OHCHR observed that while most forcibly evicted families had reconstructed makeshift shelters from the rubble of their demolished homes, those shelters were far from adequate.

#### **Case study 2: Khirbat Tana**

41. Firing zones for military training purposes cover large tracts of land in the West Bank: approximately 17.5 per cent of the total area of the West Bank and 29 per cent of Area C.<sup>67</sup> These areas are also home to some 6,200 people from 38 Palestinian communities. Residents of firing zones often lack access to essential services such as water, sanitation and health care. They also often face settler violence, harassment and confiscation of property for entering the zone without the necessary permission from the Israeli Civil Administration.<sup>68</sup>

42. One such village is Khirbat Tana, located in Area C, in the northern Jordan Valley. It is home to some 250 people, who live in permanent and temporary structures, tents and old caves and whose livelihoods consist of sheep- and cattle-herding, farming and seasonal agricultural work. They lead semi-nomadic lives, spending part of the year in Khirbat Tana and the other part in the nearby village of Bayt Furik.

43. The Israeli Civil Administration does not recognize Khirbat Tana as a village and therefore has refused to consider it for master planning, also prohibiting

<sup>65</sup> See A/67/372, para. 36.

<sup>66</sup> See B'Tslem, "Civil administration plans to expel tens of thousands of Bedouins from Area C", 7 October 2013, available from [http://www.btselem.org/settlements/20111010\\_forced\\_eviction\\_of\\_beduins](http://www.btselem.org/settlements/20111010_forced_eviction_of_beduins).

<sup>67</sup> See Office for the Coordination of Humanitarian Affairs, "Wide-scale demolitions in Khirbet Tana", 4 March 2016, available from <https://www.ochaopt.org/content/wide-scale-demolitions-khirbet-tana>; see also Kerem Navot, "A locked garden: declaration of closed areas in the West Bank" (March 2015), available from <http://www.keremnavot.org/a-locked-garden>.

<sup>68</sup> See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "The humanitarian impact of Israeli-declared 'firing zones' in the West Bank", fact sheet (August 2012), available from [https://www.ochaopt.org/documents/ocha\\_opt\\_firing\\_zone\\_factsheet\\_august\\_2012\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_firing_zone_factsheet_august_2012_english.pdf).

construction in the area.<sup>69</sup> This prohibition has triggered regular demolitions of homes, animal shelters and water storage facilities, as well as the destruction of a primary school.

44. On 3 January 2017, the Israeli Civil Administration demolished 49 structures in Khirbat Tana, including 13 residential structures, 9 portable toilets and 26 structures used for agricultural purposes. Thirty of the demolished structures were donor-funded. Fifty people, including 22 children, were consequently left homeless. During this demolition drive, the Administration also issued a stop-work order regarding the ongoing reconstruction of the local school funded by the European Union, which had been demolished in 2011 and again in 2016.<sup>70</sup>

45. The recent demolitions and forced evictions continued a wave that had begun in July 2005, when the Israeli Civil Administration had demolished almost all the buildings in the village and blocked the entrances of caves that were being used as homes by some of the villagers. Five additional rounds of forced evictions took place between 2009 and 2011.<sup>71</sup> The Administration also carried out four rounds of demolitions between February and April 2016.<sup>72</sup> One woman from Khirbat Tana told OHCHR that she had faced house demolitions approximately a dozen times in her life.

46. The Minister of Defence of Israel claimed that the location of the villagers in a firing zone posed a danger to their lives.<sup>73</sup> In its responses to court petitions against the demolition orders, the Government of Israel claimed that the construction of dwellings on the site had begun in the late 1990s, long after the area had been declared a firing zone, and that most residents were using the residential and other structures on a seasonal basis and had residences in the nearby village of Bayt Furik.<sup>74</sup> However, it acknowledged the presence of a mosque from the Ottoman period on the site,<sup>75</sup> which supported the claim of some residents of Khirbat Tana that the community had been present there long before the designation of the area as a firing zone.

47. In general, in addition to questions about the legality of the confiscation and destruction of private property and the forced evictions that have followed the

<sup>69</sup> See Noga Kadman, *Acting the Landlord: Israel's Policy in Area C, the West Bank* (Jerusalem, B'Tselem, June 2013).

<sup>70</sup> See Amira Hass, "First week of 2017: Israel demolishes homes of 151 Palestinians, almost four times last year's average", *Haaretz*, 7 January 2017, available from <http://www.haaretz.com/israel-news/premium-1.763331>.

<sup>71</sup> In March 2011, the Israeli Civil Administration demolished all 42 structures in the village, including a primary school and water cisterns. It also blocked the entrances to eight caves used as residences as well as shelters for livestock. This forced eviction left 152 villagers, including 64 children, homeless. See B'Tselem, "The village of Khirbet Tana", 17 April 2016, available from [http://www.btselem.org/jordan\\_valley/tana](http://www.btselem.org/jordan_valley/tana); see also Office for the Coordination of Humanitarian Affairs, "Wide-scale demolitions in Khirbet Tana".

<sup>72</sup> See A/71/355, para. 22.

<sup>73</sup> See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "Third large-scale demolition in Khirbet Tana in 2016", 21 March 2016, available from <https://www.ochaopt.org/content/third-large-scale-demolition-khirbet-tana-2016>.

<sup>74</sup> See B'Tselem, "The village of Khirbet Tana".

<sup>75</sup> See Office for the Coordination of Humanitarian Affairs, "United Nations Humanitarian Coordinator visits Palestinian community of Khirbet Tana and warns of risk of forcible transfer", press release, 28 March 2016, available from [http://data.ochaopt.org/documents/hc\\_statement\\_demolitions.khirbet%20tana\\_english.pdf](http://data.ochaopt.org/documents/hc_statement_demolitions.khirbet%20tana_english.pdf).

declaration of a firing zone,<sup>76</sup> there is the concern that some land taken by the Israeli military and closed off for firing zones will be used for future settlement expansion. Instances of the transfer of land from firing zones to settlements only reinforce that concern.<sup>77</sup> One NGO study based on field observations and interviews resulted in the conclusion that almost 80 per cent of the firing-zone land designated for training purposes (approximately half of the total area of firing zones) was not used for such purposes.<sup>78</sup>

48. There is also the concern that in some cases, firing zones may be used for agricultural settlement expansion.<sup>79</sup> With respect to firing zone 904a, in which Khirbat Tana is located, settlers are using approximately 755 dunums (75.5 hectares) of land for agricultural purposes.<sup>80</sup> Moreover, there are also two settlement outposts (Gidonim 777 and Havat Binyamin) located within the zone. While those outposts have also received demolition orders, only a few of the orders have been acted upon. Significantly, in 2012, the Blue Line task force reclassified one of the two outposts as being on State land, ostensibly with the intention of settlement expansion.<sup>81</sup>

### **Impact of forced evictions on human rights**

49. The impact of demolitions and forced evictions on communities in Kurshan and Khirbat Tana is not unique, but illustrates the experience of several other communities in similar situations in Area C. Forced evictions resulting from demolitions, as described in the instances referred to above, are a gross violation of human rights,<sup>82</sup> including the rights to adequate housing, water, sanitation, health, education and privacy.

50. The most direct impact of house demolitions is homelessness, in violation of the right to adequate housing as protected by article 11 of the International Covenant on Economic, Social and Cultural Rights. Although humanitarian organizations provide forcibly evicted families with aid, including material for the rebuilding of their homes, it can take up to several weeks for the aid to reach the affected family. In the meantime, victims have no option but to live in rudimentary

<sup>76</sup> While art. 49 of the Fourth Geneva Convention allows for the temporary evacuation of protected persons for their own security or for an imperative military reason, forced evictions for the establishment of firing zones for training purposes do not meet such a threshold, and raise concern about possible forcible transfer; see Michael Bothe, "Expert opinion: limits of the right of expropriation (requisition) and of movement restrictions in occupied territory" 2 August 2012, available from <http://www.acri.org.il/en/wp-content/uploads/2013/01/Michael-Bothe-918-position.pdf>; see also Akevot, "Firing zone 918: a 1967 legal opinion presented to the high court", 11 January 2017, available from <http://akevot.org.il/en/article/firing-zone-918-case-1967-legal-opinion-presented-high-court/?full>.

<sup>77</sup> For example, in January 2015 the General Officer Commanding the Central Command signed an order reducing the area of firing zone 912 to make way for housing units to be constructed as a part of Ma'ale Adummim's expansion plans. Similarly, in 2011 more than 900 dunums (90 hectares) of land from firing zone 203 were transferred for the establishment of an industrial zone, Sha'ar Shomron, to serve the settlements of Oranit and Elkanah. See Chaim Levinson, "IDF cancels status of firing zone to enable expansion of nearby settlement", *Haaretz*, 8 March 2015, available from <http://www.haaretz.com/israel-news/.premium-1.645771>; see also Kerem Navot, "A locked garden: declaration of closed areas in the West Bank".

<sup>78</sup> See Kerem Navot, "A locked garden: declaration of closed areas in the West Bank".

<sup>79</sup> *Ibid.* According to the Kerem Navot study, in 2015 approximately 14,480 dunums (1,448 hectares) of agricultural land cultivated by Israelis was located in closed military zones, including almost 20 per cent of land located in firing zones.

<sup>80</sup> *Ibid.*

<sup>81</sup> See Office for the Coordination of Humanitarian Affairs, "Third large-scale demolition in Khirbet Tana in 2016".

<sup>82</sup> See Commission on Human Rights resolution 1993/77.

and inadequate makeshift housing or with relatives or neighbours. Khirbat Tana residents told OHCHR that, while many of them had tried to rebuild their homes using material from the demolished homes, the Israeli Civil Administration would often tear their tents down and bury them in debris to prevent their reuse.

51. In Kurshan, residents described to OHCHR surveillance that had been conducted by security forces and members of the Israeli Civil Administration for several weeks after the forced eviction. According to them, Israeli authorities have been monitoring all movements in and out of the community to ensure that no building material is brought in for reconstruction. In order to prevent additional confiscations, aid material that the community has received has been stored in Jericho following the confiscation of tents provided by representatives of the Palestine Red Crescent Society for affected families. Forcibly evicted families have therefore had to live in cramped conditions with relatives whose houses were not destroyed. One man spoke of the difficulty of having to take his wife and three children to live with his brother's family of six for more than two months. As at 31 May 2017, more than eight months after the forced evictions, almost all affected people were living in highly inadequate makeshift housing made out of damaged material from their previous homes, while one family continued to live with relatives.

52. The demolition of toilets and bathing facilities adds to the hardships faced by communities after a house demolition. Two women told OHCHR of the difficulty and lack of privacy that women and girls faced in forcibly evicted communities as they were compelled to use the open space around their communities.

53. The forced evictions and the subsequent closure of the area by Israeli authorities have posed a serious health risk to some of the affected people. Two women from Kurshan, whose house was demolished in October 2016, reportedly had to walk across rugged terrain, 2 to 3 km from the village, in order to reach a medical facility in order to give birth, because the Israeli authorities would not allow any vehicles to enter the community. Another woman, who was pregnant and injured while trying to salvage her belongings, also had to walk to reach medical assistance.

54. In the context of demolitions conducted in the West Bank and East Jerusalem in 2016, the NGO Médicos del Mundo stressed that there was no doubt that the current wave of demolitions was having negative psychosocial effects on the communities affected, in the short, medium and long terms.<sup>83</sup> Several people interviewed by OHCHR described the fear and stress that they had experienced as a result of demolitions.

55. House demolitions and forced evictions can have a particularly deep and lasting impact on children. Residents told OHCHR of the fear that demolitions had instilled in children, some of whom had been unable to sleep at night for a week after the demolition. In Kurshan, a resident said that, following the demolition, his children, who were between 2 and 12 years of age, had become fearful of strangers and would become alarmed at the sight of any vehicle approaching the community.

56. Israeli authorities have also demolished community centres and schools in the above-mentioned communities. For example, in a case monitored by OHCHR, the demolition of the community centre in Khirbat Umm al Khayr (Hebron Governorate), which had also served as a primary school, affected 35 children. In Khirbat Tana, the demolition of the local school resulted in children having to be

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<sup>83</sup> See Emilian Tapia, "Demolishing mental health: the 2016 wave of demolitions in the West Bank and East Jerusalem and its impact on the Palestinian population's mental health" (Médicos del Mundo, 2017).

temporarily transferred to a school 15 km away, in Bayt Furik, to continue their education. During that time, they were separated from their families during the week.

57. The losses caused by demolitions (including of animal shelters) and forced evictions in the Bedouin and herder communities have also had an impact on the livelihoods of affected families and increased their expenditures. Women spoke about the destruction of material, which had added to their financial burden, in particular because the Israeli Civil Administration does not allow sufficient time for people to remove their belongings before a demolition. Two women told OHCHR that Civil Administration personnel had removed their bedding and other large items from their homes, but that all their kitchen utensils and provisions, such as grain, sugar and oil, had been destroyed during the demolitions. Another woman, in Khirbat Tana, reported that one of her main responsibilities during demolitions, which she had faced 10 to 12 times, was to save the cheese that she produced for sale.

58. Forced evictions further entrench patterns of poverty, which often directly affects the rights to health, food and education. According to a study of Bedouin and herder communities in Area C, carried out by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the World Food Programme (WFP), between 2010 and 2016 there was an overall increase in the proportion of food-insecure households from 55 to 61 per cent, and a decrease in the proportion of food-secure households from 20 to 6 per cent.<sup>84</sup>

## V. Settlements in the occupied Syrian Golan

59. Illegal settlement expansion and land appropriation by the Government of Israel in the occupied Syrian Golan continued during the reporting period, in violation of Israel's obligations under international law. The Secretary-General reaffirms the continuing validity of Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.<sup>85</sup>

60. The 34 illegal Israeli settlements in the occupied Syrian Golan are home to an estimated 23,000 Israeli settlers and are supported by the Government of Israel through financial incentives. The settlements also benefit from a disproportionately larger allocation of natural resources, such as clean water, than what is allocated to Syrian residents.<sup>86</sup> In October 2016, the Government of Israel reportedly approved the construction of 1,600 new homes in the Israeli settlement of Katzrin.<sup>87</sup> Syrian residents of the Golan, estimated to number roughly 25,000, live in five villages that face significant challenges in terms of growth and development, owing in part to restricted access to land and resources.<sup>88</sup>

61. Discriminatory land, housing and development policies established by the Israeli authorities have made it nearly impossible for Syrians to obtain building permits. Consequently, the Syrian villages in the occupied Syrian Golan are

<sup>84</sup> See UNRWA and WFP, "Food security among Bedouins and herding communities in Area C" (2016).

<sup>85</sup> See A/71/355, para. 66.

<sup>86</sup> See A/HRC/28/44, para. 54; and A/HRC/31/43, para. 64.

<sup>87</sup> See [http://www.timesofisrael.com/liveblog\\_entry/israel-okays-1600-new-homes-in-golan-heights/](http://www.timesofisrael.com/liveblog_entry/israel-okays-1600-new-homes-in-golan-heights/).

<sup>88</sup> See Al-Marsad, "Fifty years of the occupation in Syrian Golan", 8 June 2017, available from <http://golan-marsad.org/50-years-of-the-occupation-of-the-syrian-golan/>.



increasingly overcrowded, with strained infrastructure and limited resources.<sup>89</sup> Israeli authorities reportedly undertook the first home demolitions in the occupied Syrian Golan on 7 September 2016, in the village of Majdal Shams, arguing that it had been built without the necessary permit.<sup>90</sup> The human rights organization Al-Marsad, based in the occupied Syrian Golan, reported that a number of Syrian homeowners had received demolition notices, and expressed concern at the possibility that Israel would institute a systematic policy of home demolitions in the occupied Syrian Golan.<sup>91</sup>

## VI. Conclusions

62. As described in previous reports of the Secretary-General, Israel's establishment and expansion of settlements in the Palestinian territory, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law. The settlements and their continued expansion have adversely affected the human rights of Palestinians, resulting in forced evictions, the loss of property and sources of livelihood, and restrictions on access to services.

63. Through the takeover of Palestinian land, the settlements have fragmented the West Bank,<sup>92</sup> as have support for settlement outposts and the declaration of State lands, seam zones,<sup>93</sup> firing zones for training purposes, nature reserves and national parks and survey lands.<sup>94</sup> As indicated in the present report, many of those processes have continued to advance steadily.

64. Moreover, in much of Area C and East Jerusalem, various measures put in place by the Israeli authorities have continued to strengthen a coercive environment. It may amount to forcible transfer, in violation of Israel's obligations under international humanitarian law and human rights law.<sup>95</sup>

65. Forced evictions resulting from demolitions not only are a violation of the right to adequate housing and a key factor in the creation of a coercive environment, but also have negative impacts on a wide range of human rights. Those negative impacts include restrictions on movement, including strict residency regimes, especially in East Jerusalem, and the denial of access to essential services such as water and sanitation.<sup>96</sup>

66. Settlement activity is incompatible with Israel's obligations under international law. It lies at the core of a range of human rights violations and humanitarian needs in the West Bank, including East Jerusalem, and also constitutes one of the main obstacles to a viable Palestinian State.

<sup>89</sup> See Al-Marsad, "Israeli authorities demolish home in the Occupied Syrian Golan", 8 September 2016, available from <http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/>.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> See A/HRC/31/43, A/HRC/22/63, A/70/351 and Human Rights Council resolution 25/28.

<sup>93</sup> Seam zones are areas located between the Green Line and the wall.

<sup>94</sup> Survey lands are unregistered areas whose status is under examination by the Israeli authorities with a view to retaining them as government property to enable the State to use them.

<sup>95</sup> See A/HRC/34/39, para. 42; Fourth Geneva Convention, arts. 49 and 147; and rule 129 of customary international humanitarian law.

<sup>96</sup> See A/HRC/34/39, paras. 40–57.

## VII. Recommendations

67. On the basis of the present report, the Secretary-General recommends that the Israeli authorities:

(a) Implement all relevant United Nations resolutions, including Security Council resolution 2334 (2016), in which the Council, inter alia, calls upon Israel to cease all settlement activity, and Council resolution 497 (1981);

(b) Halt and reverse all settlement development and related activities in the Occupied Palestinian Territory, including occupied East Jerusalem, and the occupied Syrian Golan, including through the discontinuation of support for private settler organizations' initiatives aimed at the seizure of Palestinian properties and the forced eviction of their residents;

(c) Immediately halt forced evictions and cease any activity that would contribute to the creation of a coercive environment and/or lead to a risk of forcible transfer;

(d) Cease from taking any initiative to relocate communities in Area C in contravention of international law, including Bedouin and herder communities;

(e) Review planning laws and policies to ensure that they are compliant with Israel's obligations under international human rights and humanitarian law;

(f) Take all necessary steps to ensure that Palestinians in East Jerusalem and Area C of the occupied West Bank are not denied access to essential services, including electricity, water and sanitation, and natural resources, including land for agricultural purposes.

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## Seventy-third session

Agenda item 55

### Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

## Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

### Report of the Secretary-General\*

#### *Summary*

The present report, prepared pursuant to General Assembly resolution [72/86](#), provides an update on Israeli settlement activities in the West Bank, including East Jerusalem, and the occupied Syrian Golan. The report covers the period from 1 June 2017 to 31 May 2018.

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\* The present report is submitted late owing to a delayed clearance process beyond the control of the drafting entity.



## I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 72/86, provides an update on the implementation of the resolution from 1 June 2017 to 31 May 2018. It is based on monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and on information provided by other United Nations entities in the Occupied Palestinian Territory and by non-governmental organizations. The report should be read in conjunction with recent related reports of the Secretary-General and of the United Nations High Commissioner for Human Rights submitted to the General Assembly and to the Human Rights Council ([A/72/564](#), [A/72/565](#), [A/HRC/37/38](#), [A/HRC/37/42](#) and [A/HRC/37/43](#)). The quarterly updates of the Secretary-General presented to the Security Council on the implementation of resolution 2334 (2016) concerning the same period<sup>1</sup> also provide relevant information.

2. During the period under review, Israeli settlement activities continued unabated in the occupied West Bank, including East Jerusalem, with significant legal developments, as well as in the occupied Syrian Golan. Conditions and acts contributing to a coercive environment, including demolitions, forced evictions and acts of settler violence, remained a serious concern. In the present report, the developments relating to settlement expansion and the coercive environment in the Jordan Valley in the West Bank in particular are examined, and issues relating to Israeli settlements in the occupied Syrian Golan are addressed.

## II. Legal background

3. International human rights law and international humanitarian law are concurrently applicable in the Occupied Palestinian Territory, namely, Gaza and the West Bank, including East Jerusalem. In particular, that includes the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, which is binding upon Israel as an occupying Power. A detailed analysis of the legal framework applicable in the Occupied Palestinian Territory and the occupied Syrian Golan can be found in recent reports of the Secretary-General ([A/HRC/34/38](#) and [A/HRC/34/39](#)).

## III. Activities related to settlements

4. The reporting period witnessed an increase in settlement plan advancement and settler violence, while the announcement of tenders and the rate of construction starts declined. The demolition of Palestinian structures and eviction of Palestinians in Area C continued, although at a slower pace than in the previous reporting period. In May, the High Court of Justice of Israel approved the demolition of the Bedouin village of Khan al-Ahmar–Abu al-Helu, which is home to about 181 Palestinians.

### A. Settlement expansion

5. The spike observed during the previous reporting period in the advancement of plans for settlements in the West Bank, including East Jerusalem, continued, although a decline in tender announcements and construction starts was observed. Some 5,800 housing units were advanced in Area C, compared with fewer than 4,000 units in the previous period, and plans for an additional 1,700 units reached the final stage of

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<sup>1</sup> See <https://unsco.unmissions.org/security-council-briefings-0>.

approval, compared with 600 units during the previous period. In East Jerusalem, the District Planning Committee advanced plans for approximately 2,300 units, up from 1,500 during the previous reporting period. Tenders were issued for nearly 2,100 units in Area C settlements, compared with 2,800 during the previous period. No new tenders have been issued for housing units in East Jerusalem since July 2016. Official data on settlement construction starts in Area C indicate a decline compared with the previous reporting period.<sup>2</sup> In March 2018, construction began on a new industrial area near Qiryat Arba' settlement, on the outskirts of Hebron.<sup>3</sup>

6. During the reporting period, there were no legalizations of outposts or declarations of State land.<sup>4</sup> Shabtai's Farm outpost was established on around four acres of declared State land in the southern West Bank. According to media reports and the Israeli non-governmental organization (NGO) Ta'ayush, on 25 February settlers took over an empty military base near Aqaba in the northern Jordan Valley and turned it into an outpost. The Office for the Coordination of Humanitarian Affairs has reported subsequent harassment of Palestinians by settlers in the area, triggering protests by Palestinian and Israeli activists, after which the settlers left the outpost on 1 March. In addition, in response to an attack by a Palestinian in the settlement of Hallamish that caused the deaths of three of its residents, several mobile homes were added to the settlement without authorization and two checkpoints were established by the Israeli Defense Forces, which reportedly occasionally restricted travel between Palestinian communities in the area.

## B. Consolidation of settlements

7. On 31 August 2017, the Government of Israel issued military order No. 1789 establishing a "civil services administration" for settlements in the H2 zone in Hebron, further consolidating the settler presence in Hebron (A/HRC/37/43, para. 12).<sup>5</sup> On 21 March 2018, settlers vacated the parts of the Abu Rajab house, located in the H2 zone, that they had taken over in July 2017 (*ibid.*, paras. 14 and 22) after the High Court of Justice ruled they were to leave the premises until the conclusion of the related legal proceedings. On 26 March, some 20 settler families took over al-Zaatari house in the H2 zone, whose ownership is disputed, with a case currently pending in the Israeli courts.<sup>6</sup>

8. Settler organizations continued to exert influence over developments in East Jerusalem. On 11 February 2018, the Government of Israel handed over to the Elad settler organization the operational responsibility for a section of the Davidson Center, a major archaeological site located at the foot of the Temple Mount/Haram al-Sharif, in East Jerusalem.<sup>7</sup> Plans to build a 784-metre cable car line approved by the Government in 2017 were advanced; the line is to connect West Jerusalem to the

<sup>2</sup> Data are available only for the period June 2017–March 2018 (1,249 units) and April 2016–March 2017 (2,758 units).

<sup>3</sup> Peace Now, "New, government-approved settlement founded near Hebron", 6 March 2018. Available at <http://peacenow.org.il/en/new-government-approved-settlement-founded-near-hebron>.

<sup>4</sup> In February 2018, the Government of Israel approved the plan for legalizing the outpost of Netiv Ha'avot; see [www.pmo.gov.il/MediaCenter/SecretaryAnnouncements/Pages/gov\\_mes250218.aspx](http://www.pmo.gov.il/MediaCenter/SecretaryAnnouncements/Pages/gov_mes250218.aspx).

<sup>5</sup> On 2 July 2018, the High Court of Justice issued an order (*nisi*) requesting the State to justify why it had not cancelled the military order following the petition submitted by the Municipality of Hebron, the Hebron Rehabilitation Committee and the Waqf Administration (HCJ 358/18).

<sup>6</sup> Yotam Berger, "Israeli settlers occupy homes in Hebron claimed to be Palestinian", *Haaretz*, 27 March 2018. Available at [www.haaretz.com/israel-news/israeli-settlers-occupy-homes-in-hebron-claimed-to-be-palestinian-1.5954588](http://www.haaretz.com/israel-news/israeli-settlers-occupy-homes-in-hebron-claimed-to-be-palestinian-1.5954588).

<sup>7</sup> The decision is available at [www.gov.il/he/Departments/publications/reports/gov\\_mes110218](http://www.gov.il/he/Departments/publications/reports/gov_mes110218).

Old City through a number of settler-controlled attractions in Silwan (S/2018/614, para. 6). In East Jerusalem, tourism-related developments led by settler organizations have profoundly changed the shape and character of Palestinian neighbourhoods, creating further footholds for settlement expansion (A/HRC/37/43, paras. 41–42).

### Legislative developments

9. On 2 January 2018, the Knesset adopted the proposed amendment to the Basic Law: Jerusalem, Capital of Israel pertaining to the modification of the boundaries of the Municipality of Jerusalem. Amendments require a supermajority of 80 votes in the Knesset for approving territorial concessions in Jerusalem to “a foreign entity”, which would hamper any negotiations regarding the borders in the context of the Middle East peace process. Easing other future changes, the amendment lowers the threshold required for changing Jerusalem’s municipal boundaries (*ibid.*, paras. 10–11). In this regard, it is necessary to recall that, in paragraph 17 of its resolution 72/14, the General Assembly called upon Israel to cease “all unilateral actions in the Occupied Palestinian Territory, including East Jerusalem, that are aimed at altering the character, status and demographic composition of the Territory, including the confiscation and de facto annexation of land”.

10. On 12 February 2018, the Knesset adopted a law that applies the jurisdiction of the Council for Higher Education of Israel to Israeli settlers in the West Bank and retroactively recognizes higher education institutions in settlements previously recognized by the military authorities. On 28 May, a bill providing that petitions relating to the West Bank<sup>8</sup> will be referred to the Administrative Affairs Court of Jerusalem instead of the High Court of Justice passed the first reading in the Knesset.<sup>9</sup> The law would further limit access to justice for Palestinians<sup>10</sup> and, in extending the competence of an Israeli administrative court to the West Bank, would also constitute an additional step towards blurring the distinction between Israel and the Occupied Palestinian Territory.<sup>11</sup>

11. In line with the directive promulgated by the Attorney General on 31 December 2017 at the request of the Minister of Justice of Israel, for all government-sponsored bills brought up for approval in the Ministerial Committee for Legislation their applicability to the settlements in the West Bank must be addressed. The Knesset legal adviser followed suit with guidance requiring all committees to discuss the applicability to Israeli settlements of any new bill being prepared for a vote. In May 2018, the Attorney General’s Office rushed the process of applying a new amendment to the law on municipal elections so that the new provisions of the electoral law could be applied to settlements by military order within two weeks of their adoption.

### Regularization of outposts

12. In February 2017, the Knesset adopted the so-called “Regularization Law”, which allows for the retroactive legalization of outposts built on private Palestinian land and of approximately 3,000 additional housing units built illegally in existing settlements. A petition to the High Court of Justice was submitted by Palestinian

<sup>8</sup> The bill refers to petitions submitted by Palestinians and by settlers relating to freedom of information, planning and building, freedom of movement in the West Bank, and administrative orders.

<sup>9</sup> The Law was adopted on 17 July 2018.

<sup>10</sup> Access to justice for Palestinians will be limited in view of high court fees and less legal protection owing to the lack of legal expertise in terms of laws applicable in the Occupied Palestinian Territory, including international law.

<sup>11</sup> Regulations annexed to the Hague Convention IV of 1907 (Hague Regulations), art. 43; Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 64.

regional councils and human rights organizations,<sup>12</sup> and the Law remains unimplemented pending the ruling of the High Court of Justice on its legality. The Attorney General, while opposing the Law, stated that pre-existing laws already provided for the legalization of Israeli construction on private Palestinian land in the West Bank (A/HRC/37/43, paras. 16–17). In August 2017, in its preliminary response to the petition against the law in the High Court of Justice, the Government of Israel declared that establishing settlements in the West Bank was a natural right of Israeli citizens.<sup>13</sup>

13. On 15 February 2018, the committee on legalizing the issues of land ownership for the Jewish settlements in the West Bank<sup>14</sup> submitted its final report, which includes unprecedented recommendations intended to legalize thousands of unauthorized Israeli structures in the West Bank, including those built on privately owned Palestinian land.<sup>15</sup> Two recommendations are based on the Attorney General's controversial legal opinions in which he identified alternatives to the Regularization Law (A/HRC/37/43, para. 17). Additional recommendations of the Committee included stopping the work of the task force for the survey of State land boundaries, also known as the Blue Line task force, which examines the official boundaries of settlements to ensure that they include only State land. Although criticized as ineffective, the activities of the task force were intended to settle claims of irregularities and remedy violations of the rights of landowners whose lands had been seized unjustly (A/HRC/31/43, paras. 21–23, and A/71/355, para. 13).

## C. Impact of settlements on human rights

### Settlement-related violence

14. In the reporting period, 89 Palestinians were injured and three were killed by settlers in the West Bank; in one case, a Palestinian was killed in the context of an alleged stabbing attack. There were also 127 incidents of property damage, including the vandalizing of 5,782 fruit trees. According to the Office for the Coordination of Humanitarian Affairs, the number of incidents rose from the beginning of 2018, and the monthly average number of incidents reached its highest level since 2015, increasing by 54 and 150 per cent compared with 2017 and 2016, respectively. A large number of the settler attacks continued to occur in the Nablus area, representing approximately one third of the recorded incidents in the West Bank. Six Israelis were killed by Palestinians in the West Bank, compared with 13 killed in the previous reporting period, while 58 Israeli civilians were injured during the period under review.

15. Violence related to settlements remained a serious concern, be it in the form of attacks by settlers against the Palestinian population and property or clashes between Israeli security forces and Palestinians. According to the Office for the Coordination of Humanitarian Affairs, attempts by settlers to enter and/or attack Palestinian

<sup>12</sup> The petition was submitted on 3 March 2017 by the human rights organizations Yesh Din, Peace Now and the Association for Civil Rights in Israel, on behalf of 27 Palestinian local councils, 4 Palestinian landowners and 13 Israeli civil society organizations. An expanded panel of the High Court of Justice heard the petition on 3 June 2018. No decision has been given yet.

<sup>13</sup> The preliminary response of the Government submitted to the High Court of Justice on 21 August 2017 to the petition against the “Regularization Law” is available at <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/חוק+ההסדרה/Government+response+to+regulation+law+petition.pdf>.

<sup>14</sup> The committee was established as part of the government coalition agreements, and after a security cabinet decision on the matter.

<sup>15</sup> See [www.haaretz.co.il/embeds/pdf\\_upload/2018/20180504-102258.pdf](http://www.haaretz.co.il/embeds/pdf_upload/2018/20180504-102258.pdf).

communities in the West Bank, resulting in clashes between Palestinians and the Israeli security forces on several occasions, led to 348 Palestinians injured.

16. According to monitoring by OHCHR and the Office for the Coordination of Humanitarian Affairs, the rural area of Tuwani in the southern West Bank saw a spike in settler violence and harassment during the reporting period, stemming from the Avigayil outpost and the Havat Ma'on settlement.<sup>16</sup> On 30 March 2018, two settlers on a quad bike, armed with a bucket of stones, attacked Palestinians and international NGO workers, harassing them and throwing stones. They intentionally hit a 21-year-old Palestinian man with the quad bike, breaking his leg. A complaint was filed with the police.<sup>17</sup>

17. As the occupying Power, Israel has the obligation to take all the measures in its power to restore and ensure, as far as possible, public order and life in the Occupied Palestinian Territory and to protect the Palestinian population from all acts of violence, in all circumstances.<sup>18</sup> It has the obligation to respect, protect and fulfil the human rights of the Palestinian population ([A/HRC/34/38](#), paras. 13, 36 and 37).

18. The increase in settler violence coincided with the demolition by the Israeli authorities of several outposts and illegal structures, including in Maoz Ester, Havat Ma'on, Geulat Zion and Rosh Yosef, in early 2018.<sup>19</sup> It remained common, as previously documented ([A/72/564](#), paras. 20–22), for the Israeli security forces not to prevent settler attacks or to fail to react to attacks occurring in their presence. The repeated failure by the Israeli authorities to investigate cases of settler violence and to prosecute perpetrators<sup>20</sup> also discourages Palestinian victims of settler violence from filing complaints.<sup>21</sup> Of the 26 cases filed by Palestinian victims regarding offences committed by Israelis in the West Bank, opened in 2017 and monitored by the NGO Yesh Din, two cases led to an indictment. Half of the cases were closed on the grounds of “offender unknown” owing to a failure to locate and identify suspected offenders.<sup>22</sup> In March 2018, however, an Israeli court convicted an Israeli of membership in a terror organization for his participation in “price tag” attacks against Palestinians in 2015. He and two other Israeli perpetrators, who were either children or enlisted in the Israeli Defense Forces at the time, were sentenced to between 32 months and five years of imprisonment.<sup>23</sup>

### **Impact of settlements on Palestinian communities at risk of forcible transfer**

19. According to monitoring carried out by the Office of the United Nations High Commissioner for Human Rights, in early 2018 a family from the H2 zone was forced to move to the H1 zone as a consequence of an increasingly coercive environment. The father, who wished to remain unidentified, reported that his family had been subject to repeated settler violence and harassment and that most aspects of their daily

<sup>16</sup> United Nations, Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin: Occupied Palestinian Territory, May 2018.

<sup>17</sup> According to monitoring carried out by the Office of the United Nations High Commissioner for Human Rights.

<sup>18</sup> Hague Regulations, arts. 43 and 46; Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 27.

<sup>19</sup> According to the Office of the United Nations Special Coordinator for the Middle East Peace Process.

<sup>20</sup> [A/HRC/37/43](#), para. 23, [A/71/355](#), para. 50, and [A/HRC/34/38](#), para. 33.

<sup>21</sup> Yesh Din, “Data sheet, December 2017: law enforcement on Israeli civilians in the West Bank”, 7 January 2018, p. 4.

<sup>22</sup> According to Yesh Din, data on file.

<sup>23</sup> Yotam Berger, “In first, settler who carried out ‘price tag’ attacks convicted of membership in terror group”, *Haaretz*, 29 March 2018. Available at [www.haaretz.com/israel-news/.premium-settler-who-carried-out-price-tag-attack-convicted-of-terror-group-1.5959079](http://www.haaretz.com/israel-news/.premium-settler-who-carried-out-price-tag-attack-convicted-of-terror-group-1.5959079).



life, including the prospect of marriage for their children, had become harder as a result of new checkpoints and other obstacles that had been imposed in the area since October 2017 (A/HRC/37/43, para. 13). The family was determined to stay despite the hardship, but according to their testimony, decided to move after their daughter was harassed by male Israeli soldiers at a checkpoint leading to the H2 zone. The relocation of the family cannot be considered voluntary given the coercive actions by the occupying Power that triggered their decision, and it therefore raises serious concerns about forcible transfer (see paras. 57–58 below). Other families in the area voiced similar concerns, referring to increasing coercive factors, including women being searched by male soldiers at checkpoints, and the impact on children.

20. OHCHR followed the eviction of the Shamasneh family in Shaykh Jarrah, in East Jerusalem, which led to their displacement. On 5 September 2017, they were evicted by order of a court that had accepted settlers' claims of pre-1948 ownership of the property (A/HRC/37/43, para. 43).<sup>24</sup> In October, the family of eight moved to Bayt Naqqubah, Israel, about 15 km from their original home. The family's involuntary move caused by its forced eviction and other coercive actions by the occupying Power raises strong concerns about forcible transfer (see paras. 57–58 below).

21. During the reporting period, Israel demolished 343 structures in the West Bank,<sup>25</sup> displacing 408 people, including 189 children, compared with the demolition of 719 structures during the previous reporting period, displacing 1,083 people, including 554 children. According to the Office for the Coordination of Humanitarian Affairs, demolitions in the reporting period included 13 school-related structures, while 45 schools (37 in Area C and 8 in East Jerusalem) were under demolition or "stop work" orders as at 31 May 2018. After reaching a record high in 2016, demolition figures in Area C during the period under review were at their lowest point since the United Nations began recording them in 2009.

22. On 24 May 2018, the High Court of Justice approved the demolition of the Bedouin village of Khan al-Ahmar–Abu al-Helu, including its school (A/HRC/37/43, para. 25, and A/69/348, paras. 12–16). At the time of writing, the 181 Palestinian residents of the village were facing the possibility of imminent forcible transfer. That decision represents a significant negative precedent for other Bedouin communities in the area. In September 2017, the Minister of Defence of Israel announced that plans to demolish structures in the community of Suseya were proceeding (A/HRC/37/43, para. 25). On 1 February 2018, the High Court of Justice rendered a decision allowing the immediate demolition of seven structures in that community.<sup>26</sup>

23. On 2 May 2018, the Israeli Civil Administration carried out several demolitions and confiscations owing to a lack of Israeli construction permits in the Markaz, Halawah, Fakhiet and Jinba communities, located in a firing zone in Masafer Yatta. Ten residential structures, three animal pens and three water systems were demolished, and five solar energy systems were confiscated. Thirty-five Palestinians, including eight children, were left homeless as a result of the demolitions.<sup>27</sup> The

<sup>24</sup> The combination of three laws enacted by Israel since 1948 allows Jews to claim ownership rights to properties on the basis of alleged pre-1948 Jewish ownership. Palestinians who owned land or property in areas before 1948 that are now part of the State of Israel are not, however, granted any reciprocal right (A/HRC/37/43, para. 40).

<sup>25</sup> Of those structures, 131 were located in East Jerusalem.

<sup>26</sup> Haqel, "High Court decision: 7 structures in the village of Susya will be demolished with immediate effect", 1 February 2018. Available at <https://static1.squarespace.com/static/54231cc6e4b0d46e9dc0c8c1/t/5a75022e2c212dda58e42b08/1517617711401/High+Court+Decision+February+1st+2018.pdf>.

<sup>27</sup> Office of the United Nations High Commissioner for Human Rights monitoring data; A/HRC/34/39, para. 44.

confiscation of means of producing electricity also affected the ability to refrigerate foodstuffs produced by the community, which are their main source of livelihood.

24. On 17 April 2018, the Israeli authorities issued a military order for the removal of new structures built without permits in Area C,<sup>28</sup> giving the Israeli Civil Administration the power to demolish (within 96 hours) any structure within six months of its construction, including any residential building that has not been inhabited or has been inhabited for less than 30 days.

25. Such demolitions and forced evictions entail numerous human rights violations (A/HRC/37/43, para. 3), exacerbate the coercive environment and raise concerns about the risk of forcible transfer. They also raise concerns about compliance with the relevant provisions of international humanitarian law that are binding on an occupying Power, including the prohibitions on the destruction of property and of institutions dedicated to education.<sup>29</sup>

#### IV. Impact of settlements: a case study of the coercive environment in the Jordan Valley

26. The Jordan Valley and the Dead Sea areas represent approximately 30 per cent of the West Bank and are inhabited by around 64,000 Palestinians and some 8,000 Israeli settlers.<sup>30</sup> The vast and fertile land of the Jordan Valley is largely inaccessible to the Palestinian population; Israeli settlements have direct control of some 15 per cent of the area, and approximately 21 per cent of the Valley has been declared as “nature reserves” in past decades, prohibiting by military order any use of the land. Furthermore, the Israeli army has declared approximately 56 per cent of the Valley to be “closed military zones”, mostly for military training purposes (known as “firing zones”). Palestinians are prohibited from gaining access to closed military areas unless they were living there before the closure. Together, the closed military zones, nature reserves and the land allocated to settlements have rendered 78.3 per cent of the Jordan Valley off limits to its Palestinian inhabitants.<sup>31</sup>

27. The situation leads to a range of possible human rights violations and severely limits the potential for Palestinian economic development.<sup>32</sup> In Area C in the Jordan Valley, which covers 90 per cent of the region, approximately 10,000 Palestinians live in more than 50 Bedouin or herding communities.<sup>33</sup> They are considered some of the most vulnerable communities in the West Bank, with limited access to education,

<sup>28</sup> The military order related to the removal of new buildings (No. 1797-2018) entered into effect on 16 June 2018 for a temporary period of two years, with a possibility of extension. Several organizations submitted petitions against the order to the High Court of Justice. In response to the petitioners’ motion for a temporary order to freeze the implementation of the military order, on 19 June 2018 the State Attorney’s Office notified the Court that the order would be temporarily frozen until the Court gave its decision.

<sup>29</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 53; Hague Regulations, art. 56 (as noted in A/HRC/34/38, paras. 21 and 33).

<sup>30</sup> Peace Now, “The Jordan Valley”, 2017. Available at <http://peacenow.org.il/wp-content/uploads/2017/04/JordanValleyEng.pdf>.

<sup>31</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “West Bank movement and access update”, Special Focus, August 2011. Available at [www.ochaopt.org/sites/default/files/ocha\\_opt\\_movement\\_and\\_access\\_report\\_august\\_2011\\_english.pdf](http://www.ochaopt.org/sites/default/files/ocha_opt_movement_and_access_report_august_2011_english.pdf).

<sup>32</sup> Leila Farsakh, “From domination to destruction: the Palestinian economy under the Israeli occupation”, in Adi Ophir, Michal Givoni and Sari Hanafi, *The Power of Inclusive Exclusion: Anatomy of Israeli Rule in the Occupied Palestinian Territories* (Brooklyn, New York, Zone Books, 2009), pp. 389–390.

<sup>33</sup> See [www.btselem.org/jordan\\_valley](http://www.btselem.org/jordan_valley).

health services, water, sanitation and electricity. They are also at significant risk of forcible transfer owing to coercive factors.<sup>34</sup>

28. The Bedouin or herding communities residing in firing zones face additional vulnerabilities, with high levels of humanitarian need.<sup>35</sup> In the absence of active hostilities, firing zones mainly serve the purpose of military training and hence do not appear to meet the threshold of imperative military reasons or absolute necessity for military operations that may justify any evacuation of the population or destruction of property, respectively,<sup>36</sup> as demonstrated by the fact that land has been transferred from firing zones to settlements (A/72/564, para. 47).

29. In October 2017, the Prime Minister of Israel stated that “the Jordan Valley will always remain a part of Israel”.<sup>37</sup> Constituting nearly 30 per cent of the West Bank, the Jordan Valley contains less than 2 per cent of the settler population and accounts for a small share of the advancement of plans for housing units in settlements. In November 2017, the Minister of Construction declared the intention of the Government to “strengthen the Jordan Valley and double the size of existing settlements”, increasing benefits for Israelis settling in the Jordan Valley.<sup>38</sup> In February 2018, a subcommittee of the Israeli Civil Administration advanced plans to create a tourist site with 120 hotel rooms and various activities in a new compound near the Palestinian village of Fasa’il and the Petza’el settlement.<sup>39</sup> Combined with the construction of a race track in a firing zone near the settlement in early 2017, those plans can be seen as an effort to boost Israeli tourism in the area.<sup>40</sup>

30. Besides State-sanctioned settlements, outposts are exacerbating tensions with nearby Palestinian communities, especially in the northern Jordan Valley (see paras. 39–43 below), where six outposts have been established on Palestinian land,<sup>41</sup> including three since October 2016. In February 2018, settlers temporarily set up an outpost on an abandoned army base (see para. 6 above).

## A. Discriminatory planning and zoning

31. As most of the Jordan Valley is located in Area C, the possibilities are severely limited for Palestinians to register land and obtain construction permits and local

<sup>34</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Four herding communities in the Northern Jordan Valley at imminent risk of forcible transfer”, Humanitarian Bulletin: Occupied Palestinian Territory, October 2017. Available at [www.ochaopt.org/content/four-herding-communities-northern-jordan-valley-imminent-risk-forcible-transfer](http://www.ochaopt.org/content/four-herding-communities-northern-jordan-valley-imminent-risk-forcible-transfer).

<sup>35</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Firing zones and risk of forcible transfer”, Humanitarian Bulletin: Occupied Palestinian Territory, special ed., May–June 2017. Available at [www.ochaopt.org/content/firing-zones-and-risk-forcible-transfer](http://www.ochaopt.org/content/firing-zones-and-risk-forcible-transfer).

<sup>36</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, arts. 49 (2) and 53.

<sup>37</sup> Yotam Berger, “Netanyahu calls region ‘strategic defensive belt for the country’ in the ceremony marking 50 years of Israeli settlement in Jordan Valley”, *Haaretz*, 19 October 2017. Available at [www.haaretz.com/israel-news/1.818231](http://www.haaretz.com/israel-news/1.818231).

<sup>38</sup> David Israel, “Housing Minister: Israel to double Jordan Valley settlements”, Jewish Press, 9 November 2017. Available at [www.jewishpress.com/news/eye-on-palestine/housing-minister-israel-to-double-jordan-valley-settlements/2017/11/09/](http://www.jewishpress.com/news/eye-on-palestine/housing-minister-israel-to-double-jordan-valley-settlements/2017/11/09/).

<sup>39</sup> Peace Now, “The Higher Planning Committee approved three new settlement areas today”, 12 February 2018. Available at <http://peacenow.org.il/en/higher-planning-committee-approved-three-new-settlement-areas-today>.

<sup>40</sup> Edo Konrad, “Settlers building race track inside IDF live-fire training zone”, +972 Magazine, 27 February 2017. Available at <https://972mag.com/settlers-building-race-track-inside-idf-live-fire-training-zone/125476/>.

<sup>41</sup> On land belonging to the villages of al-Aqabah, Hamam al-Malih, Umm al-Jamal, Ein al Hilweh, Tall al-Himmah, Khirbat Samarah and al-Farisiyah.

outline plans.<sup>42</sup> To build legally in Area C, a local outline plan for the area must have been approved by the Israeli authorities, after which a permit must be requested through a lengthy and costly process that often results in rejection (A/72/564, paras. 25 and 35).<sup>43</sup> To enhance the ability of Palestinians to obtain building permits, Palestinian and international stakeholders have since 2011 prepared and submitted to the Israeli Civil Administration 102 local outline plans for communities in the entirety of Area C. However, only five plans have been approved by the Administration, and none of the 11 plans submitted in the Jordan Valley have been approved.<sup>44</sup> For example, Jiftlik, one of the largest communities in the Jordan Valley, with a population of about 5,000, faces problems accommodating the natural increase of its population in the absence of approved master plans. A planning proposal was submitted to the Israeli Civil Administration in 2013 but has since remained pending. Construction without permits in Area C entails a high risk of demolition (see paras. 33–38 below). Currently, Jiftlik faces 217 standing demolition orders for unpermitted construction.<sup>45</sup>

32. As noted previously, the Israeli zoning and planning policy in Area C and East Jerusalem is discriminatory and considered incompatible with requirements under international law, and building permits are almost impossible to obtain (A/HRC/34/38, para. 26). Palestinians have no choice but to build without permits and to expose themselves to the risk of demolitions, which represents a significant coercive environment factor.

## **B. Home demolitions and forced evictions or the threat thereof**

33. The restrictive building permit regime in Area C and East Jerusalem makes it almost impossible for Palestinians to accommodate increases in family size (A/HRC/37/43, para. 31). OHCHR and the Office for the Coordination of Humanitarian Affairs monitored the case of four houses that were demolished in Jiftlik Ash Shunah (Area C) on 7 November 2017, affecting 20 Palestinians. The houses had been built without Israeli permits. One young mother described how her home had been built to house a new family with three small children. The destruction of the fully furnished home meant that years of savings and construction were lost, and the family was forced to move back to the husband's parents' house.

34. The implementation of the Israeli planning regime is of concern with regard to the right to adequate standards of living, including the right to housing and the prohibition on forced evictions, as well as the prohibition on unlawful or arbitrary interference with privacy, family and home (A/HRC/34/38, para. 26). The impediments to accommodating new and expanding families affect young people in particular and may deter marriages or force them to leave.

35. According to the Office for the Coordination of Humanitarian Affairs, thousands of Palestinian residents in Area C in the Jordan Valley face the risk of home demolition. In October 2017, the High Court of Justice allowed the demolition of more than 200 structures in the Palestinian communities of Makhul, Humsat al-Buqay'ah, al-Farisiyah-Ihmayyer and al-Farisiya-Nabe al-Ghazal, putting an

<sup>42</sup> United Nations Human Settlements Programme (UN-Habitat), *Spatial Planning in Area C of the Israeli Occupied West Bank of the Palestinian Territory*, May 2015, p. 17; A/72/564, para. 33; A/68/513, para. 32.

<sup>43</sup> The average approval rate for applications for building permits by Palestinians in Area C between 2007 and 2016 was less than 4 per cent. See United Nations, Office for the Coordination of Humanitarian Affairs, "Four herding communities in the northern Jordan Valley".

<sup>44</sup> UN-Habitat, *Spatial Planning in Area C of the Israeli Occupied West Bank of the Palestinian Territory*.

<sup>45</sup> Office for the Coordination of Humanitarian Affairs.

estimated 171 people, more than 50 per cent of whom are children, at imminent risk of displacement. Many of the four communities have already faced demolitions and consequent displacement. Since 2013, several demolitions in Makhul have resulted in the departure of 5 out of 10 families (21 out of 50 persons) to other parts of the West Bank.<sup>46</sup>

36. During the reporting period, 54 structures were demolished or confiscated in the Jordan Valley, displacing 42 people, including 21 children.<sup>47</sup> This marks a decline compared with the previous reporting period, which saw the demolition of 262 structures, displacing 276 people, including 114 children. Demolitions generally have a severe impact on women, as they are often the primary caregivers for extended families and manage household livelihoods (A/HRC/37/43, para. 44). The Secretary-General has reported on the disproportionate impact of demolitions on the rights of women and girls to privacy and health (A/72/564, paras. 52–53).

37. More generally, the losses caused by demolitions and forced evictions of the Bedouin and herder communities have had an impact on livelihoods and resulted in increased expenditures for affected families, including when they were not allowed to take their possessions before the demolition (A/72/564, para. 57).

38. Demolitions or the threat thereof are at the heart of numerous possible violations of international humanitarian law and human rights law (see para. 25 above) and are a major factor contributing to the creation of a coercive environment that might force people to leave.<sup>48</sup>

### C. Freedom of movement

39. The confiscation of areas for settlements and outposts and the designation of lands as military zones and nature reserves, combined with settler harassment, have had a devastating impact on the freedom of movement of Palestinians in the Jordan Valley.

40. OHCHR monitored the impact on the Palestinian herder community of Khirbat Tall al-Himmah in the northern Jordan Valley. Located in Area C between Mehola settlement and the Giv'at Sal'it outpost, the community has experienced increased settler violence and demolition threats<sup>49</sup> since the establishment of the outpost Shirat Ha'asabim, on private Palestinian land, 200 metres away from the village, in September 2016. The residents reported how they had been harassed since by settlers, especially the herders grazing sheep. They highlighted incidents of threats and harassment, including the targeting of flocks and of settlers physically preventing them from gaining access to the only grazing area that the community has relied on for the past 40 years. The situation resulted in a significant economic loss for the community, as herders needed to buy more animal fodder or rent nearby Palestinian land to keep their livestock. Since 2009, the village of about 100 people has been exposed to the demolition and/or confiscation of 44 community structures that used to house 64 people, including 25 children.<sup>50</sup>

<sup>46</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Four herding communities in the northern Jordan Valley”.

<sup>47</sup> Office for the Coordination of Humanitarian Affairs.

<sup>48</sup> A/72/564, paras. 37–58, A/HRC/25/38, paras. 11–20, A/HRC/31/43, paras. 44 and 46, A/HRC/28/80, para. 24, and A/69/348, para. 13.

<sup>49</sup> According to the Office for the Coordination of Humanitarian Affairs, there have been four cases of demolition or confiscation since September 2016.

<sup>50</sup> Office for the Coordination of Humanitarian Affairs, Central Field Coordination Unit, case note 2017 (on file with the Secretariat).

41. In December 2016, settlers established the outpost of Umm Zuqah on private Palestinian land that had been declared a nature reserve. The nearby herding community of Khirbat Samarah reported that settlers from the outpost threatened the herders and chased their animals on a daily basis. The herders were no longer able to graze their sheep without the protective presence of organizations, including the Ecumenical Accompaniment Programme in Palestine and Israel of the World Council of Churches<sup>51</sup> and Ta'ayush. Five families have left the community over the past 10 years owing to repeated demolitions and increased restrictions to their grazing area — private Palestinian lands that had been declared a nature reserve and on which the outpost was later built. According to the community members, settlers from the outpost have been harassing children waiting for the school bus. The continuous harassment and intimidation of the community and other impediments, including in access to education, led the community to send children over the age of 11 to Tubas, 50 km away, where they live apart from their families.

42. The communities of Khirbat Tall al-Himmah and Khirbat Samarah reported similar behaviour from settlers, who have been threatening shepherds with sticks and firearms to prevent them from gaining access to land and have been using quad bikes, horses, dogs or cars to chase, disturb and disperse the sheep. All the shepherds interviewed by OHCHR reported that such behaviour caused stress to the sheep, sometimes leading to miscarriage. According to the communities, the Israeli security forces are not present at the majority of incidents of settler harassment or attacks. When they are, they reportedly do not intervene to protect the Palestinians.

43. The shepherds and organizations that provide them with a protective presence, such as the Ecumenical Accompaniment Programme in Palestine and Israel and Ta'ayush, reported that settlers called the Israel Defense Forces to enforce movement restrictions in the military zones and nature reserve areas, which represent 64 per cent of the Jordan Valley,<sup>52</sup> impeding access for Palestinian herders, while not enforcing such restrictions on settlers who grazed livestock or established outposts in such areas. Such impediments have an impact on food resources and related revenue and may force Bedouin and herding communities to leave, as herding is their only source of income.

#### **D. Rights to life, liberty and security of person**

44. In the Jordan Valley, as in other parts of Area C in the West Bank, communities located inside or in areas surrounding firing zones have been continuously impacted by military training, including live fire (A/HRC/34/39, para. 52, and A/72/564, para. 41).

45. In 2014, an Israeli colonel stated to a Knesset subcommittee that the Israeli military was using military firing zones in Area C to deter the building of Palestinian structures without permits.<sup>53</sup> According to the Israeli NGO B'Tselem, between March and July 2018 the Israel Defense Forces conducted military exercises near 14 Palestinian communities in the Jordan Valley with little or no forewarning almost on a daily basis.<sup>54</sup> B'Tselem reported that such exercises were carried out in increasing

<sup>51</sup> The Ecumenical Accompaniment Programme in Palestine and Israel reported accompanying herders from 42 different communities in the Jordan Valley to prevent settler harassment.

<sup>52</sup> United Nations, Office for the Coordination of Humanitarian Affairs, "West Bank movement and access update".

<sup>53</sup> A/69/348, para. 15: the protocol of the Knesset subcommittee on foreign affairs and defence for the West Bank meeting, 27 April 2014. Available at [www.haaretz.co.il/st/inter/Hheb/images/amiral.pdf](http://www.haaretz.co.il/st/inter/Hheb/images/amiral.pdf).

<sup>54</sup> See [www.btselem.org/video/20180501\\_humsah\\_temp\\_evacuation#full](http://www.btselem.org/video/20180501_humsah_temp_evacuation#full).

proximity to homes, using armoured vehicles, mortar shells and live ammunition, and using concrete blocks to block access to roads to communities.<sup>55</sup> During some exercises of the Israel Defense Forces, the Palestinian communities affected were temporarily forcibly relocated from their lands, sometimes without warning, preventing them from overseeing their property and livestock. On 5 February 2018, the Office for the Coordination of Humanitarian Affairs reported that the Israeli army had entered the herding community of al-Farisiya Ihmayyer with five tanks, without prior notification, destroying crops and firing shells near the community. Those incidents have traumatized the community, especially the children. According to the Office for the Coordination of Humanitarian Affairs, the community reported that a 4-month-old baby had to be hospitalized for a panic attack caused by the sound of shellfire.

46. Bedouin and herding communities are also affected by unexploded munitions left behind by the Israeli military. For instance, on 22 July 2017, a 16-year-old Palestinian boy in the herding community Khirbat Ibbiq was killed after triggering an unexploded grenade while tending sheep. According to his father and the Palestinian authorities in Tubas, the family filed a complaint with the Israeli authorities in April 2018 and a formal compensation procedure was initiated.<sup>56</sup>

## E. Access to services

47. While Area C communities are generally underserved, the distances in the Jordan Valley complicate access to services such as education and health care. More than a third (189 out of 532) of the residential areas in Area C lack a primary school.<sup>57</sup> As a result, some children are forced to travel long distances, sometimes on foot, to reach the nearest school. As there are no established public transportation lines in the Jordan Valley, communities pay for private transportation. Because of the distance to education facilities, the cost of transportation and incidents of settler harassment, some isolated communities have sent students to stay and study in nearby towns (see para. 41 above).<sup>58</sup> Access constraints are also a key factor behind the high school dropout rate and the decision of families to leave their communities, as reported among the remote Hadidiyah community.<sup>59</sup>

48. Israel connects settlements and unauthorized outposts in the West Bank with electricity and water grids, but it does not supply all Palestinian communities in Area C. Furthermore, the restrictive planning regime applied in Area C denies Palestinians the possibility of developing their own water infrastructure, for example by digging wells.<sup>60</sup>

49. Water is an important component for Jordan Valley communities because of the hot climate and their reliance on agriculture and herding. However, around 10,000 Palestinians in more than 50 communities in the Jordan Valley are not connected to

<sup>55</sup> See [www.btselem.org/video/20180302\\_tanks\\_on\\_your\\_doorstep#full](http://www.btselem.org/video/20180302_tanks_on_your_doorstep#full).

<sup>56</sup> According to monitoring carried out by the Office of the United Nations High Commissioner for Human Rights.

<sup>57</sup> Data from 2013 survey; see United Nations, Office for the Coordination of Humanitarian Affairs, "Access to education in Area C of the West Bank", Humanitarian Bulletin, Occupied Palestinian Territory, special ed., May–June 2017. Available at [www.ochaopt.org/content/access-education-area-c-west-bank](http://www.ochaopt.org/content/access-education-area-c-west-bank).

<sup>58</sup> United Nations, Office for the Coordination of Humanitarian Affairs, "Jordan Valley case study: focus on the impact of closures in Buqay'ah Valley", 2011 (on file with the Secretariat).

<sup>59</sup> United Nations, Office for the Coordination of Humanitarian Affairs, "Access to education in Area C of the West Bank".

<sup>60</sup> United Nations, Office for the Coordination of Humanitarian Affairs, "West Bank movement and access update".

the water network, and half of their expenditure is devoted to buying tanked water.<sup>61</sup> Because of the distance to the filling points, which can be up to 27 km,<sup>62</sup> and the high transportation costs, residents not connected to the water network pay up to five times the price for water compared with those who are connected. Such high prices incurred by communities that are already widely affected by poverty have resulted in an extremely low consumption of water, estimated at less than 30 litres per person per day for all purposes, including livestock.<sup>63</sup> The World Health Organization recommends 100 litres per person per day as the minimum to meet all domestic needs. Their limited access to water has contributed to a further depletion of the financial resources of the communities, a decline in the health and productivity of their livestock and a degradation of hygiene.<sup>64</sup>

50. On 9 November 2017, near the Ein al Beida community in the northern Jordan Valley, settlers destroyed with a bulldozer around 650 metres of water pipes from an irrigation network. The pipes had been installed as part of a donor-funded humanitarian project to support farmers in the area who had regained access to their private land following a ruling of the High Court of Justice.<sup>65</sup>

51. In the Occupied Palestinian Territory, 22.5 per cent of the population (1.32 million people) is food insecure.<sup>66</sup> According to a 2016–2017 survey conducted by the World Food Programme (WFP) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), more than 60 per cent of the Bedouin and herding communities living in Area C were food insecure, compared with 50 per cent reported in a 2012 survey.<sup>67</sup>

52. The Office for the Coordination of Humanitarian Affairs reported strong links between the high levels of food insecurity and the access restrictions imposed on Bedouin communities in the Jordan Valley. Restricted movement has an impact on livestock productivity and access to food items from nearby towns.<sup>68</sup> In cases of demolition, especially in remote areas such as the Jordan Valley, food supplies and livestock may be lost or livestock structures damaged. That usually places a further burden on women, who bear the primary responsibility for securing food supplies.<sup>69</sup>

## F. Other factors prompting displacement

53. The violations described above, including violations of international human rights and humanitarian law, may cause residents of the Jordan Valley, especially herders and Bedouins, to leave their usual places of residence.

<sup>61</sup> Ibid.

<sup>62</sup> Gruppo di Volontariato Civile and Action Against Hunger, “Water master plan for the south and north-east communities of the West Bank”, 2017, p. 40 (on file with the Secretariat).

<sup>63</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “West Bank movement and access update”, p. 26. See also [www.btselem.org/jordan\\_valley](http://www.btselem.org/jordan_valley).

<sup>64</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “West Bank movement and access update”.

<sup>65</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Protection of civilians: biweekly highlights, 24 October–6 September 2017”. Available at [www.ochaopt.org/content/protection-civilians-report-24-october-6-november-2017](http://www.ochaopt.org/content/protection-civilians-report-24-october-6-november-2017).

<sup>66</sup> World Food Programme (WFP), “Food insecurity in Palestine”, 2016 (on file with the Secretariat).

<sup>67</sup> WFP, “Food insecurity is on the rise amongst Bedouins and herders in Area C” (on file with the Secretariat).

<sup>68</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “West Bank movement and access update”.

<sup>69</sup> Suha Jarrar, *Unpacking Gender in Coercive Environments: The Case of the Jordan Valley* (Ramallah, Al-Haq, 2017), p. 12.



54. According to the 2016–2017 survey conducted by WFP and UNRWA, a majority of the nearly 500 herder and Bedouin households in the West Bank had experienced relocations as a result of eviction orders (39 per cent), home demolitions (22 per cent), violence and harassment perpetrated by settlers and the Israeli security forces (17 per cent), restrictions of access to services or natural resources (9.8 per cent), the wall (2.4 per cent) and the destruction of irrigation systems and confiscation of agricultural land (2.4 per cent), among other reasons.<sup>70</sup> Many communities have consequently been displaced repeatedly from one location to another within Area C.

55. OHCHR monitored a case of settler violence that caused the displacement of a herder community of 17 people, all of them Palestinian refugees, from the place in which they had resided for the previous 40 years, on the outskirts of Mu‘arrajat, north-west of Jericho — a very isolated location between the Rimonim, Yitav and Kokhav HaShahar settlements. On 22 January 2018, settlers attacked herders, including a woman, with sticks near their community. They injured an 18-year-old in the head, causing internal bleeding. Israeli authorities arrived at the site after the attack and launched an investigation which was still ongoing as at 31 May 2018. After the attack, community members reported fears of other attacks and were especially worried about the safety of the children. The community first relocated 1 km away, on 8 February 2018, but as the location was not suitable for livestock, they relocated again on 6 April to land outside of Sinjil, approximately 17 km from their usual centre of life. The new location is near a main road, which increases vulnerability to harassment by settlers or the Israeli security forces. The new site also offers less protection during winter compared with the previous site.

56. OHCHR also monitored the displacement of a family from the northern Jordan Valley to Najadah, the southernmost point in the West Bank. The family depends on herding and told OHCHR that it had moved from Najadah to the Jordan Valley 18 years ago owing to drought. They had lived in four different places in the Jordan Valley as a result of continuous demolitions and harassment by the Israeli authorities. In the latest location, Malih al-Meiteh, an entire community of 16 families had received demolition orders in 2014 owing to the creation of a closed military zone, to which the community objected. Related legal proceedings before the High Court of Justice were still ongoing at the time of writing. Nevertheless, the family reported increased pressure from the Israeli military through frequent night raids and searches, as well as military exercises that forced the community to relocate temporarily. Malih al-Meiteh is one of the most vulnerable communities in the West Bank owing to the restrictions imposed on the people’s daily lives and livelihoods, including demolitions, which have increased their level of poverty and dependence on aid.<sup>71</sup> The family decided to leave for Najadah because of the increased pressure, demolition threats and security concerns for themselves and their livestock as a result of the frequent military exercises, including live fire and tank shells.<sup>72</sup> The family said they would not hesitate to go back to the Jordan Valley if they could live without fear of harassment and demolition, even temporarily. In addition to the families who have already left, the remaining members of the community are considered to be at high risk of forcible transfer.

### **Impact of a coercive environment**

57. The Secretary-General has previously voiced concerns about the impact of settlement policies on the living conditions of Palestinians, including their increased risk of forcible transfer (A/HRC/34/39, para. 40). The Israeli authorities are

<sup>70</sup> WFP, “Food insecurity is on the rise amongst Bedouins and herders in Area C”.

<sup>71</sup> United Nations, Office for the Coordination of Humanitarian Affairs, Central West Bank Field Coordination Unit, briefing paper, May 2018 (on file with the Secretariat).

<sup>72</sup> Including the risk of accidents arising from unexploded ordnance, as reported in para. 46.

increasing pressure on Palestinians living in areas under their full control, creating conditions that contribute to a coercive environment, which may compel them to move out of their areas of residence (*ibid.*, paras. 40–42).

58. International humanitarian law prohibits individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power or to that of any other country, occupied or not, regardless of the motive.<sup>73</sup> Such a transfer amounts to a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and a war crime that may lead to individual criminal responsibility.<sup>74</sup> Forcible transfer does not necessarily require the use of physical force by authorities; it may be triggered by specific factors creating a coercive environment that compels individuals or communities to leave. Any transfer without the genuine and fully informed consent of those affected is considered forcible (A/HRC/34/38, para. 28, and A/HRC/34/39, para. 41). Besides highlighting multiple human rights violations in a situation of forcible transfer (A/HRC/37/43, para. 28), the cases described below illustrate how the mere existence of a coercive environment affects the enjoyment of human rights.

## V. Settlements in the occupied Syrian Golan

59. Illegal settlement expansion and land appropriation by the Government of Israel in the occupied Syrian Golan continued during the reporting period, in violation of the obligations of Israel under international law. The Secretary-General reaffirms the continuing validity of Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect (A/71/355, para. 66).

60. The 34 illegal Israeli settlements in the occupied Syrian Golan are home to an estimated 23,000 Israeli settlers and are supported by the Government of Israel through financial incentives. The settlements also benefit from a disproportionately large allocation of natural resources, such as clean water, compared with Syrian residents (A/HRC/28/44, para. 54, and A/HRC/31/43, para. 64). During the reporting period, concerns regarding the situation in the occupied Syrian Golan persisted, with Syrian residents of the Golan facing ongoing problems owing to the discriminatory land, housing and development policies established by the Israeli authorities, who control 95 per cent of the land in the occupied Syrian Golan.<sup>75</sup> Those policies continue to make it nearly impossible for Syrians to obtain building permits, leading to increasingly overcrowded villages and limited opportunities for development (A/72/564, paras. 60–61). Further concerns have been raised about the impact of those policies on access to livelihoods, in particular agriculture.<sup>76</sup> Human rights organizations have also consistently raised concerns about the presence of land mines in the occupied Syrian Golan.<sup>77</sup>

61. In January 2018, the Interior Minister of Israel announced that municipal elections would be held in the occupied Syrian Golan in October 2018. Those will be

<sup>73</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 49. A limited exception appears in the second paragraph of the article cited.

<sup>74</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 147; Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

<sup>75</sup> International Labour Organization (ILO), *The Situation of Workers of the Occupied Arab Territories*, ILC.107/DG/APP (Geneva, 2018), para. 147.

<sup>76</sup> ILO, *The Situation of Workers of the Occupied Arab Territories*, paras. 149–150.

<sup>77</sup> Adalah, “Adalah, Al-Marsad demand Israel remove army outposts and minefields from occupied Syrian town on Golan Heights”, 2 August 2017. Available at [www.adalah.org/en/content/view/9180](http://www.adalah.org/en/content/view/9180).

the first elections held there since the occupation began.<sup>78</sup> Only those who hold Israeli citizenship are eligible for election, raising concerns about discrimination. Many Syrian residents of the occupied territory have announced that they will boycott the elections. Residents report that Israel is increasing pressure on Syrians to accept Israeli citizenship, which only an estimated 10 per cent of the Syrian population has done at this stage.<sup>79</sup> Those who do not accept Israeli citizenship are reportedly given only permanent resident status.<sup>80</sup> The International Labour Organization has noted that the intensified efforts to fully integrate the occupied Syrian Golan into Israel are contributing to the creation of a threat to Syrian identity in the occupied Syrian Golan.<sup>81</sup>

62. In May 2018, the Intelligence Minister of Israel told Reuters in an interview that his Government was expecting the United States to recognize Israeli sovereignty over the occupied Syrian Golan in the coming months.<sup>82</sup>

## VI. Conclusions and recommendations

**63. The establishment and expansion of Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territory it occupies, which is prohibited under international humanitarian law.**<sup>83</sup>

**64. The exacerbation of a coercive environment has had a highly detrimental impact on the human rights of Palestinians. A significant increase in settler violence was witnessed during the reporting period. In Hebron, Area C and East Jerusalem, several factors led to a deterioration in living conditions. The advancement of plans for further housing units in settlements continued to increase, while the number of tenders and rate of construction starts decreased. After a record high in 2016, demolition figures in Area C reached a low in the reporting period.**

**65. Palestinians remained subject to a restrictive planning, permit and construction regime, placing many of them under the threat of demolition orders and displacement, and with highly limited public services and access to land, which is also impeded by incidents of settler harassment and the behaviour of the Israeli security forces. Those factors violate multiple fundamental human rights and contribute to a coercive environment in the Jordan Valley and other areas of the Occupied Palestinian Territory.**

<sup>78</sup> Middle East Monitor, "Israel to hold elections in occupied Golan Heights", 9 January 2018. Available at [www.middleeastmonitor.com/20180109-israel-to-hold-local-elections-in-occupied-golan-heights/](http://www.middleeastmonitor.com/20180109-israel-to-hold-local-elections-in-occupied-golan-heights/).

<sup>79</sup> Nour Samaha, "Syrians in Golan Heights to boycott municipal election by Israel", Al-Jazeera, 21 June 2018. Available at [www.aljazeera.com/indepth/features/syrians-golan-heights-boycott-israel-election-area-180619180933900.html](http://www.aljazeera.com/indepth/features/syrians-golan-heights-boycott-israel-election-area-180619180933900.html); ILO, *The Situation of Workers of the Occupied Arab Territories*, para. 148.

<sup>80</sup> Al-Marsad, "Election in Syrian villages in occupied Golan", 11 February 2018. Available at <http://golan-marsad.org/elections-in-syrian-villages-in-occupied-golan/>.

<sup>81</sup> ILO, *The Situation of Workers of the Occupied Arab Territories*, para. 151.

<sup>82</sup> Dan Williams, "Exclusive: Israel minister says U.S. may soon recognize Israel's hold on Golan", 23 May 2018. Available at [www.reuters.com/article/us-mideast-crisis-syria-israel-usa-exclu/exclusive-israeli-minister-says-us-may-soon-recognize-israels-hold-on-golan-idUSKCN11O2YU](http://www.reuters.com/article/us-mideast-crisis-syria-israel-usa-exclu/exclusive-israeli-minister-says-us-may-soon-recognize-israels-hold-on-golan-idUSKCN11O2YU).

<sup>83</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 49, sixth paragraph.

66. Further numbers of Palestinians living in Area C and the H2 zone of Hebron were compelled to leave, as previously documented,<sup>84</sup> in violation of the prohibition of forcible transfers under international humanitarian law.

67. On the basis of the present report, the Secretary-General recommends that Israel:

(a) Immediately halt and reverse all settlement development and related activities in the Occupied Palestinian Territory, including East Jerusalem, in compliance with relevant United Nations resolutions, including Security Council resolution [2334 \(2016\)](#);

(b) Immediately end all activities contributing to the creation of a coercive environment and/or leading to the risk of forcible transfer;

(c) Review planning laws and policies to ensure that they are compliant with the obligations of Israel under international human rights and humanitarian law;

(d) Cease taking any initiative to relocate communities in Area C, including Bedouin and herder communities, in contravention of international law;

(e) Take all steps necessary to ensure that Palestinians in East Jerusalem and Area C of the occupied West Bank are not denied access to the provision of essential services, including electricity, water and sanitation, and to natural resources, including land for agricultural purposes;

(f) Take all measures to ensure the protection of the Palestinians and their property in the Occupied Palestinian Territory, including East Jerusalem, from settler violence;

(g) Ensure that settler violence against Palestinians and their property is investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are provided with effective remedies, including adequate compensation, in accordance with international standards;

(h) Immediately halt and reverse all settlement development and related activities in the occupied Syrian Golan, and end discriminatory land, housing and development policies, in compliance with relevant United Nations resolutions;

(i) Remove immediately all mines and minefields in the occupied Syrian Golan, which pose a risk to the local population.

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<sup>84</sup> [A/HRC/31/43](#), para. 60, and [A/71/355](#), paras. 61–64.



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## Seventy-fourth session

Agenda item 51

### Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

## Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

### Report of the Secretary-General\*

#### *Summary*

The present report, prepared pursuant to General Assembly resolution [73/98](#), provides an update on Israeli settlement activities and their impact on human rights in the West Bank, including East Jerusalem, and the occupied Syrian Golan. The report covers the period from 1 June 2018 to 31 May 2019.

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\* The present report was submitted after the deadline so as to include the most recent information.



## I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 73/98, provides an update on the implementation of the resolution from 1 June 2018 to 31 May 2019. It is based on direct monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory and on information provided by other United Nations entities in the Occupied Palestinian Territory and by non-governmental organizations. The report should be read in conjunction with recent related reports of the Secretary-General and of the High Commissioner submitted to the Assembly (A/73/410 and A/73/420) and to the Human Rights Council (A/HRC/40/39, A/HRC/40/42 and A/HRC/40/43). The quarterly updates of the Secretary-General presented to the Security Council on the implementation of Council resolution 2334 (2016) concerning the same period<sup>1</sup> also provide relevant information.

2. During the period under review, Israeli settlement activities increased in the occupied West Bank, including East Jerusalem. Significant legal developments and conditions and acts contributed to a coercive environment, including demolitions, forced evictions and acts of settler violence. Settler violence continued at a high level, while injuries to Palestinians and the severity of attacks increased; related developments in Nablus and the H2 zone in Hebron are examined in the present report. On 28 January 2019, the Government of Israel announced its decision not to renew the mandate of the Temporary International Presence in Hebron as of 30 January 2019. The report also contains an update on Israeli settlements in the occupied Syrian Golan.

## II. Legal background

3. International human rights law and international humanitarian law are concurrently applicable in the Occupied Palestinian Territory, namely, Gaza and the West Bank, including East Jerusalem. This includes the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), which is binding upon Israel as an occupying Power. A detailed analysis of the legal framework applicable in the Occupied Palestinian Territory and the occupied Syrian Golan can be found in recent reports of the Secretary-General (A/HRC/34/38 and A/HRC/34/39).

## III. Activities related to settlements

4. The reporting period was marked by an increase in settlement plan advancements, tenders and construction starts of settlement housing. The demolition of Palestinian structures in the West Bank, including in East Jerusalem, increased by 50 per cent compared with the previous reporting period. Furthermore, settler violence continued to increase, and, in the majority of incidents monitored, Israeli security forces failed to protect the Palestinian population.

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<sup>1</sup> See <https://unsco.unmissions.org/security-council-briefings-0>.

## A. Settlement expansion

### Land designation, planning and tenders

5. The advancement of plans for settlement construction continued at a higher rate than during the previous reporting period, with plans for some 10,900 housing units in the West Bank advanced or approved by the Israeli authorities, compared with 9,800 in the previous reporting period. Of those, 8,700 were located in Area C and about 1,800 had reached the final stage of approval by 31 May 2019. In East Jerusalem, plans were advanced for some 2,200 housing units, about 200 of which had reached the final stage of approval.<sup>2</sup>

6. Israeli authorities issued tenders for 2,400 units in Area C settlements, compared with 2,100 during the previous period. In East Jerusalem, the first tender in over two years was issued, for 600 units in Ramat Shlomo.<sup>3</sup>

7. Official data on settlement construction starts in Area C indicate an increase from 1,546 units during the previous reporting period to 2,395 units.

8. On 26 December 2018, the Government of Israel informed the High Court of Justice of Israel that it intended to permit the Ministry of Construction and Housing to initiate planning procedures for Givat Eitam, a new settlement, in a large area of 1,182 dunums south of Bethlehem. The area was originally declared State land in 2004, and the Court issued its final decision on the matter in 2016.<sup>4</sup> In April 2019, 300 dunums were declared State land in the South Hebron Hills.<sup>5</sup>

9. On 14 October 2018, the Government of Israel allocated \$6 million for work required ahead of the construction of 31 already approved settlement units in the H2 zone in Hebron (A/HRC/40/42, para. 9). This is the first time in 16 years that settlement units are to be built in the H2 zone.

10. According to Peace Now, 11 new outposts were established during the reporting period,<sup>6</sup> compared with 5 during the previous period.<sup>7</sup> In addition, an outpost structure was established some 100 m from Khan al-Ahmar/Abu al-Helu, a Bedouin community that remains at risk of imminent demolition and forcible transfer.<sup>8</sup>

11. In a public statement made on 13 December 2018, the Prime Minister of Israel announced a series of measures intended as deterrence in response to Palestinian attacks against Israelis in the West Bank.<sup>9</sup> The measures included the retroactive legalization of 2,000 housing units in settlements built on private Palestinian land, advancing the construction of 82 new housing units in the Ofra settlement and two new industrial zones in the Avnei Hefetz and Betar Illit settlements, and other

<sup>2</sup> Office of the United Nations Special Coordinator for the Middle East Peace Process.

<sup>3</sup> Ibid.

<sup>4</sup> Peace Now, "Government allocates land for new settlement in E2", 31 December 2018; see also <http://peacenow.org.il/wp-content/uploads/2018/12/State-update-e2-allocation-261218.pdf> for the text of the decision.

<sup>5</sup> Documentation on file. Peace Now filed a petition against the declaration.

<sup>6</sup> Pnei Hever South, Kokhav HaShahar East, Mishol Hamaayan Farm, Ras Karkar Farm, Givat Eitam, Gadi Base, Kida East, Asa'el West, Tkoa E, Nofei Prat South and Suseya East.

<sup>7</sup> Peace Now, data on file.

<sup>8</sup> See also para. 37 below; and Yotam Berger, "Israeli who sought evacuation of contested West Bank Bedouin village builds illegal outpost nearby", *Haaretz*, 1 May 2019.

<sup>9</sup> Noa Landau and others, "Netanyahu warns Hamas that Israel won't have Gaza truce alongside West Bank terror, senior official says", *Haaretz*, 14 December 2018.

measures that may amount to collective punishment.<sup>10</sup> During the reporting period, Israeli authorities demolished structures at six outposts.<sup>11</sup>

## B. Consolidation of settlements

12. During campaigns ahead of the elections in Israel in April 2019, several politicians declared intentions to expand settlements and annex all or parts of the occupied West Bank. On 6 April 2019, the Prime Minister stated: “I will extend [Israeli] sovereignty but I don’t distinguish between the settlement blocs and the isolated ones ... I will make sure we control the territory west of Jordan.” He also vowed to demolish Khan al-Ahmar/Abu al-Helu.<sup>12</sup>

13. In April and May 2019, the Minister of Defence of Israel and the Israeli Civil Administration approved the construction of two roads bypassing Palestinian towns in the West Bank.<sup>13</sup> The Civil Administration issued orders to confiscate hundreds of dunums of private Palestinian land for the construction of the roads.<sup>14</sup> In April 2019, the Ministry of Tourism of Israel announced that it would make monetary grants available for the construction of hotels in the settlements.

### Legislative developments, including the regularization of outposts

14. During the reporting period, the Government of Israel promoted an amendment that would give the Settlements Division of the World Zionist Organization, a non-governmental entity functioning under the auspices of the Ministry of Agriculture and Rural Development, the authority to manage declared State land in the West Bank. The amendment passed the first reading by the Constitution, Law and Justice Committee of the Knesset on 29 October 2018. The long-standing practice of the Settlements Division of managing State land in the West Bank has been criticized for a lack of transparency and governmental supervision. In the past, the Settlements Division has allocated private Palestinian land as State land for use by settlers, including in the Mitzpeh Kramim settlement.<sup>15</sup>

15. On 1 August 2018, the Israeli Civil Administration stated its intention to triple the size of the jurisdiction of the new Amihai settlement<sup>16</sup> to include the Adei Ad outpost as a means to achieve retroactive regularization.<sup>17</sup> One of the settlement plans advanced in April 2019 would retroactively regularize the Haresha outpost by incorporating it into the existing Talmon settlement.<sup>18</sup>

16. On 28 August 2018, the District Court of Jerusalem applied Military Order No. 59 (1967) to regularize, under Israeli law, the Mitzpeh Kramim outpost, which

<sup>10</sup> Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, briefing to the Security Council on the situation in the Middle East: report on Security Council resolution 2334 (2016), 18 December 2018.

<sup>11</sup> Netiv Ha’avot, Tappuah West, Geulat Zion, Bat Ayin B, Amona and Maoz Ester.

<sup>12</sup> “Netanyahu says will begin annexing West Bank if he wins Israel election”, *Haaretz*, 7 April 2019; see also Noa Landau and Yotam Berger, “Israel won’t uproot any more settlements, Netanyahu says in visit to West Bank”, *Haaretz*, 28 January 2019.

<sup>13</sup> Peace Now, “Construction permits approved for two bypass roads near Nablus and Bethlehem”, 2 May 2019.

<sup>14</sup> Confiscation orders on file.

<sup>15</sup> Peace Now, “Preliminary approval for settlement division bill”, 13 June 2018.

<sup>16</sup> Amihai was established for settlers evacuated from the Amona outpost in the northern West Bank (A/HRC/40/42, paras. 11 and 32).

<sup>17</sup> Rosemary DiCarlo, Under-Secretary-General for Political and Peacebuilding Affairs, briefing to the Security Council on the situation in the Middle East, 22 August 2018.

<sup>18</sup> Rosemary DiCarlo, Under-Secretary-General for Political and Peacebuilding Affairs, briefing to the Security Council on the situation in the Middle East, 29 April 2019.



was built on private Palestinian land, on the basis of the alleged good faith assumption that it was located on State land. The decision is the first use of the Military Order and, if upheld by the Supreme Court of Israel, could serve as a precedent to regularize more than 1,000 illegal housing units within outposts and settlements. At the time of writing, an appeal against the decision was pending before the Supreme Court.

17. In mid-December 2018, the Government of Israel established a team to fast-track the legalization of outposts and housing units in settlements built illegally according to Israeli law. The move followed an opinion issued by the Attorney General on 13 December allowing the Government to initiate steps to retroactively legalize settlement units built “in good faith”, including on private Palestinian property that, at the time of construction, was mistakenly believed to be State land under Israeli law. According to the Office of the Attorney General, some 2,000 settlement units throughout the West Bank could be retroactively legalized using this legal and administrative tool, referred to as the “market regulation” principle (S/2019/251, para. 6). In May 2019, the District Court of Jerusalem accepted the position of the Government that the “market regulation” principle could be used to retroactively legalize structures built in part on private Palestinian land in the settlement of Alei Zahav, allowing the State to use this tool for the first time.<sup>19</sup>

18. In November 2018, the Knesset passed legislation enabling, under certain conditions, planning for residential purposes in areas declared national parks located within municipal boundaries. The amendment could facilitate the construction of additional settlement units in the East Jerusalem neighbourhood of Silwan.<sup>20</sup>

## C. Impact of settlements on human rights

### Settlement-related violence

19. During the reporting period, incidents of settler violence continued at a high level, while injuries to Palestinians and the severity of attacks increased. Four Palestinians were killed by settlers in the West Bank. Five Israeli civilians were killed by Palestinians in the West Bank, compared with seven in the previous reporting period. The number of Palestinians injured by settlers increased from 84 during the previous reporting period to 133.<sup>21</sup> A total of 37 Israeli civilians were injured, compared with 43 in the previous reporting period. There were also 246 incidents of property damage by settlers, including the vandalization of more than 8,300 fruit trees, compared with nearly 5,800 in the previous reporting period. According to the Office for the Coordination of Humanitarian Affairs, the number of incidents of settler violence reached its highest level since 2014, with 321 incidents during the reporting period, compared with 191 incidents in the previous reporting period and 75 in the period before that.

20. In an alarming indication of the severity of settler violence, at least 11 Palestinians were injured as a result of the use by settlers of live ammunition, compared with 4 during the previous reporting period.<sup>22</sup> Such developments were

<sup>19</sup> Yotam Berger, “Israeli court ruling could end up legalizing 2,000 settlement homes”, *Haaretz*, 30 June 2019.

<sup>20</sup> Ir Amim, “National parks bill enabling settler group’s penetration into Silwan advances”, 13 November 2018. Available at [www.altro.co.il/newsletters/show/11210?key=d7b7765151ed%20526253af292a8cac3478&value=e821eb584ad5f7c51923b071f60f258329b7ed91:1320432](http://www.altro.co.il/newsletters/show/11210?key=d7b7765151ed%20526253af292a8cac3478&value=e821eb584ad5f7c51923b071f60f258329b7ed91:1320432).

<sup>21</sup> The term “injured” in the present report refers to people who were physically hurt and treated at a medical facility or on site by paramedic personnel, see [www.ochaopt.org/data/casualties](http://www.ochaopt.org/data/casualties).

<sup>22</sup> *Ibid.*

particularly marked in the H2 zone in Hebron and around Nablus (see paras. 39–69 below).

21. Attempts by settlers to enter and/or attack Palestinian communities also continued to cause friction between Israeli security forces and Palestinians, leading to clashes that resulted in 4 Palestinians killed and 295 injured.<sup>23</sup>

22. On 26 January 2019, a 38-year-old Palestinian man was shot and killed and nine others were injured during a settler attack on Mughayyir village, east of Ramallah. In clashes that erupted after a group of up to 30 settlers from the nearby Adei Ad outpost attacked Palestinian farmers in their fields and then in the village, the settlers shot at the inhabitants and their houses. There was a heavy presence of Israeli security forces near the village, and Israeli authorities had been immediately alerted of the attack. Witnesses reported that the Israeli security forces were late to intervene and, when they did, the focus of their action appeared to have been to disperse the Palestinians using crowd dispersal means and live ammunition.<sup>24</sup> It is unclear whether any settlers were also injured. Given that the settlers implicated in the shooting were civilian security coordinators, the military has initiated an investigation.<sup>25</sup> As at 31 May 2019, there was no further information regarding the investigation.<sup>26</sup>

23. In May 2019, Israeli security forces and civilian security coordinators beat and seemingly arbitrarily arrested and detained two Palestinian farmers from Kifil Haris village, in the northern West Bank. After coordination with Israeli authorities regarding access to the land, the farmers were tending to their land, which had been included within the boundary of the adjacent Ari'el settlement. Soldiers claimed that a group of farmers was violating the coordination time and told the farmers that they wanted to punish them by temporarily detaining them at the location. After an argument ensued, a group of soldiers and civilian security coordinators beat two of the farmers, one of whom was handcuffed. The two farmers were then arrested after the soldiers claimed that one of them had tried to take his gun. Witness accounts and video recordings suggest that no attempt was made to take the gun. The farmers were released on bail after 10 days of detention. As at the end of the reporting period, the victims had not been presented with an indictment or informed as to whether investigations had been opened into the conduct of the Israeli security forces and civilian security coordinators. OHCHR has followed the restrictions on access to agricultural land due to settler violence and had documented an attack in June 2018 by a civilian security coordinator on the same farmers while they were trying to access their land ([A/HRC/40/42](#), para. 38).

24. Surges in settler violence against Palestinians occurred after the killing of settlers and soldiers by Palestinians or the removal of outpost structures by Israeli authorities.<sup>27</sup> On 9 and 13 December 2018, Palestinian gunmen killed two Israeli soldiers and injured another soldier and eight Israeli civilians in the West Bank. The

<sup>23</sup> See e.g. B'Tselem, "Border police escorting settlers invading al-Mazra'ah al-Qibliyah land fire at residents who clashed with them, killing two and wounding seven", 6 December 2018.

<sup>24</sup> Rupert Colville, Spokesperson for the United Nations High Commissioner for Human Rights, "Human Rights Commissioner concerned about attack on Palestinians in the West Bank village of Al Mughayyir", press briefing, 29 January 2019.

<sup>25</sup> Yotam Berger and Jack Khoury, "No settlers questioned after Palestinian shot dead in the West Bank", *Haaretz*, 28 January 2019. Civilian security coordinators are usually residents of settlements and outposts trained and armed by the army and funded by the Ministry of Defence to guard settlements and outposts ([A/HRC/40/42](#), para. 37).

<sup>26</sup> OHCHR has previously reported on how settler violence around Adei Ad has contributed to human rights violations and to Palestinians being driven from the area ([A/HRC/40/42](#), paras. 32–33).

<sup>27</sup> For example, there was a peak in settler violence after a Palestinian attack in March 2019, see B'Tselem, "Predictable, violent settler rampage after a Palestinian attacks Israelis; Israeli security forces do nothing", 18 April 2019.

attacks triggered violence across the West Bank, with settlers protesting along main roads and attacking Palestinian cars with stones.<sup>28</sup> On 13 December 2018, a Palestinian bus driver was attacked and injured by settlers in the Modi'in Ilit settlement and an ambulance of the Palestine Red Crescent Society was attacked by settlers near Bani Na'im village in the southern West Bank.

25. In February 2019, flyers were posted in Palestinian villages near the Gush Etzion settlement block warning Palestinian labourers that they would be banned from working in nearby settlements if they cooperated with Israeli human rights activists. The activists were providing a protective presence in areas subject to settler violence.<sup>29</sup>

26. As the occupying Power, Israel has the obligation to take all the measures in its power to restore and ensure, as far as possible, public order and life in the Occupied Palestinian Territory and to protect the Palestinian population from all acts or threats of violence, in all circumstances.<sup>30</sup> Israel also has the obligation to respect, protect and fulfil the human rights of the Palestinian population, including their right to life and security of person (A/HRC/34/38, paras. 13 and 36–37).

27. While efforts have been made by the Israeli authorities in recent years to prevent, investigate and prosecute particular incidents of settler violence, overall there continues to be a prevailing climate of impunity enjoyed by violent settlers and those taking over private Palestinian land (A/HRC/31/43, para. 37, and A/HRC/34/39, para. 18). In one of the cases of settler violence to reach trial, Israeli prosecutors reached a plea bargain with one of the Israeli suspects in the 2015 arson attack that killed the Dawabsheh family in Duma, near Nablus (A/71/355, para. 18). The prosecutors agreed to seek a sentence of five and a half years for the less serious crime of “conspiracy to commit a crime motivated by a racist motive”.<sup>31</sup> The trial of another suspect was ongoing at the time of writing the present report. In another case, an Israeli minor suspected of killing a Palestinian woman in October 2018 was indicted for manslaughter.

### **Impact of settlements on Palestinian communities at risk of forcible transfer**

28. Demolitions and forced evictions entail numerous human rights violations, exacerbate the coercive environment and raise concerns about the risk of forcible transfer. They also continue to raise concern about compliance with the relevant provisions of international humanitarian law that are binding on the occupying Power, including the prohibition of the destruction of property and institutions dedicated to education.<sup>32</sup>

29. During the reporting period, Israeli authorities demolished 511 structures in the West Bank, including East Jerusalem, displacing 641 people, including 310 children and 184 women. In the previous reporting period, they had demolished 343 structures, displacing 408 people.<sup>33</sup>

<sup>28</sup> See also paras. 44–45 below; and B'Tselem, “‘Price tag’, November–December 2018: settlers continue to wreak havoc in Palestinian communities, shielded by military and police”, Eyes Wide Open, blog, January 2019.

<sup>29</sup> Aryeh Savir, “Israeli employers to Arabs: want to work for us? Don't work with anarchists”, Jewish Press, 3 February 2019; and Edo Konrad, “Settlers to Palestinian laborers: ‘work with human rights groups and lose your job’”, +972 Magazine, 4 February 2019.

<sup>30</sup> Hague Regulations annexed to the Hague Convention IV of 1907 (Hague Regulations), arts. 43 and 46; and Fourth Geneva Convention, art. 27.

<sup>31</sup> Amended indictment, on file.

<sup>32</sup> Fourth Geneva Convention, art. 53, as noted in A/HRC/34/38, para. 21; and Hague Regulations, art. 56.

<sup>33</sup> See [www.ochaopt.org/data/demolition](http://www.ochaopt.org/data/demolition).

30. In addition to those displaced, the demolitions affected over 28,021 people, many of whom were affected because of the destruction of water connections and wells, which, in some cases, had been funded by donors.<sup>34</sup> In February 2019 alone, five incidents of destruction of water connections and wells were recorded. On 17 February 2019, the Israeli authorities destroyed a 750-m-long water pipeline, affecting an estimated 18,000 residents of the villages of Bayt Furik and Bayt Dajan in Nablus.<sup>35</sup>

31. In East Jerusalem, demolitions almost doubled, from 131 structures in the previous reporting period to 219. In April 2019 alone, 60 homes and other structures were demolished, the highest number of demolitions in one month since the Office for the Coordination of Humanitarian Affairs started recording such acts in 2009. Consequently, 318 people were displaced in East Jerusalem during the reporting period.<sup>36</sup> Of those demolitions, 27 per cent were self-demolitions.<sup>37</sup> Self-demolitions have increased dramatically, with 52 incidents, compared with 19 in the previous reporting period. The increase may be linked to changes in Israeli legislation that allow expedited demolitions and increased fines for violating the permit scheme.<sup>38</sup> At least one third of all Palestinian homes in East Jerusalem lack an Israeli-issued building permit, which is almost impossible to obtain, potentially placing over 100,000 residents at risk of having their homes demolished and of being forcibly transferred.

32. On 17 and 30 April 2019, Israeli authorities demolished six structures in Wadi Yasul, displacing 11 Palestinians, including 7 children. Israeli security forces appeared to use excessive force during the demolition, including beating residents and shooting at them with sponge-tipped bullets at close range. Nearly all structures in the East Jerusalem neighbourhood of Wadi Yasul face a heightened risk of demolition following the near complete exhaustion of legal efforts to protect homes in the area. More than 550 Palestinians are consequently at imminent risk of having their homes demolished.

33. Israeli authorities also demolished or confiscated 13 school-related structures, while 50 schools (42 in Area C and 8 in East Jerusalem) were under “stop work” or demolition orders as at 31 May 2019.<sup>39</sup> On 19 March 2019, in the Shu’fat refugee camp, Israeli authorities demolished a school building under construction on the grounds of a lack of an Israeli-issued permit, reportedly affecting 485 new students who were registered to start at the school. The area is located within the Israeli-defined Jerusalem municipal boundary east of the wall separating Jerusalem from the West Bank. During the demolition, Israeli security forces entered the school, causing panic among students and necessitating the evacuation of about 1,000 students. As

<sup>34</sup> The term “affected” refers to those people whose livelihood has been affected by the demolition without being displaced, see [www.ochaopt.org/data/demolition](http://www.ochaopt.org/data/demolition).

<sup>35</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Demolitions in West Bank undermine access to water”, Humanitarian Bulletin: Occupied Palestinian Territory, March 2019.

<sup>36</sup> See [www.ochaopt.org/data/demolition](http://www.ochaopt.org/data/demolition); and United Nations, Office for the Coordination of Humanitarian Affairs, “United Nations officials call for an immediate halt to demolitions in East Jerusalem and respect for international law amidst rise”, 3 May 2019.

<sup>37</sup> Self-demolitions are carried out by owners to avoid further fines and the cost of the demolition conducted by the municipality that they will be forced to pay.

<sup>38</sup> See [www.ochaopt.org/data/demolition](http://www.ochaopt.org/data/demolition); United Nations, Office for the Coordination of Humanitarian Affairs, “Record number of demolitions, including self-demolitions, in East Jerusalem in April 2019”, Humanitarian Bulletin: Occupied Palestinian Territory, April 2019; and Global International Humanitarian Law Centre of Diakonia, “Demolishing the future: continued property destruction in the Occupied Palestinian Territory”, June 2019, p. 6.

<sup>39</sup> Office for the Coordination of Humanitarian Affairs.

previously reported, the Jerusalem communities east of the wall are severely underserved, including in terms of education (A/HRC/37/43, para. 59).

34. A total of 21 Palestinian residents of three houses in East Jerusalem, including 7 women and 10 children, were evicted following Israeli court decisions recognizing settlers' claim of ownership. On 17 February 2019, Israeli security forces forcibly evicted the eight members of the Abu Assab family from their house in the Muslim Quarter of the Old City of Jerusalem following a court decision based on the Legal and Administrative Matters Law of 1970, facilitating its handing over to a settler organization claiming to represent previous owners. In 1948, the family members had fled their property in West Jerusalem, but, unlike Jewish owners, they cannot reclaim their right to their property from that time (*ibid.*, para. 40). The family members reported that the eviction has had serious psychological effects on them.

35. About 200 Palestinian households in East Jerusalem, comprising over 860 Palestinians, including nearly 390 children, face a similar risk of forced eviction as a result of cases filed in Israeli courts, primarily by Israeli settler organizations. Forced evictions frequently violate the right to adequate housing and the right to privacy, as well as other human rights. Forced evictions form part of a coercive environment that may lead to forcible transfer, which is a grave breach of the Fourth Geneva Convention (A/73/410, paras. 25 and 38). In a positive development, in April 2019, the Magistrate's Court of Jerusalem ordered the evacuation of a Palestinian house in the H2 zone in Hebron that had been taken over by settlers through forged documents in the early 2000s. The Court ruled that the settlers had to provide the family a compensation of \$161,000.<sup>40</sup> The settlers have appealed the decision.

36. The 190 residents of the Khan al-Ahmar/Abu al-Helu Bedouin community continue to face the risk of imminent demolition, which may lead to forcible transfer. Following the approval by the High Court of Justice of the demolition of the community in May 2018,<sup>41</sup> the execution was temporarily delayed after three petitions were submitted against the verdict. On 5 September 2018, the Court rejected the petitions in a final ruling. The time frame for the demolition remained unspecified, leaving it to the discretion of the Israeli military commander.<sup>42</sup> The ruling sets a precedent that may put dozens of other Bedouin communities at risk of forcible transfer across the West Bank.

37. On 30 April 2019, the High Court of Justice dismissed petitions submitted by Palestinian and Israeli non-governmental organizations and Palestinian communities against Military Order No. 1797 of 17 April 2018 regarding the removal of new structures (A/73/410, para. 24).<sup>43</sup> The Order expands the authority of the Israeli Civil Administration to remove, within 96 hours following the delivery of a demolition order, contingent upon the approval of the head of the Civil Administration or the head's delegated representative, any structure that has not been completed or was completed within six months from the issuance of the demolition order. In the case of residential structures, the Order gives authority to remove any structure that is still

<sup>40</sup> Yotam Berger, "Court orders settlers evicted from Palestinian home purchased with forged documents", *Haaretz*, 22 April 2019.

<sup>41</sup> A/73/410, para. 22; see also Fatou Bensouda, Prosecutor of the International Criminal Court, statement regarding the situation in Palestine, 17 October 2018.

<sup>42</sup> On 17 June, the demolition was postponed until the formation of a new Government. See Revital Hovel and Nir Hasson, "Israel postpones eviction of West Bank Bedouin village of Khan al-Ahmar until December", *Haaretz*, 17 June 2019.

<sup>43</sup> See also High Court of Justice, *Society of St. Yves, the Catholic Centre for Human Rights v. The Military Commander in the West Bank*, Case No. 4588/18, Judgment, 30 April 2019. Available at <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\18\880\045\10&fileName=18045880.N10&type=2>.

uninhabited or whose occupancy began within no more than 30 days.<sup>44</sup> The Order supplements other recently issued military orders allowing authorities to seize “mobile structures” without notice.<sup>45</sup> There is serious concern that these orders will expedite demolitions based on the discriminatory Israeli zoning and planning regime and further limit opportunities for legal recourse. The reported and continuing practice of Israeli authorities of leaving demolition or stop-work orders on or near structures without ensuring that the order was received by the owner and with the risk of the order being lost further hinders procedural guarantees and legal protection.<sup>46</sup>

#### **IV. Impact of settlements: case studies from Nablus Governorate and the H2 zone in Hebron**

38. Settler violence adversely affects the rights of Palestinian people, including the rights to security of person, freedom of movement, privacy, family life, an adequate standard of living, work and education (A/HRC/40/42, para. 24). Combined with the failure of the Israeli authorities to protect the Palestinian population and to hold perpetrators of violence accountable, settler violence is an important factor of the coercive environment that may leave some Palestinians no other choice than to leave their places of residence. Involuntary moves of this nature could amount to forcible transfer, a grave breach of the Fourth Geneva Convention and a war crime.<sup>47</sup> During the reporting period, Nablus Governorate and the H2 zone in Hebron continued to be the areas most affected by settler violence.

##### **A. Nablus**

39. The majority of all settler violence incidents in the West Bank occurred within the 25 km<sup>2</sup> constituting the area surrounding the Yitzhar settlement and its adjacent outposts.<sup>48</sup> The Yitzhar settlement has been expanded by unofficial means through the construction of eight outposts that tripled the built-up area of the settlement.<sup>49</sup> However, the actual land takeover is far more extensive, enforced through persistent settler violence in all directions towards lands and surrounding six Palestinian villages.

##### **Settler violence and the failure of Israeli security forces to protect and investigate**

40. In the reporting period, 115 incidents of settler violence were reported in Nablus Governorate. Two Palestinians were killed in the incidents, while 39 were injured, including 3 women and 6 children. Some of the peaks of settler violence followed

<sup>44</sup> Haqel, press release, 1 May 2019 (on file).

<sup>45</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Record number of demolitions”; and Global International Humanitarian Law Centre of Diakonia, “Demolishing the future”, p. 6.

<sup>46</sup> See e.g. Jerusalem Legal and Human Rights Centre, *Concealed Intentions: Israel’s Human Rights Violations through the Manipulation of Zoning and Planning Laws in “Area C”* (May 2011), p. 21, available at [www.jlac.ps/userfiles/file/Publications/Concealed%20Intentions-%20JLAC.pdf](http://www.jlac.ps/userfiles/file/Publications/Concealed%20Intentions-%20JLAC.pdf).

<sup>47</sup> Fourth Geneva Convention, art. 147; and Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

<sup>48</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “High level of violence by Israeli settlers; rise in Israeli fatalities”, Humanitarian Bulletin: Occupied Palestinian Territory, October 2018.

<sup>49</sup> Yonatan Kanonich, “Yitzhar: a case study – settler violence as a vehicle for taking over Palestinian land with State and military backing”, Yesh Din, August 2018, p. 11.

security incidents in the West Bank, for example within days of the killing of settlers by Palestinians or the removals of outposts. Palestinians living near hotspots in the Nablus area reported that they would prepare for attacks as soon as they heard about security incidents somewhere in the West Bank.

41. In the Nablus area, 83 per cent of those injured as a result of settler violence were men and boys, as were 89 per cent of those injured by Israeli security forces in cases involving settler attacks.<sup>50</sup> Men are more directly exposed to settler violence, as they are more often working the land or herding in exposed areas outside the house, where settlers may target them (A/HRC/40/42, para. 49). In accordance with traditional gender roles, men assume the responsibility as the protectors of the family and the village, and it is therefore most often men who respond to settler attacks by being present or throwing stones, thereby being exposed to violence by settlers and Israeli security forces.

42. Women were directly exposed to violence by settlers and Israeli security forces close to their homes, including during house raids and tear gas exposure during clashes, and indirectly by witnessing family members being attacked by settlers and arrested or ill treated by Israeli security forces. OHCHR monitoring shows that settler violence and related coping mechanisms reinforce negative aspects of traditional gender roles.<sup>51</sup>

43. One of the areas heavily affected by settler violence is along Road 60 in the Nablus area, a main traffic artery for both settlers and Palestinians and a hotspot for Israeli-Palestinian violence. On 9 and 13 December 2018, Palestinian gunmen opened fire at Israeli security forces and settlers on Road 60, near the Ofra settlement and the Giv'at Asaf settlement, killing two soldiers and injuring one soldier and eight settlers, including four children and a pregnant woman whose baby was delivered prematurely and later passed away. Subsequently, settlers attacked Palestinians across the West Bank, especially along Road 60 in the Nablus area, where settlers congregated to attack Palestinian drivers and shops, impairing Palestinian movement.

44. On 13 December 2018, a large crowd of settlers gathered at the junction on Road 60 leading to Yitzhar and attacked and damaged several Palestinian houses, shops and cars, injuring two Palestinians with stones. Two Palestinians reported that, on 3 May 2019, on Road 60 near the junction, settlers stopped the traffic and attacked cars with stones until Israeli security forces dispersed the settlers by shooting in the air. The junction was a frequent hotspot during the reporting period, where hundreds of settlers would gather and attack Palestinians and their property, often following actions against settlers, including by Israeli authorities. According to video footage and as reported to OHCHR by a family living near the junction, Israeli security forces were most often present but rarely controlled the large crowds of settlers.

45. On 12 October 2018, a Palestinian woman, Aisha Rabi, was killed after being hit in the head by a large stone as she was driving with her husband and child near the Za'tarah checkpoint, on Road 60. Five Israeli suspects were arrested in relation to the killing, and, in January 2019, one minor was charged with manslaughter in the context of a terrorist act. In May 2019, the minor was released and placed on house arrest while on trial.<sup>52</sup>

<sup>50</sup> Corresponding roughly to the rest of the West Bank, Office for the Coordination of Humanitarian Affairs.

<sup>51</sup> OHCHR interviewed women in Asirah al-Qibliya, Urif and Huwwarah, all villages exposed to frequent violence by settlers from the Yitzhar settlement.

<sup>52</sup> Yaniv Kubovich and Yotam Berger, "Israel arrests five Jewish minors over murder of Palestinian woman", *Haaretz*, 6 January 2019; and Jacob Magid, "Israeli teen charged with killing Palestinian woman to be freed to house arrest", *Times of Israel*, 7 May 2019.

46. On 3 April 2019, two settlers shot and killed a 23-year-old Palestinian man on Road 60, south of Nablus, and injured another. The 23-year-old Palestinian was standing at the side of Road 60 near Bayta junction, throwing stones at passing Israeli vehicles. A settler shot twice from his vehicle, got out of the car and shot again at the man, who was reportedly attempting to hide. Another settler got out of his car and also fired at the victim. Both men then approached the victim, who was lying wounded on the ground, and fired several more shots at him, killing him. As at the end of the reporting period, no investigation had been launched into the incident by the Israeli authorities. On 15 April, the Head of the municipal Council of Settlements in the north West Bank awarded a civilian medal of valour to the two shooters. The incident raises serious concerns of failure by the State to investigate the killing.

47. Nablus, in particular the villages near the settlements of Har Bracha and Yitzhar and nearby outposts, was the area most affected by the use of force by Israeli security forces in cases involving settler attacks or trespassing in the West Bank, accounting for 71 per cent of Palestinian injuries in such cases. In particular, families in houses on the edge of the villages facing Yitzhar reported a heavy presence of the security forces and the use of force on a weekly basis. Many residents reported live fire and intense and frequent exposure to tear gas as they were caught in their houses during attacks or clashes. Residents also believed that settlers and soldiers targeted them when they were seen filming.

48. Israeli security forces repeatedly failed to prevent settler attacks and protect Palestinians when attacks occurred in their presence in the hotspots in the Nablus area (see also [A/HRC/40/42](#), paras. 53–54). In the villages around Yitzhar, residents reported that the Israeli security forces were frequently present during settler attacks but often in small numbers, and noted that the security forces were often unwilling to attempt to control the settlers.<sup>53</sup> There were, however, several reported incidents of violent clashes between the security forces and settlers in Yitzhar in the context of law enforcement operations in the area. In Asirah al-Qibliya, in an area where a military watchtower overlooks the hills from which the settlers frequently attack the village, residents reported that the army would consistently appear after settlers had reached and attacked the village.

49. As previously reported, in some cases, settlers serving in the army engaged in violence against Palestinians while off duty ([A/73/410](#), para. 18). On 17 May 2019, settlers were filmed torching Palestinian lands in two locations near Burin and Asirah al-Qibliya;<sup>54</sup> one of the perpetrators was an off-duty soldier who was arrested 18 days later as part of the police investigation.<sup>55</sup>

50. The above-mentioned cases raise serious concern that the occupying Power failed to protect the Palestinian population against all acts of violence or threats. In several villages in Nablus Governorate, the degree to which settler violence has become almost a norm of daily life for Palestinians is an indicator of this failure. Of added concern is that it remained common, as previously documented, for the Israeli security forces not to prevent attacks or to fail to react to attacks occurring in their presence ([A/72/564](#), paras. 20–22, and [A/73/410](#), para. 18). Furthermore, there are serious concerns of failure by the State to effectively, promptly and independently investigate and prosecute the perpetrators of settler violence.

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<sup>53</sup> See also the video footage in B'Tselem, "Predictable, violent settler rampage after a Palestinian attacks Israelis".

<sup>54</sup> B'Tselem, "Settlers torch fields in Burin and 'Asirah al-Qibliyah'", 22 May 2019.

<sup>55</sup> Yotam Berger, "Israeli soldier filmed setting fire to field near Palestinian village arrested", *Haaretz*, 4 June 2019.



### **Impact of settler violence on access to land and livelihoods**

51. In February 2019, an elderly herder was attacked and injured by settlers using stones and clubs while his herd grazed on lands in Burqa village, near the evicted settlement, Homesh. Despite the eviction of the inhabitants of Homesh in 2005, a combination of military orders and settler attacks has prevented the registered landowners and herders from accessing their land ever since.<sup>56</sup> Settlers still routinely accessed the area without enforcement by Israeli authorities.<sup>57</sup> Efforts by settlers to re-establish the Homesh outpost have been funded by an online crowdfunding page set up by an Israeli association that claims that a religious school has operated at Homesh for the past 12 years.<sup>58</sup>

52. The Palestinian households affected by frequent settler attacks are also affected economically. Men and women reported that their capability to work was affected. For example, a man and his sons in Asirah al-Qibliya reported that they would always leave their worksite whenever they were alerted of settler attacks near their house. Furthermore, some families with agricultural land near settlements reported that they would be chased off by settlers, even when their access had been coordinated with Israeli authorities in advance (A/HRC/40/42, paras. 35–36).

### **Impact of settler violence on the rights to privacy, family life and health**

53. In cases where men are at work, the tasks of women in the home have expanded to include alerting community and family members of attacks and keeping the house and children secure during attacks. Along with the unsafe environment, this additional responsibility has increasingly confined them to the house, resulting in social isolation, as they no longer receive or make social visits, for example. Such isolation, in turn, affects their right to family life. Some women reported that the frequent or permanent presence of settlers, soldiers or male residents around the house affected their privacy and freedom of movement. Furthermore, some evoked the need to always be ready to escape, obliged to always dress in a way that is appropriate outside. Women also reported feeling the pressure of supporting their children in traumatic circumstances and keeping an appearance of normality. Women and children were visibly traumatized while recounting the incidents of violence by settlers or Israeli security forces that they experienced. Several women and children reported that they were afraid that they would be burned like the victims in the Dawabsheh case, in which three Palestinians, including a baby, were killed by a firebomb used by settlers (A/71/355, para. 18).

## **B. H2 zone in Hebron**

54. The Office for the Coordination of Humanitarian Affairs reported 39 incidents of settler violence in the H2 zone during the reporting period, with 48 Palestinians injured, including 14 children. After the end of the mandate of the Temporary International Presence in Hebron, on 31 January 2019, the number of incidents of settler violence doubled between February and May 2019 compared with the previous four-month period, while the number of injured remained similar. Several incidents

<sup>56</sup> See e.g. A/HRC/37/43, para. 21; see also Yesh Din, “Landowners from Burka petitioned the High Court of Justice to allow them to access their land where the settlement of Homesh was located”, 18 April 2019; and Gideon Levy and Alex Levac, “A violent gang of young settlers haunts a Palestinian village”, *Haaretz*, 21 February 2019.

<sup>57</sup> In April 2019, Yesh Din filed a petition to ensure access for landowners, see Yesh Din, “Landowners from Burka petitioned the High Court of Justice”.

<sup>58</sup> Yotam Berger, “Education Ministry gave millions to NGO that funds illegal outpost”, *Haaretz*, 21 March 2019.

occurred in the presence of Israeli security forces, at times with their direct participation, or were followed by an operation conducted by the security forces. The use of pepper spray by settlers continued at the increased level reported in 2018 (A/HRC/40/42, para. 29). Although settler violence has been a serious long-standing issue in the H2 zone (A/71/355, paras. 46–49, and A/HRC/40/42, para. 29), the recent increase in the number of incidents is of concern and could be related to the reduced international presence in the zone. The end of the mandate of the Temporary International Presence in Hebron led to the removal of over 60 international monitors from the zone after more than 20 years. Moreover, the operations of the three non-governmental organizations providing protective presence in the zone have been hampered by settler violence and restrictions imposed by Israeli security forces throughout the reporting period.

### **Settler violence in the presence of Israeli security forces**

55. On 12 February 2019, two settlers and four Israeli soldiers entered a Palestinian family's house adjacent to the Abraham Avino settlement. According to the father, the settlers threatened to kill his children and to take over the house. On the following days, 25 settlers reportedly shouted death threats at the family from the adjacent settlement, and Israeli soldiers arrested a 14-year-old boy of the family for alleged stone throwing. Israeli security forces interrogated him without the presence of a lawyer or parent, and he was released two days later. The boy reported that he had been handcuffed and blindfolded in a military base for six hours without water or food. This case exemplifies a number of human rights violations that make up the coercive environment that households experience in the H2 zone.

56. On 20 April 2019, between 20 and 30 settlers, accompanied by 2 soldiers, threw stones at a house in the Tall al-Rumaydah neighbourhood, adjacent to the Ramat Yishay settlement. When the residents, including children, gathered at the house entrance, a soldier threw a stun grenade among them. Shortly after, a settler sprayed pepper spray into the eyes of a 35-year-old woman from a short distance. Israeli soldiers did not interfere. The woman had to be treated in hospital.

57. The above-mentioned cases raise serious concern that the Israeli security forces failed to protect the Palestinian population against all acts of violence or threats, as required by the obligations of the occupying Power. Moreover, in some cases, Israeli security forces appeared to aid settlers in carrying out attacks. Furthermore, as mentioned in paragraph 50 above, there are serious concerns of failure by the State to effectively, promptly and independently investigate and prosecute the perpetrators of settler violence.

### **Attacks and harassment against human rights defenders**

58. Palestinian human rights defenders have been affected by settler violence and by interference by the Israeli security forces in their attempts to document incidents. They, and in some cases their family members, have also faced arrests.

59. On 24 December 2018, approximately 30 settlers entered premises belonging to the Palestinian organization Youth against Settlements, with a large contingent of at least 50 soldiers from the Israeli security forces following them. Witnesses reported that the settlers hit those inside with batons and sticks and kicked, punched and bit them. Many officers of the Israeli security forces reportedly pushed and kicked the Palestinians. Three Palestinians were admitted to a hospital and four others were treated for less serious injuries at the location. A complaint was filed with the Israeli police, but no updates on progress had been reported as at 31 May 2019. There is serious concern that the Israeli security forces failed in their obligation to protect the Palestinian population and appeared to participate in a violent attack.

60. International non-governmental organizations providing a protective presence in the H2 zone were targeted by means of seemingly systematic harassment by a small number of settler leaders. The harassment included threats, intimidation, physical attacks and taking photographs and videos at close range, including of identification documents, with the help of Israeli security forces. Since the withdrawal of the Temporary International Presence in Hebron, Israeli security forces have arrested five volunteers of the organizations and banned some of the volunteers from entering the H2 zone for 15 to 30 days. For example, on 2 May 2019, Israeli soldiers detained for five hours a volunteer of the International Solidarity Movement, which provides protective presence, for taking a photograph. OHCHR documented several other instances of Israeli security forces restricting the movement of members of such organizations by declaring areas around schools as closed military zones and refusing entry through checkpoints.

#### **Access for emergency services**

61. The Secretary-General has previously reported on Israeli security forces delaying access for ambulances at checkpoints (A/71/355, para. 57), and the High Commissioner for Human Rights has reported on a series of settler attacks on ambulances in the H2 zone (A/HRC/40/42, para. 43). During the reporting period, the Palestine Red Crescent Society reported three incidents of settler attacks against their ambulances in the H2 zone, in the presence of Israeli security forces. For example, on 18 November 2018, an ambulance of the Society was attacked near the Avraham Avinu settlement by 15 to 20 settlers who smashed the rear windows with stones. Israeli soldiers near the scene did not intervene to stop the attack, and they forced the ambulance to turn back, claiming that they could not ensure its security. The pattern of attacks on Palestinian ambulances, in particular in the presence of Israeli security forces, raises concerns of failure by the occupying Power to respect its obligations under international humanitarian law to ensure medical services and allow medical personnel to carry out their duties.

62. Moreover, in some instances, Israeli security forces failed to guarantee access for emergency services at checkpoints in the H2 zone (A/71/355, para. 57, and A/HRC/40/42, paras. 42–43). The Palestine Red Crescent Society reported nine incidents of Israeli security forces seriously delaying ambulances, for a period of between 15 and 90 minutes, and three incidents of the security forces preventing access. Palestinian ambulances are required to have coordinated in advance with the Israeli District Civil Liaison Office, through the International Committee of the Red Cross, for access to restricted areas near settlements in the H2 zone. Considering the process for access clearance, any delay of coordinated emergency services by Israeli security forces at checkpoints raises serious concerns of a violation of the right to health and failure to ensure medical services to the population under occupation.<sup>59</sup>

63. On 5 March 2019, three children died from their injuries as a result of Israeli security forces delaying access for the firefighters and the ambulance. A fire broke out in the Salaymah neighbourhood in the H2 zone, in a house where three children between 1 and 5 years old were sleeping. The ambulance that intervened, usually stationed within the zone, had been denied entry the day before and was therefore delayed. Israeli security forces further delayed the ambulance for 24 minutes and the firefighters for at least 20 minutes at Givat Havot checkpoint. A firefighting vehicle was dispatched on an alternative, longer route, where Israeli security forces delayed the vehicle for two minutes. The deliberate limitation by Israeli security forces of access for Palestinian ambulances and firefighters to the area may amount to a violation of the rights to health and life.

<sup>59</sup> Fourth Geneva Convention, art. 56.

### **Impact on children and the right to education**

64. There were 29 incidents involving the use of tear gas or stun grenades by Israeli security forces against schools in the H2 zone in the reporting period.<sup>60</sup> The Office for the Coordination of Humanitarian Affairs reported that the use of tear gas in or near schools increased by 45 per cent and the number of injured schoolchildren by 138 per cent in the four months following the removal of the Temporary International Presence in Hebron compared with the previous four months.

65. On 13 September 2018, the Israeli security forces raided Al-Khalil Elementary School, using tear gas canisters and stun grenades in the schoolyard and attempting to arrest children for allegedly throwing stones at their elements. Some 30 boys suffered tear gas inhalation. In two similar incidents at the same school, on 17 and 20 September 2018, 10 boys and 1 teacher were exposed to tear gas inhalation and were consequently admitted to a hospital.

66. On 4 and 5 December 2018, in two separate incidents, dozens of Israeli soldiers fired tear gas and stun grenades near Al-Hajiriyah Primary School for Boys and briefly arrested six students between 9 and 12 years old. Israeli security forces interrogated the children individually at a nearby checkpoint for a few hours, accusing them of throwing stones, without their parents or lawyers present. The children were released without charges.

67. On 16 April 2019, a large group of Israeli security forces launched dozens of tear gas canisters near three schools. At least two canisters landed inside the Dhu Nurayn Primary School for Girls and Al-Hajiriyah Primary School for Boys. School staff kept hundreds of children inside the three schools for two hours during the incident. A total of 50 girls between 7 and 10 years old and 80 boys between 12 and 15 years old were treated for tear gas inhalation. Schoolchildren were panicked, and several vomited after inhaling tear gas.

68. The recurrent use by Israeli security forces of crowd control means against children inside and near schools close to settlements is of grave concern. Pursuant to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, law enforcement officials shall, as far as possible, apply non-violent means before resorting to the use of force, which may be used only if other means remain ineffective or are without promise of achieving the intended result. All the above-mentioned cases raise serious concerns of unwarranted use of force and violations of the right to physical and mental integrity. Furthermore, in accordance with article 37 (b) of the Convention on the Rights of the Child, children must be detained only as a last resort and for the shortest time possible.

### **Possible excessive use of force by Israeli security forces**

69. Israeli security forces killed three Palestinians in the H2 zone during the reporting period, all of them near settlements. In all cases, the Israel Defense Forces alleged that the killings were in response to Palestinian stabbing attacks against soldiers. On 12 March 2019, for example, Israeli soldiers shot and killed a Palestinian man in the Wadi al-Husayn neighbourhood, outside a house occupied by settlers, alleging that he was trying to carry out a stabbing attack. The man was working, delivering notices on behalf of the Palestinian magistrates' court when, according to witnesses, he was called to the entrance of the building by the soldiers. While no witnesses saw the actual killing, there was no indication that the victim posed an immediate threat. The case therefore raises concerns of possible excessive use of force.

<sup>60</sup> Data from the education cluster of the United Nations country team.

## V. Settlements in the occupied Syrian Golan

70. On 25 March 2019, the President of the United States of America proclaimed that the country “recognizes that the Golan Heights are part of the State of Israel”.<sup>61</sup> Some members of the Security Council and other States expressed regret about or condemned the announcement. Some States raised concerns about the broader consequences of recognizing illegal annexation, including the possible impact on the region (see [S/PV.8493](#)). The Secretary-General reaffirms the continuing validity of Security Council resolution 497 (1981), by which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.

71. Soon after the announcement of the United States, an Israeli media outlet reported on a government plan to expand settlements in the occupied Syrian Golan and to increase the settler population in the area to 250,000 by 2048. The plan reportedly envisions the construction of 30,000 new housing units and two new settlements.<sup>62</sup> At present, almost 50,000 people live in the occupied Syrian Golan, about half of whom are Israeli settlers living in 34 illegal settlements. The Syrian population of nearly 27,000 lives in five villages that form approximately 5 per cent of the territory of the occupied Syrian Golan. Moreover, they face significant discriminatory building restrictions imposed by Israel, which leads to strained infrastructure and overcrowded conditions.

72. A local human rights organization from the occupied Syrian Golan recently raised concerns about plans by a renewable energy company for a wind energy project that would involve the building of numerous wind turbines on rented farmland available to the Syrian Arab population.<sup>63</sup> The project is reportedly being considered for approval by the Government of Israel, and the energy produced by the project would be sold exclusively to the Israel Electric Corporation.<sup>64</sup>

73. On 30 October 2018, for the first time, the Government of Israel held municipal elections in the occupied Syrian Golan, following a petition to the High Court of Justice of Israel by a group of Syrian Druze residents of the occupied Syrian Golan demanding that elections be held in place of the long-standing practice of the Government of directly appointing municipal officials in their communities. Syrian residents were given the right to vote, but only those holding Israeli nationality were eligible to run for office. The elections created some controversy, with protests involving hundreds of residents of Majdal Shams held on polling day. Protesters were reportedly dispersed by the police, including with tear gas.<sup>65</sup> A local human rights organization reported that the elections had been almost entirely rejected by the Syrian population and raised questions about their legality under international law.<sup>66</sup>

<sup>61</sup> “Proclamation on recognizing the Golan Heights as part of the State of Israel”, 25 March 2019.

<sup>62</sup> Al-Marsad – The Arab Centre for Human Rights in the Golan Heights, “Al-Marsad rejects new illegal settlement plan for the occupied Syrian Golan”, 3 April 2019.

<sup>63</sup> Al-Marsad – The Arab Centre for Human Rights in the Golan Heights, “Al-Marsad, ACRI and Bimkom host community meeting on wind farm project”, 14 May 2019.

<sup>64</sup> Aaron Southlea and Nazeh Brik, “Windfall: the exploitation of wind energy in the occupied Syrian Golan”, Al-Marsad – The Arab Centre for Human Rights in the Golan Heights, January 2019, p. 12.

<sup>65</sup> Stephen Farrell and Suleiman al-Khalidi, “Druze on Golan Heights protest against Israeli municipal election”, Reuters, 30 October 2018; and Reuters, Jack Houry and Noa Shpigel, “Hundreds of Druze protest municipal elections in Israel’s Golan Heights”, *Haaretz*, 30 October 2018.

<sup>66</sup> Al-Marsad – The Arab Centre for Human Rights in the Golan Heights, “More shadows than lights: local elections in the occupied Syrian Golan”, 20 April 2019.

## VI. Conclusions and recommendations

74. The establishment and expansion of Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territory it occupies, which is prohibited under international humanitarian law,<sup>67</sup> as consistently confirmed by the competent United Nations organs, including the International Court of Justice, the General Assembly, the Security Council and the Human Rights Council.

75. Plans for further housing units in settlements increased or accelerated, as did the announcement of tenders and the rate of construction starts of settlement housing. Incidents of settler violence continued at a high level, while injuries to Palestinians and the severity of attacks increased, confirming an upward trend since 2016, without decisive action by Israeli authorities to protect the Palestinian population in accordance with their obligations as the occupying Power. Cases in which Israeli security forces appeared to have used force against the protected population instead of protecting it are of utmost concern.

76. Settlements expose Palestinian communities to violence, with further adverse effects on their rights, including the rights to life, freedom of movement, privacy, family life, an adequate standard of living, work and education.

77. Forced evictions resulting from demolitions in the context of a discriminatory planning regime are a key factor in the creation of a coercive environment. They have a negative impact on a wide range of human rights and increase the risk of forcible transfer (A/HRC/34/39, paras. 40–57).

78. The Secretary-General recalls Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.

79. On the basis of the present report, the Secretary-General recommends that Israel:

(a) Immediately and completely cease all settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in compliance with relevant United Nations resolutions, including Security Council resolution 2334 (2016);

(b) Review planning laws and policies to ensure that they are compliant with the obligations of Israel under international human rights and humanitarian law;

(c) Immediately halt demolitions and forced evictions and cease any activity that would further contribute to the creation of a coercive environment and/or lead to a risk of forcible transfer;

(d) Take all measures to ensure the protection of the Palestinians and their property from settler violence in the Occupied Palestinian Territory, including East Jerusalem;

(e) Ensure that violence by settlers and Israeli security forces against Palestinians and their property is investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are

<sup>67</sup> Fourth Geneva Convention, art. 49, sixth paragraph.

**provided with effective remedies, including adequate compensation, in accordance with international standards;**

**(f) Immediately cease and reverse all settlement development and related activities in the occupied Syrian Golan, in compliance with relevant United Nations resolutions;**

**(g) Immediately remove all mines and minefields in the occupied Syrian Golan, which pose a risk to the local population.**

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Agenda item 53

### Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

## Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

### Report of the Secretary-General\*

#### *Summary*

The present report, prepared pursuant to General Assembly resolution [74/88](#), provides an update on Israeli settlement activities in the occupied West Bank, including East Jerusalem, and the occupied Syrian Golan, from 1 June 2019 to 31 May 2020, and highlights their impact on human rights.

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\* The present report was submitted after the deadline in order to include the most recent information.





## I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 74/88, provides an update on the implementation of the resolution from 1 June 2019 to 31 May 2020. It is based on monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, and on information provided by other United Nations entities in the Occupied Palestinian Territory and by non-governmental organizations (NGOs). The report should be read in conjunction with recent related reports of the Secretary-General and of the High Commissioner submitted to the Assembly and to the Human Rights Council.<sup>1</sup> The quarterly reports of the Secretary-General to the Security Council on the implementation of resolution 2334 (2016) concerning the same period<sup>2</sup> also provide relevant information.

2. The report contains an update on settlement advancement and its impact on human rights, in which, in particular, demolitions and evictions in East Jerusalem and Bethlehem are examined. It also contains an update on Israeli settlements in the occupied Syrian Golan.

3. During the period under review, Israeli settlement activities increased in the occupied West Bank, including East Jerusalem. On 20 April 2020, the parties to the new coalition Government of Israel agreed on terms under which the Prime Minister could put forward a proposal to annex parts of the occupied West Bank.<sup>3</sup> Demolitions of Palestinian property and forced evictions increased and settler violence continued at the high levels of the previous reporting period, including during the coronavirus disease (COVID-19) pandemic, and largely with impunity. These developments exacerbated the coercive environment described in previous reports of the United Nations High Commissioner for Human Rights.

## II. Legal background

4. International human rights law and international humanitarian law are concurrently applicable in the Occupied Palestinian Territory, namely, Gaza and the West Bank, including East Jerusalem. This includes the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), which is binding upon Israel as the occupying Power. A detailed analysis of the legal framework applicable in the Occupied Palestinian Territory and the occupied Syrian Golan can be found in previous reports of the Secretary-General.<sup>4</sup>

## III. Activities related to settlements

5. During the reporting period, there was an increase in settlement plan advancements and tenders, in particular in East Jerusalem and surrounding areas. The announcement of the “Peace to prosperity: a vision to improve the lives of the Palestinian and Israeli people” by the Government of the United States of America, on 28 January 2020, was followed by calls from members of the Government of Israel to annex parts of the occupied West Bank. The demolition of Palestinian structures in

<sup>1</sup> A/74/357, A/74/468, A/HRC/43/67, A/HRC/43/21 and A/HRC/43/70.

<sup>2</sup> See S/PV.8557, S/2019/938, and S/2020/263. See also <https://unsco.unmissions.org/security-council-briefings-0>.

<sup>3</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_23\\_april\\_2020.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_23_april_2020.pdf).

<sup>4</sup> A/HRC/34/38 and A/HRC/34/39.

the West Bank, including in East Jerusalem, increased by 19 per cent as compared with the previous reporting period and has continued at slightly lower levels since the COVID-19 outbreak. Settler violence continued at high levels, resulting in significant property damage, in particular during the COVID-19 outbreak. In the majority of incidents of settler violence monitored by OHCHR, as described below, Israeli security forces failed to protect the Palestinian population, and for most incidents there was no accountability for violence perpetrated in those incidents.

## **A. Settlement expansion**

### **Land designation, planning and tenders**

6. Advancement of plans for settlement construction further increased by 7 per cent in the reporting period from the already high level of the previous reporting period, with plans for some 11,700 housing units in the West Bank advanced or approved by the Israeli authorities.<sup>5</sup> Of those units, 10,400 will be located in Area C, including about 4,400 which had reached the final stages of approval by 31 May 2020. In East Jerusalem, plans were advanced for some 1,500 housing units, about 900 of which had reached the final stage of approval as at 31 May 2020.<sup>6</sup> The Government of Israel further announced intentions to advance thousands of units in East Jerusalem, including in the E1 and E2 areas, which, if constructed, would sever the contiguity of the West Bank, including East Jerusalem (see sect. IV).

7. Israeli authorities issued tenders for 1,700 units in Area C settlements, compared with 2,400 during the previous reporting period. In East Jerusalem, tenders were announced for 1,500 housing units.<sup>7</sup>

8. Official data on settlement construction starts in Area C indicate a decrease from 2,395 units in the previous reporting period to 1,301 units.

9. On 1 December 2019, the Minister of Defence of Israel instructed the Israeli Civil Administration to advance planning procedures for a new settlement in the wholesale market in the H2 zone in Hebron.<sup>8</sup>

10. According to the Israeli NGO Peace Now, seven new outposts were established during the reporting period,<sup>9</sup> compared with 11 in the previous.<sup>10</sup> Previously, between 2007 and 2017, an average of 1.7 outposts were established per year.<sup>11</sup> All the new outposts are agricultural, which has a greater impact on surrounding Palestinian communities as they take over large swathes of land and divert water.<sup>12</sup> The Secretary-General recalls that settlement activities by Israel in the Occupied Palestinian Territory, including East Jerusalem, are violations of international humanitarian law. Although outposts are also considered illegal under Israeli domestic law, Israeli authorities continued to encourage and facilitate the establishment of certain outposts through the provision of services and incentives. For example, on 24 February 2020, the Prime Minister of Israel reportedly ordered that 12 outposts be connected to the

<sup>5</sup> Compared with 10,900 in the previous reporting period.

<sup>6</sup> Office of the United Nations Special Coordinator for the Middle East Peace Process.

<sup>7</sup> In East Jerusalem, the first tender in more than two years was issued for 600 units in the previous reporting period.

<sup>8</sup> [A/HRC/43/67](#), para. 16, and [S/2019/938](#), para. 5.

<sup>9</sup> Peace Now, on file: Maskiot South, Nili East, Makhruh outpost, Kedar East (“Mitzpeh Yehuda”), Neriya Ben Pazi’s farm, Amihai South, Hallamish East.

<sup>10</sup> [A/74/357](#), para. 10.

<sup>11</sup> [A/HRC/43/67](#), para. 10.

<sup>12</sup> [A/HRC/40/42](#), para. 39.

Israeli electrical grid.<sup>13</sup> Israeli authorities demolished structures or prevented construction in at least six outposts, but none was fully dismantled.<sup>14</sup>

## B. Consolidation of settlements

11. Following the announcement of the United States “Peace to prosperity” vision, the Prime Minister of Israel stated that “Israel will apply its laws to the Jordan Valley, to all the Jewish communities in Judea and Samaria, and to other areas that the [United States Government’s] plan designates as part of Israel and which the United States has agreed to recognize as part of Israel.”<sup>15</sup> He later clarified that such a step would take place only once a joint United States-Israeli mapping committee agreed on specific areas of the West Bank over which Israel would apply its sovereignty.<sup>16</sup> The committee’s work was ongoing at the end of the reporting period. The Government of Israel announced that it would advance large-scale plans in the areas which appear to be allocated to Israel according to the map included in the vision (see sect. IV below). Other notable advancements in January and February 2020 included the plan announced to declare 7 new nature reserves in Area C and to expand 12 existing reserves, for the first time since the 1990s<sup>17</sup> and the early advancement of a large new industrial park south of Qalqilyah.<sup>18</sup>

12. On 20 April 2020, the new coalition Government of Israel agreed on terms under which the Prime Minister could put forward a proposal to annex parts of the occupied West Bank for Government or Knesset approval.<sup>19</sup> On 22 April 2020, the President of the State of Palestine stated that he would regard agreements with Israel and the United States as “completely cancelled” if Israel moved forward with such steps.<sup>20</sup> On 19 May, he announced that the State of Palestine and the Palestinian Liberation Organization were absolved “of all the agreements and understandings with the American and Israeli governments and of all the obligations based on these understandings and agreements, including the security ones.”<sup>21</sup> The following day, Palestinian officials formally notified Israeli counterparts of the termination of security coordination.

13. If implemented, annexation of any part of the West Bank would constitute a most serious violation of international law, including the Charter of the United Nations.<sup>22</sup> It would also severely impede the exercise by the Palestinian people of its right to self-determination, and be a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace.<sup>23</sup> Such a step would

<sup>13</sup> See [www.haaretz.com/israel-news/elections/.premium-netanyahu-authorizes-west-bank-outposts-connection-to-electrical-grid-1.8569266](http://www.haaretz.com/israel-news/elections/.premium-netanyahu-authorizes-west-bank-outposts-connection-to-electrical-grid-1.8569266).

<sup>14</sup> See [unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_30\\_march\\_2020\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf) and S/2019/938.

<sup>15</sup> See [www.whitehouse.gov/briefings-statements/remarks-president-trump-prime-minister-netanyahu-state-israel-joint-statements/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-prime-minister-netanyahu-state-israel-joint-statements/).

<sup>16</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_24\\_february\\_2020\\_0.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_24_february_2020_0.pdf).

<sup>17</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_21\\_january\\_2020.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_21_january_2020.pdf).

<sup>18</sup> See <https://peacenow.org.il/en/1739-settlement-units-promoted-eli-settlement-housing-legalized-new-industrial-park>.

<sup>19</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_23\\_april\\_2020.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_23_april_2020.pdf).

<sup>20</sup> See [www.aljazeera.com/news/2020/04/pompeo-annexation-occupied-west-bank-ultimately-israel-200422163510199.html](http://www.aljazeera.com/news/2020/04/pompeo-annexation-occupied-west-bank-ultimately-israel-200422163510199.html).

<sup>21</sup> S/2020/555, para. 40.

<sup>22</sup> S/2020/596, annex I; and S/2020/555, para. 54.

<sup>23</sup> Security Council resolution 2334 (2016).

entrench the establishment of settlements in the Occupied Palestinian Territory, including East Jerusalem, which has no legal validity and constitutes a flagrant violation under international law.<sup>24</sup>

### Hebron

14. On 23 December 2019, the Jerusalem District Court confirmed after appeal the eviction of the Israeli settlers who have occupied the Palestinian-owned “Al Bakri” house in Tall al-Rumaydah, Hebron, since 2001. After 14 years of legal proceedings, the Jerusalem Magistrate Court had ruled on 12 March 2019 that the Bakri family owned the property and that the settlers had acted in bad faith by using forged documents to claim ownership, and ordered them to evacuate the property within 45 days.<sup>25</sup> Israeli authorities had previously ordered the settlers to evacuate in 2006, 2008 and 2012, without result. The latest court decision had not been implemented by the end of the reporting period.

15. On 12 May 2020, the Ministry of Defence of Israel assumed municipal planning authority over the Ibrahimi Mosque/Tomb of the Patriarchs in Hebron from the Palestinian Hebron municipality, on the stated grounds that the site should be made accessible to persons with disabilities with the construction of an elevator.<sup>26</sup> The order allowed 60 days for objections.

### Regularization of outposts

16. According to Peace Now, four outposts were regularized under Israeli law through the approval of plans that retroactively included the outposts<sup>27</sup> as neighbourhoods of existing settlements.<sup>28</sup> Plans to similarly regularize the outposts of Mevo'ot Yericho, Jericho Governorate, and Haroeh Ha'ivri, near the Palestinian Bedouin community of Khan al-Ahmar/Abu al-Helu, east of Jerusalem, were deposited in February and March 2020 respectively.

## C. Impact of settlements on human rights

### Settlement-related violence

17. According to the Office for the Coordination of Humanitarian Affairs, incidents of settler violence continued at a high level, with 337 incidents recorded during the reporting period,<sup>29</sup> compared with 357 in the previous. Killings of and injuries to Palestinians and the severity of attacks decreased slightly. No Palestinians were killed by settlers, while a 17-year-old Israeli girl was killed by Palestinians at the Ein Bubin spring in the West Bank in an attack in which her father and brother were severely injured.<sup>30</sup> The number of Palestinians injured<sup>31</sup> by settlers decreased from 133 in the previous reporting period to 116, with no injuries from live ammunition reported. Twenty-one Israelis were injured by Palestinians, compared with 37 in the previous

<sup>24</sup> Ibid.

<sup>25</sup> CS 12278-02-14, available in Hebrew at [http://peacenow.org.il/wp-content/uploads/2019/03/Bakri\\_eviction\\_verdict\\_120319.pdf](http://peacenow.org.il/wp-content/uploads/2019/03/Bakri_eviction_verdict_120319.pdf).

<sup>26</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_20\\_may\\_2020\\_0.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_20_may_2020_0.pdf) and [www.jpost.com/israel-news/plans-to-make-cave-of-patriarchs-wheelchair-accessible-move-forward-627778](http://www.jpost.com/israel-news/plans-to-make-cave-of-patriarchs-wheelchair-accessible-move-forward-627778).

<sup>27</sup> Brosh, Givat Sal'it, Ibei Hanahal and Haresha.

<sup>28</sup> Peace Now, on file.

<sup>29</sup> Only incidents resulting in injuries or property damage are included.

<sup>30</sup> Compared with four Palestinians and five Israelis killed in the previous reporting period.

<sup>31</sup> Injured: i.e., people physically hurt and treated at a medical facility or on site by paramedic personnel. See [www.ochaopt.org/page/settler-related-violence](http://www.ochaopt.org/page/settler-related-violence).

reporting period. Incidents of property damage by settlers slightly increased to 266, with 8,591 trees vandalized.<sup>32</sup> Attempts by settlers to enter and/or attack Palestinian communities continued to cause friction between Israeli security forces and Palestinians. Israeli security forces killed 1 Palestinian and injured 230 in such contexts.<sup>33</sup>

18. Nablus Governorate continued to account for the largest part (27 per cent) of settler violence incidents, while 50 per cent of the injuries due to settler violence were recorded in Hebron Governorate.<sup>34</sup> The United Nations High Commissioner for Human Rights has reported on how repeated and apparently organized settler violence, coupled with other coercive factors, has forced several Palestinian families to leave their homes in those areas.<sup>35</sup>

19. A series of settler attacks was recorded in the H2 zone in Hebron during a Jewish religious celebration, on 22 and 23 November 2019. In all incidents, Israeli security forces were present but did not take action to protect Palestinians. On 22 November 2019, in wadi al-Husayn neighbourhood, a group of around 50 settlers beat (including with batons) and pepper-sprayed members of an extended Palestinian family outside a shop. Six men and one woman were injured, one of them seriously. On 23 November 2019, three settler attacks took place in the restricted area of Tall al-Rumaydah. In one incident, a large group of settlers threw stones and bottles at the house of a local human rights defender. One stone entered through a window and struck a 1-year-old boy in the head, causing injury. Israeli security forces denied entry of an ambulance to Tall al-Rumaydah. After soldiers outside the house had failed to contain the settlers for 20 minutes, six Palestinian men and women carried the boy to a checkpoint, and were pepper-sprayed by settlers on the way. The boy was treated in a hospital. The same day, in the same area, another group of settlers entered a building where two Palestinian women (one of whom was pregnant) and their five children, aged between two days and eight years old, were present. In an agitated state, the settlers threw empty bottles onto the doors and stairway, causing damage to the property. Owing to a sudden movement, one of the women, who had recently given birth, started bleeding after her surgical stitches opened. Israeli security forces prevented the ambulance from entering Tall al-Rumaydah, forcing two paramedics to cross the checkpoint on foot to treat the woman. Approximately two hours later, a group of four to five settlers entered a shop nearby. One of them pepper-sprayed five young Palestinian males, including a 16-year-old boy in a wheelchair.<sup>36</sup> Two soldiers stationed nearby stopped and spoke to the settlers after the attack, but let them leave without taking any action.

20. On 15 December 2019, a group of six settlers threw stones at three Palestinian women and a four-year-old girl who were sitting in the yard of their house in Madama village, adjacent to Yitzhar settlement, Nablus Governorate. As they fled into the house, two of the women were hit with stones and one of them – at the time five months pregnant – fell twice. She reported that she was later treated in the hospital for an injury to her shoulder and for medical examination of possible complications related to the pregnancy. Another 20 settlers gathered and smashed three windows with iron pipes and threw one stone into the house, before a group of Palestinians approached the house, prompting the settlers to leave. Fearing further attacks, the family relocated for more than two months.

<sup>32</sup> Compared with 246 incidents and over 8,300 trees vandalized in the previous reporting period.

<sup>33</sup> During the previous reporting period, Israeli security forces killed 4 Palestinians and injured 295 in such circumstances.

<sup>34</sup> Office for the Coordination of Humanitarian Affairs. See [www.ochaopt.org/page/settler-related-violence](http://www.ochaopt.org/page/settler-related-violence).

<sup>35</sup> A/HRC/43/67, paras. 46–59.

<sup>36</sup> Two were treated on the spot and three were briefly treated in the hospital for burns.

21. The cases illustrate that Palestinian women are particularly targeted by settler violence in their homes during the day, when men are usually absent. Furthermore, pregnant women and women who have recently given birth may suffer additional injury or other consequences from such attacks.

22. Settlers also attacked Palestinians and their property following Israeli security forces law enforcement measures against settlers, leaving messages suggesting that those attacks were acts of retribution. A series of incidents resulting in damage to Palestinian property marked with graffiti conveying threats or hate speech<sup>37</sup> occurred following demolitions in the outpost of Kumi Ori, near Yitzhar settlement, in Nablus Governorate, on 15 January 2020.<sup>38</sup> On 24 January 2020, a mosque in Sharafat neighbourhood, East Jerusalem, was partially burned by three masked men who left the following graffiti on the mosque: “You demolish for Jews, Kumi Ori demolishes for the enemies”. On 28 January 2020, unknown assailants set fire to a classroom of the Aynabus school, Nablus Governorate. Graffiti at the site read “You are demolishing homes? That is only for enemies! Regards from Kumi Ori.” At least eight attacks of this type took place from 24 October to 19 December 2019 in Nablus, Qalqilyah and Salfit Governorates, with over 70 vehicles and other property of Palestinians damaged and marked with similar messages, following the imposition of a closed military area in Kumi Ori, in October 2019, which barred settlers from entering the area.

23. As in previous years, settler violence peaked during the olive harvest and the spring months. In 2019, in conjunction with severe restrictions imposed by Israeli authorities on access to land for Palestinians seeking to harvest, the Office for the Coordination of Humanitarian Affairs recorded 60 incidents of settler violence against farmers across the West Bank, with 45 per cent of them in Nablus Governorate.<sup>39</sup> The attacks resulted in 10 Palestinians injured, damage to over 2,700 trees and the theft of approximately 160 tons of produce.<sup>40</sup> Despite significant movement restrictions imposed by both the Israeli and Palestinian authorities during the COVID-19 pandemic, settler violence increased in the spring of 2020, in particular in terms of damage to Palestinian property.

24. The monthly rate of settler violence from March to May 2020 was over 20 per cent higher than during the same period in 2019.<sup>41</sup> This significant increase is particularly alarming, as it happened despite the almost total lockdown in the West Bank during March and April during the COVID-19 outbreak. Amid almost daily attacks in some areas at the beginning of the outbreak, according to media, Israeli security forces did not appear to enforce the movement restrictions vis-à-vis settlers and reportedly accompanied them on several occasions.<sup>42</sup> On 9 April, Israeli security forces reportedly placed 20 settlers from the so-called “Hilltop Youth”, a group from outposts and settlements around Nablus, in an improvised quarantine site near Jericho, after they had been in contact with a confirmed COVID-19 patient. Two of

<sup>37</sup> Such incidents are often referred to as “price tag” attacks by authorities and in media. See [A/HRC/40/42](#), para. 30.

<sup>38</sup> The Israeli security forces have also reported several instances of settlers attacking Israeli security forces in and around the outpost. See for example [www.haaretz.com/israel-news/premium-israeli-soldier-wounded-by-west-bank-settlers-throwing-stones-military-says-1.8010112](http://www.haaretz.com/israel-news/premium-israeli-soldier-wounded-by-west-bank-settlers-throwing-stones-military-says-1.8010112) and [www.haaretz.com/israel-news/premium-firebombs-hurled-at-border-police-vehicle-in-yitzhar-settlement-1.8715546](http://www.haaretz.com/israel-news/premium-firebombs-hurled-at-border-police-vehicle-in-yitzhar-settlement-1.8715546).

<sup>39</sup> See [www.ochaopt.org/content/record-yield-reported-2019-olive-harvest](http://www.ochaopt.org/content/record-yield-reported-2019-olive-harvest).

<sup>40</sup> Ibid.

<sup>41</sup> Office for the Coordination of Humanitarian Affairs. See [www.ochaopt.org/page/settler-related-violence](http://www.ochaopt.org/page/settler-related-violence).

<sup>42</sup> See [www.wattan.net/ar/news/304131.html](http://www.wattan.net/ar/news/304131.html); [www.wattan.net/ar/news/304306.html](http://www.wattan.net/ar/news/304306.html); [www.wattan.net/ar/news/304336.html](http://www.wattan.net/ar/news/304336.html); and [www.alwatanvoice.com/arabic/news/2020/03/16/1322491.html](http://www.alwatanvoice.com/arabic/news/2020/03/16/1322491.html) (all in Arabic).

them were reportedly arrested five days later, suspected of having thrown stones and tear gas canisters at three Palestinians and of setting fire to two cars near the quarantine site.<sup>43</sup> Human rights organizations also reported cases of settlers spitting on Palestinians during attacks, causing fear of exposure to COVID-19 and prompting victims to go into quarantine or self-isolation.<sup>44</sup> In several incidents, settlers appeared to attempt to take over Palestinian land, taking advantage of the restricted movement of Palestinians owing to the state of emergency.<sup>45</sup> For example, on 6 April, 10 settlers attempted to install a fence on Palestinian lands in Ash Shuyukh village, Hebron Governorate. When the owners arrived, settlers threw stones, used electric tasers and pepper spray and unleashed dogs. One Palestinian sustained a dog bite to the leg and others bore bruises. When Israeli security forces arrived, they ordered the Palestinians to leave their land, firing tear gas and stun grenades. The Palestinians filed a complaint to the Israeli police.

25. As the occupying Power, Israel has the obligation to take all the measures in its power to restore and ensure, as far as possible, public order and life in the Occupied Palestinian Territory and to protect the Palestinian population against all acts or threats of violence in all circumstances.<sup>46</sup> All incidents of settler violence must be promptly, fully and impartially investigated. Israel also has the obligation to respect, protect and fulfil the human rights of the Palestinian population, including their rights to life and security of person; as well as the right to health, including during the COVID-19 pandemic.<sup>47</sup>

#### **Accountability for settler violence**

26. The Secretary-General and the United Nations High Commissioner for Human Rights have on many occasions reported on the prevailing climate of impunity that exists for settlers and those taking over private Palestinian land.<sup>48</sup> In August 2019, the Ministry of Justice of Israel released a report listing 118 investigations into allegations of ideologically motivated crimes perpetrated by settlers against Palestinians and Israeli security forces between January 2017 and June 2019. The report indicates that investigations resulted in 11 indictments filed, two trials and no convictions.<sup>49</sup> Forty-six cases were still under investigation or prosecution stages. During that period, 559 incidents of settler attacks against Palestinians were reported.<sup>50</sup>

27. During the reporting period, OHCHR followed up on accountability for 11 cases of settler violence that occurred between 11 July 2018 and 19 October 2019, including

<sup>43</sup> See [www.haaretz.com/israel-news/.premium-settler-youths-flee-military-run-coronavirus-quarantine-steal-army-tents-1.8770302](http://www.haaretz.com/israel-news/.premium-settler-youths-flee-military-run-coronavirus-quarantine-steal-army-tents-1.8770302) and [www.btselem.org/press\\_releases/20200423\\_violent\\_attacks\\_by\\_settlers\\_spike\\_in\\_april](http://www.btselem.org/press_releases/20200423_violent_attacks_by_settlers_spike_in_april).

<sup>44</sup> See [www.btselem.org/press\\_releases/20200423\\_violent\\_attacks\\_by\\_settlers\\_spike\\_in\\_april](http://www.btselem.org/press_releases/20200423_violent_attacks_by_settlers_spike_in_april).

<sup>45</sup> On 5 March 2020, the Palestinian President proclaimed by presidential decree a state of emergency in the State of Palestine valid for one month owing to the outbreak of COVID-19. The state of emergency was later prolonged and valid as at the end of the reporting period. Severe restrictions on movement and assembly have been implemented during most of the state of emergency.

<sup>46</sup> Hague Regulations annexed to the Hague Convention IV of 1907 (Hague Regulations), arts. 43 and 46; and Fourth Geneva Convention, art. 27.

<sup>47</sup> A/HRC/34/38, paras. 13, 36 and 37.

<sup>48</sup> A/74/357, para. 27; A/70/351, para. 23; A/HRC/25/38, paras. 42–47; A/HRC/43/67, paras. 26–29; A/HRC/31/43, para. 37; and A/HRC/34/39, para. 18.

<sup>49</sup> A/HRC/43/67, para. 27; report available in English at <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/Law+enforcement+settlers+official+reports/Moj+report+om+Law+Enforcement+in+the+West+Bank+++28.8.19.pdf>.

<sup>50</sup> Office for the Coordination of Humanitarian Affairs, see A/HRC/43/67, para. 27.

the killing of three Palestinians, which were reported on in the previous reports of the Secretary-General and the United Nations High Commissioner for Human Rights.<sup>51</sup>

28. Concerning the killings, the OHCHR review revealed that one suspect was arrested and indicted in one case, while no perpetrator has been held accountable in the other two cases. Thus, one settler was indicted for the manslaughter of a Palestinian woman on 12 October 2018, near Nablus.<sup>52</sup> In May 2019, he was however released to house arrest, and on 2 May 2020, he was permitted to return to the settlement in the West Bank where he had been living, despite objections by the State prosecutor that he presented a danger to the public.<sup>53</sup> The trial has not advanced since the indictment.<sup>54</sup> Concerning the killing of a man by settlers in Mughayyir, Ramallah Governorate, on 26 January 2019,<sup>55</sup> witnesses were interviewed and the police collected evidence, including video footage, in February 2019. The family of the victim has since received no updates on the investigation and no arrests were reported. In another case, on 3 April 2019, two settlers shot and killed a 23-year-old Palestinian man south of Nablus, after he had thrown stones at Israeli vehicles, and injured another.<sup>56</sup> The man's family reported that they did not file a complaint because Israeli security forces had publicly stated that the man had attacked the settlers. The man who was injured in the same incident filed a complaint, but had not received any information on the investigation as at the end of the reporting period. In May 2020, in response to a request by a member of the Knesset, the Israeli State Attorney reportedly stated that the killing was lawful, according to the findings of the police.<sup>57</sup>

29. In the other eight cases which OHCHR reviewed where violence resulted in injuries or property damage, no perpetrators were held accountable. In four of the cases, the victims either submitted no complaints or withdrew them, reporting that they had received threats or feared reprisals from settlers, that numerous complaints that they had previously filed about settler violence had not led to an investigation, or that they lacked trust in, and knowledge of, the Israeli legal system. In one case where a complaint was submitted, the settler (an off-duty soldier) was suspended from the Israeli security forces and arrested on 4 June 2019 on suspicion of setting fire to Palestinian property on 17 May 2019, which had been captured on video footage.<sup>58</sup> However, no indictment was reported, according to available information. In the other four cases in which complaints were submitted, no steps to investigate had been reported to the victims as at the end of the reporting period, even though the incidents had taken place up to two years ago (see para. 27). The Palestine Red Crescent Society reported that it had not received any information about investigations following its complaints to the Israeli police about four<sup>59</sup> settler attacks against their ambulances in Hebron from July to November 2018.<sup>60</sup> The NGO Youth Against Settlements, which filed a complaint about an incident of settler violence during which Palestinians were injured on 24 December 2018,<sup>61</sup> had received no information. It reported two new incidents of settler violence, in April and May 2020.

<sup>51</sup> A/74/357, paras. 22, 45, 46, 49, 56, 59 and 61, and A/HRC/43/67, paras. 20, 22, 24 and 58.

<sup>52</sup> A/74/357, para. 45.

<sup>53</sup> Ibid. See also [www.haaretz.com/israel-news/.premium-suspected-killer-of-palestinian-woman-can-go-back-to-settlement-home-court-rules-1.8815179](http://www.haaretz.com/israel-news/.premium-suspected-killer-of-palestinian-woman-can-go-back-to-settlement-home-court-rules-1.8815179).

<sup>54</sup> In January 2020, the Ministry of Defence of Israel denied the woman's husband compensation for an "act of hostility" because she did not have Israeli citizenship or a residence permit.

<sup>55</sup> A/74/357, para. 22.

<sup>56</sup> A/74/357, para. 46.

<sup>57</sup> See [www.inn.co.il/News/News.aspx/436210](http://www.inn.co.il/News/News.aspx/436210) (in Hebrew).

<sup>58</sup> A/74/357, para. 49.

<sup>59</sup> The four incidents are counted as one case for the purpose of the present review.

<sup>60</sup> A/74/357, para. 61 and A/HRC/40/42, para. 43.

<sup>61</sup> A/74/357, para. 59.



30. With regard to incidents of settler violence which occurred during the reporting period, some victims reported they had not filed complaints to the Israeli police for reasons similar to those mentioned above. For example, on 22 November 2019, four adult settlers kicked, slapped and pepper-sprayed a 10-year-old boy in the street in wadi al-Husayn neighbourhood in the H2 zone of Hebron. A soldier stationed at a nearby checkpoint took no action. The boy was treated in a hospital for burns from the pepper spray and bruises and was discharged the same day. The family reported they had not submitted a complaint for fear of reprisals from the settlers and because of failure by the police to investigate their numerous previous complaints about settler violence.

31. The Israeli human rights organization Yesh Din reported that 75 per cent of victims did not file a complaint in 28 settler violence incidents<sup>62</sup> that it had monitored during the olive harvest in 2019. In most cases, the reason given was loss of trust in the law enforcement system.<sup>63</sup> Yesh Din reported that, in the 308 investigation files that it had monitored between 2014 and 2019, the rate of indictment decreased to 4 per cent from 2017 to 2019, compared with an overall rate of 9 per cent from 2014 to 2019.<sup>64</sup>

32. In a significant development, on 18 May 2020, a settler was convicted for murder, attempted murder and additional charges for the arson attack that killed a Palestinian family (two adults and a toddler) in 2015. No sentence has yet been handed down in the case, including in respect of another settler convicted in the case in October 2019 for “conspiracy to commit a crime motivated by a racist motive”, following a plea deal.<sup>65</sup>

33. Deficiencies in the justice system to hold settlers accountable for violence against Palestinians include: the application of different legal systems to settlers and Palestinians;<sup>66</sup> the persistent and prevailing lack of thorough and impartial investigations;<sup>67</sup> the very low rate of indictments and convictions reported between 2017 and 2019; frequently delayed processes; and lenient charges. Fewer complaints are submitted by Palestinians owing to distrust in the Israeli legal system and fear of reprisals. While efforts have been made by the Israeli authorities in recent years to prevent, investigate and prosecute particular incidents of settler violence, overall, these deficiencies sustain a climate of impunity for settler violence, encouraging attacks to continue.

### **Demolitions, forced evictions and displacement**

34. Demolitions and forced evictions as referred to below entail numerous human rights violations, exacerbate the coercive environment and raise concerns about the risk of forcible transfer. They also continue to raise concern about compliance with the relevant provisions of international humanitarian law that are binding on the occupying Power, including the prohibition of the destruction of property and institutions dedicated to education.<sup>68</sup>

35. During the reporting period, Israeli authorities demolished 606 structures in the West Bank, including East Jerusalem, displacing 778 people (194 women, 182 men,

<sup>62</sup> Including violence resulting in property damage.

<sup>63</sup> See [www.yesh-din.org/en/reaping-with-sorrow-a-summary-of-the-2019-olive-harvest/](http://www.yesh-din.org/en/reaping-with-sorrow-a-summary-of-the-2019-olive-harvest/).

<sup>64</sup> See <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/דצמבר+2019+נתונים+הוק/אנגלית/Law+Enforcement+Data+Sheet+12.2019+ENG.pdf>.

<sup>65</sup> A/HRC/43/67, para. 27.

<sup>66</sup> A/HRC/43/67, para. 29, and A/68/513, para. 12.

<sup>67</sup> A/HRC/40/42, para. 55; A/71/355, para. 50; A/HRC/34/38, para. 38; and A/HRC/37/43, para. 23.

<sup>68</sup> Fourth Geneva Convention, art. Hague Regulations, arts. 46 and 56 (see A/HRC/34/38, paras. 21 and 33).

177 girls and 225 boys).<sup>69</sup> In the previous reporting period, 511 structures were demolished, displacing 641 people. The majority of the demolitions took place in Area C (427 demolished structures, displacing 465 people), and the most affected areas were East Jerusalem (122), Hebron Governorate (126), Jordan Valley (110) and Bethlehem (110). Demolitions more than tripled during Ramadan in 2020 as compared with 2019.<sup>70</sup>

36. Demolitions and confiscations continued during the COVID-19 pandemic at only a slightly lower monthly rate than in the previous period,<sup>71</sup> leaving Palestinians without adequate housing, medical facilities and access to water, thereby seriously increasing the risk of COVID-19 infection in the West Bank. On 26 March 2020, in Ibbiq village, Jordan Valley, the Israeli Civil Administration demolished one residential structure (displacing two persons), and dismantled and confiscated eight tents and equipment (including a water tank, a generator and spraying devices) on the grounds of lack of a building permit. Some tents were assigned as clinical facilities.

37. Military Order No. 1797 came into effect in July 2019, authorizing the Israeli Civil Administration to remove new structures built without a permit<sup>72</sup> in Area C within 96 hours.<sup>73</sup> The order can be applied to residential structures only if they have been inhabited for less than 30 days.<sup>74</sup> It has been used to demolish 47 structures since it came into effect.<sup>75</sup> The order has further limited opportunities for legal recourse,<sup>76</sup> and only one appeal against demolition under the order has been successful.

38. Israeli authorities demolished three school-related structures<sup>77</sup> during the reporting period, which affected 181 students and teachers, while 51 schools (43 in Area C and 8 in East Jerusalem) were under “stop work” or demolition orders as at 31 May 2020.<sup>78</sup> On 16 January 2020, in Hebron, in the Birin herding community, Israeli security forces demolished the foundations for new school premises intended to serve 60 students.<sup>79</sup> The demolition order was based on Military Order No. 1797 and delivered to the school representatives 96 hours before demolition.

### **Impact of settlements on Palestinian communities at risk of forcible transfer**

39. The publicly stated intention of the Government of Israel to relocate thousands of Palestinians residing in Area C remains a key concern and contributes to a coercive environment.<sup>80</sup> Some 18 communities in and around East Jerusalem are at particular risk of forced eviction, including the Bedouin community of Khan al-Ahmar/Abu al-Helu.<sup>81</sup> The Israeli Government’s stated intention to move ahead with annexation of parts of the occupied West Bank increases that risk.

<sup>69</sup> Office for the Coordination of Humanitarian Affairs.

<sup>70</sup> Ibid.

<sup>71</sup> A monthly average of 43 demolitions during COVID-19 compared with 51 for the entire reporting period.

<sup>72</sup> See [www.ochaopt.org/poc/17-30-march-2020](http://www.ochaopt.org/poc/17-30-march-2020).

<sup>73</sup> A/74/357, para. 37.

<sup>74</sup> Ibid.

<sup>75</sup> Office for the Coordination of Humanitarian Affairs.

<sup>76</sup> A/74/357, para. 37.

<sup>77</sup> Office for the Coordination of Humanitarian Affairs.

<sup>78</sup> Data from the education cluster of the United Nations country team.

<sup>79</sup> Office for the Coordination of Humanitarian Affairs.

<sup>80</sup> A/HRC/34/39, para. 44; A/72/564, paras. 36–57.

<sup>81</sup> A/73/410, para. 22; A/74/357, para. 36; A/HRC/37/43, para. 25; and A/HRC/43/67, para. 33.

## IV. Settlement expansion, demolitions and evictions in East Jerusalem and Bethlehem

40. In the weeks leading up to the March 2020 Israeli election, and following the publication of the United States “Peace to prosperity” vision, the Government of Israel advanced or announced its intention to advance thousands of settlement housing units in and around East Jerusalem. If construction is realized, these plans would further consolidate the ring of settlements around East Jerusalem, severing it from the rest of the West Bank. This would further restrict the freedom of movement of Palestinians living in East Jerusalem, negatively impact other rights, increase the risk of forcible transfer for nearby Palestinian communities and seriously impede the exercise by the Palestinian people of the right to self-determination and undermine the possibility of a contiguous Palestinian State.

### A. Settlements plans around East Jerusalem

41. On 9 February 2020, a plan to create a new large settlement of 9,000 units in the area of the former Qalandiya/Atarut airport, north of Jerusalem, was advanced and in the early stages of approval.<sup>82</sup> The construction would disrupt the contiguity of territory between East Jerusalem and the Ramallah area.

42. On 24 February 2020, tenders were announced for 1,077 housing units in a new settlement in Giv‘at Hamatos, in the southern part of East Jerusalem.<sup>83</sup> Publication of the tenders, initially scheduled for 3 May, has been delayed to an unknown date as at the end of the reporting period. The Prime Minister of Israel also announced his intention to advance the expansion of the nearby Har Homa settlement, with 2,200 housing units.<sup>84</sup> Such construction would further consolidate the ring of settlements along the southern perimeter of Jerusalem, separating the Palestinian areas of the city from Bethlehem and the southern West Bank.

43. On 25 February 2020, the Prime Minister of Israel further announced that the Government would advance plans for the construction of over 3,400 housing units in the 12 km<sup>2</sup> area known as E1, adjacent to Ma‘aleh Adumim settlement, between East Jerusalem and Jericho.<sup>85</sup> Two plans for E1 settlement were deposited for objections in early March 2020.<sup>86</sup> Construction in the E1 area would effectively cut the West Bank into two parts. On 9 March 2020, the Minister of Defence of Israel advanced a plan for a so-called “sovereignty road”, between the southern and northern, West Bank for Palestinians. The road would bypass the Ma‘ale Adumim settlement and areas around it, effectively preventing Palestinians from entering E1. The Minister stated that its construction would enable settlement construction in E1.

44. On 6 May 2020, the Minister of Defence of Israel announced his intention to advance some 7,000 housing units south of Bethlehem, in the area known as E2, as

<sup>82</sup> See <https://peacenow.org.il/en/plan-advanced-for-a-new-settlement-in-atarot-in-the-heart-of-palestinian-east-jerusalem>.

<sup>83</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_30\\_march\\_2020\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf). According to Ir Amim, the tenders had not been published for bidding as at the end of the reporting period.

<sup>84</sup> According to Ir Amim, the master plan and a detailed outline plan for Har Homa were discussed in March 2020, but not yet approved by the Jerusalem planning and building committee.

<sup>85</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_30\\_march\\_2020\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf) and [https://peacenow.org.il/en/netanyahu-promotes-the-construction-in-e1#inbox/\\_blank](https://peacenow.org.il/en/netanyahu-promotes-the-construction-in-e1#inbox/_blank).

<sup>86</sup> Ir Amim, on file, and <https://peacenow.org.il/en/road-allow-e1-construction-is-being-promoted>.

part of the Efrat settlement.<sup>87</sup> Israel declared the area State land in 2004 and allocated it for settlement development in December 2018.<sup>88</sup> If constructed, it threatens to carve up the West Bank<sup>89</sup> and fragment its southern part.

## B. Demolitions and evictions paving the way for settlement expansion

45. In East Jerusalem, demolitions and seizure decreased, but continued at the high levels seen since 2016, with 122 demolitions that displaced 249 people.<sup>90</sup> These included 52 self-demolitions,<sup>91</sup> which have increased since 2018, likely owing to more severe fines and charges imposed by Israeli municipal authorities<sup>92</sup> and the amendment to the Planning and Building Law enabling expedited demolitions.<sup>93</sup>

46. In Bethlehem Governorate,<sup>94</sup> demolitions and seizure reached the highest levels since the Office for the Coordination of Humanitarian Affairs began systematically recording demolitions in 2009, with 110 structures demolished and 130 people displaced in the reporting period, compared with the yearly average of 26 demolitions for 2010–2018.<sup>95</sup>

47. The recent demolitions took place near areas of Bethlehem and East Jerusalem where the expansion of the settlements ring around East Jerusalem had been announced or advanced.<sup>96</sup>

### Self-demolition in East Jerusalem

48. Multiple Palestinians in East Jerusalem were forced to carry out self-demolitions, as it is almost impossible for them to obtain building permits, owing to the discriminatory Israeli zoning and planning regime<sup>97</sup> and the imposition of large fines and charges. The amendment to the Planning and Building Law enacted in 2017, which applied to all structures as of October 2019, limits the possibility to freeze demolition orders to one year, and only in exceptional circumstances, making the retroactive legalization of construction more difficult. The amendment further limits legal recourses against demolitions, reinforcing the discriminatory zoning and planning regime.<sup>98</sup>

<sup>87</sup> See <https://peacenow.org.il/en/bennett-announces-intention-to-build-new-settlement-in-e2>.

<sup>88</sup> A/74/357, para. 8.

<sup>89</sup> A/70/351, para. 19.

<sup>90</sup> This includes only areas of East Jerusalem located in Jerusalem Governorate and excludes areas located in Bethlehem Governorate. During the previous reporting period, 197 demolitions occurred, displacing 253 people. From 2009 to 2016, an average of 76 demolitions were conducted annually and the trend subsequently increased.

<sup>91</sup> Compared with 52 in the previous reporting period (see A/74/357, para. 31).

<sup>92</sup> A/74/357, para. 31.

<sup>93</sup> Office for the Coordination of Humanitarian Affairs, [www.ochaopt.org/content/new-legislation-impedes-challenges-demolitions-and-seizures-west-bank](http://www.ochaopt.org/content/new-legislation-impedes-challenges-demolitions-and-seizures-west-bank) and Humanitarian Bulletin: occupied Palestinian territory, September 2019, p. 5.

<sup>94</sup> Including areas in East Jerusalem located in Bethlehem Governorate.

<sup>95</sup> Office for the Coordination of Humanitarian Affairs. See [www.ochaopt.org/data/demolition](http://www.ochaopt.org/data/demolition).

<sup>96</sup> The most affected communities and neighbourhoods were Jabal al-Mukabbir (45 demolitions), Za'atarah (20), Bayt Hanina (19), Sur Bahir (16), Walajah (16), Khidr (12), Bayt Jala (12), Nahalin (12), Isawiyah (12) and Silwan (12), all located near areas where such expansion is taking place.

<sup>97</sup> A/HRC/34/38, para. 26.

<sup>98</sup> A/HRC/43/67, para. 32.

49. On 9 June 2019, a woman demolished her house in Sur Bahir, East Jerusalem,<sup>99</sup> to avoid paying hefty fines and charges. A demolition order had been issued in 2012 and frozen until April 2019, when it was confirmed in court, giving the woman 45 days to demolish her house on the grounds of lack of a building permit. The demolition led to the displacement of the woman and her six children (including five minors), exacerbating their economic difficulties as the family depends on widow allowances. The demolition also placed them at higher risk of prevalent discriminatory social practices against women and female-headed households.

50. On 1 February 2020, a family (four adults and three children) in Jabal al-Mukabbir neighbourhood was forced to demolish their house, built on their private land. Following the family's appeal of a demolition order issued seven years earlier, the Jerusalem Municipal Court confirmed the demolition in February 2019, issuing a fine of 35,000 new shekels (approximately \$10,000) and ordering the family to obtain a building permit before 27 December 2019, which they were denied. The family reported being informed that the Municipality would charge 100,000 new shekels (approximately \$29,000) for the demolition, mainly to pay for protection by Israeli security forces. The house lay directly above the planned route of an underground tunnel, which is part of the eastern ring road that would connect several settlements in East Jerusalem and its periphery.

#### **Evictions under the Absentee Property Law and on the basis of ownership prior to 1948**

51. Two of the main laws that have been used as grounds for evicting Palestinians from their properties in East Jerusalem in favour of settler organizations are the Absentee Property Law and the Legal and Administrative Matters Law of 1970.<sup>100</sup> The Absentee Property Law,<sup>101</sup> enacted in 1950, allows the confiscation of property from Palestinians in areas where “the law of the State of Israel applies”, if the owner of the property fled or otherwise was outside that area after 27 November 1947.<sup>102</sup> Since Israel annexed East Jerusalem, property in East Jerusalem owned by Palestinians residing outside the city has been determined by Israeli authorities to be “absentee property” on the basis of claims initiated by settler organizations, and in some cases transferred or sold to settler organizations.<sup>103</sup> Notwithstanding the illegality of annexation under international law, the Supreme Court of Israel accepted such confiscations in a decision on 15 April 2015, while stipulating that the law should be invoked extremely rarely in East Jerusalem, and only with the express permission of the Attorney General in each case.<sup>104</sup> The Legal and Administrative Matters Law permits claims for restitution of property in East Jerusalem owned by Jewish persons before 1948, but not for Palestinian claims of ownership in West Jerusalem before 1948. It is estimated that hundreds of properties have been taken over by settlers in East Jerusalem since the 1980s under the two laws, as well as through archaeological or tourism projects and transactions involving Palestinian property, including fraudulent purchases.<sup>105</sup>

<sup>99</sup> Most of Sur Bahir is located within an area unilaterally annexed by Israel as part of the Israeli Jerusalem municipality. Other parts are located in Areas A, B and C of the West Bank, but the Barrier encloses them to the Jerusalem side of the Barrier. See [www.ochaopt.org/content/threat-demolitions-east-jerusalem](http://www.ochaopt.org/content/threat-demolitions-east-jerusalem).

<sup>100</sup> A/70/351, paras. 30 and 31.

<sup>101</sup> Informal English translation available at [www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/04-Absentees-Property-Law-1950.pdf](http://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/04-Absentees-Property-Law-1950.pdf).

<sup>102</sup> A/70/351, paras. 30–31.

<sup>103</sup> Ibid. See also <https://law.acri.org.il/pdf/unsafe-space-en.pdf>, p. 35.

<sup>104</sup> CA 2250/06 *Custodian of Absentees' Property and others. v Daqaq Nuha and others*.

<sup>105</sup> A/70/351, paras. 29–36 and 49–51; A/HRC/34/39, para. 46.

52. On 10 July 2019, the Israeli authorities evicted a Palestinian family (one woman and four children) in Wadi Hulwah in Silwan, East Jerusalem. Two days before the eviction, the High Court of Justice rejected the family's request for leave to appeal. Since the early 1990s, the settler organization Elad had attempted to take over the property through four law suits, three of which were dismissed by the Jerusalem District Court as being partially based on forged documents.<sup>106</sup> In 2009, the District Court determined that two persons owning one fourth of the property should be considered "absentees" under the Absentee Property Law because they resided outside East Jerusalem. The evicted woman is the daughter of one of the persons considered an "absentee". The Custodian of Absentees' Property then sold the so-called absentee property to Elad. During the legal procedures, Elad reportedly bought another 50 per cent of the property from owners living abroad, who likely would have been considered "absentees" if they had not sold the property, meaning that they would have received no compensation.

53. Nearly 100 families comprising around 700 Palestinians residing near the Old City of East Jerusalem, in Silwan, have been undergoing similar legal processes. On 30 September 2002, the Custodian of Absentee Property released the land where the families live to the Benvenisti Trust, the administration of which was taken over the same year by the settler organization Ateret Cohanim, on the basis of the assertion that it owned the properties before 1948.<sup>107</sup> On 21 November 2018, the Supreme Court of Israel denied a petition by the families against the release of the land to the settler organization. In January and February 2020, the Jerusalem Magistrate Court issued three decisions ordering the eviction of nine of the households (more than 45 persons). The decisions have been appealed, while another 22 eviction cases are pending.

54. Under international humanitarian law, private property in occupied territory must be respected and cannot be confiscated by the occupying Power.<sup>108</sup> The application of the Absentee Property Law and the Legal and Administrative Matters Law in East Jerusalem is seemingly inconsistent with this obligation. International humanitarian law also requires the occupying Power to respect, unless absolutely prevented, the laws in force in the country.<sup>109</sup> Furthermore in practice, the measures taken by Israel facilitate the transfer by the occupying Power of its population into parts of the Occupied Palestinian Territory. The transfer of parts of an occupying Power's civilian population into the territory that it occupies is prohibited under international humanitarian law and may amount to a war crime.<sup>110</sup> In addition, confiscations under the Laws are carried out solely on the basis of the nationality or origin of the owner, rendering them inherently discriminatory.

55. Approximately 200 Palestinian households in East Jerusalem, comprising 877 persons, including 391 children, face similar risks of forced eviction due to cases filed in Israeli courts, primarily by Israeli settler organizations.<sup>111</sup> Forced evictions frequently violate the rights to adequate housing and to privacy and other human rights. They are a key factor in a coercive environment that may lead to forcible transfer, which is prohibited by the Fourth Geneva Convention and a grave breach of the Convention.<sup>112</sup>

<sup>106</sup> Jerusalem District Court cases HC 325/96, TA 1185/96 and TA 1544-09.

<sup>107</sup> See <https://peacenow.org.il/en/the-court-ruled-to-evict-another-8-families-in-batan-al-hawa-silwan>.

<sup>108</sup> Hague Regulations, art. 46.

<sup>109</sup> Hague Regulations, art. 43; and Fourth Geneva Convention, art. 64.

<sup>110</sup> Fourth Geneva Convention, art. 49 (6). See also Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

<sup>111</sup> Office for the Coordination of Humanitarian Affairs, as at January 2019.

<sup>112</sup> Fourth Geneva Convention, arts. 49 and 147; A/74/357, paras. 35 and 77; and A/HRC/34/39, para. 46, and the relevant footnotes.

**Demolition immediately followed by establishment of an outpost**

56. An extended family of five adults and two children was subjected to two demolitions in the Makhzur area of Bethlehem near Har Gillo settlement. On 26 August 2019, the Israeli Civil Administration demolished the family's restaurant and residence in their private property in Area C, owing to the lack of a building permit, under orders from 2005 and 2010. The following day, settlers started establishing an agricultural outpost without a permit a few hundred metres from the demolished structures. The outpost remained there as at the end of the reporting period. Following the demolition, five members of the family lived in a tent supplied by humanitarian organizations, on the site of their property. On 4 March 2020, the Israeli Civil Administration confiscated the tent and razed the grounds where the demolition had taken place. This occurred at the beginning of the COVID-19 outbreak, putting the family at further risk of contracting the disease, without shelter and access to water.

**V. Settlements in the occupied Syrian Golan**

57. After the President of the United States announced, in April 2019, that he recognized Israeli sovereignty over the occupied Syrian Golan, plans to further expand Israeli settlements have continued. This included the Government decision, in June 2019, to establish a settlement called "Trump Heights".<sup>113</sup> Several States condemned the United States announcement and the consequences of recognizing illegal annexation. The Secretary-General reaffirmed the validity of Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan was null and void and without international legal effect.

58. A human rights organization from the occupied Syrian Golan<sup>114</sup> continued to raise serious concerns about the impact on Syrian villages, in particular, Majdal Shams and Masadah, of a renewable energy project implemented by an Israeli energy company, involving the construction of wind turbines. It stated that the project would involve building 31 wind turbines on land owned by Syrian farmers and would severely affect their human rights, restrict access to their farming lands and their ability to expand their already limited built-up areas and endanger wildlife. In January 2020, the Israeli National Infrastructure Committee approved the construction of 25 wind turbines. Syrian inhabitants in the area are facing a severe housing crisis, which the project would further exacerbate. Moreover, the areas where they live constitute only 5 per cent of the overall area of the occupied Syrian Golan, while 95 per cent of the territory is unavailable as it is being used by the Israeli military and over 34 illegal Israeli settlements.

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<sup>113</sup> See <https://mfa.gov.il/MFA/PressRoom/2019/Pages/Government-approves-establishment-of-new-Golan-Heights-community-Ramat-Trump-16-June-2019.aspx>.

<sup>114</sup> See <https://golan-marsad.org/as-syrians-commemorate-yet-another-year-of-occupation-israel-tightens-it-grip-on-the-golan/>.

## VI. Conclusions and recommendations

59. The establishment and expansion of Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territory it occupies, which is prohibited under international humanitarian law,<sup>115</sup> as consistently confirmed by the competent United Nations organs, including the International Court of Justice, the General Assembly, the Security Council and the Human Rights Council.

60. The stated intention of the Government of Israel to annex parts of the occupied West Bank, if implemented, would constitute a most serious violation of international law, including the Charter of the United Nations, and would have no legal validity. It would be a major obstacle to the achievement of the two-State solution and threaten efforts to advance regional peace and our broader efforts to maintain international peace and security.

61. During the reporting period, advancements of new and existing settlements increased, as did the number of tenders announced, while the rate of settlement housing construction starts decreased. The plans for settlements in East Jerusalem and surrounding areas, including in E1, are of particular concern as they would isolate East Jerusalem from the rest of the West Bank and threaten to fragment the contiguity of the West Bank.

62. Settlements have significant adverse effects on Palestinians' rights, including their rights to life, freedom of movement, privacy, family life, an adequate standard of living, work and education and on the exercise of their right to self-determination.

63. Settler violence remained high in the reporting period, continuing an overall upward trend since 2016. Israel largely failed to uphold its obligation as the occupying Power to ensure, as far as possible, public order and life and protect the Palestinian population against all acts or threats of violence. A large number of incidents occurred in the same locations,<sup>116</sup> suggesting that much of the violence emanates from specific groups of settlers. While efforts have been made by the Israeli authorities in recent years to prevent, investigate and prosecute particular incidents of settler violence, overall, a climate of impunity continued to prevail owing to persisting deficiencies in the justice system to hold settlers accountable for violence against Palestinians and damage to their property.

64. Forced evictions resulting from demolitions in the circumstances prevailing in the Occupied Palestinian Territory are a key factor in the creation of a coercive environment. They have a negative impact on a wide range of human rights and increase the risk of forcible transfer.<sup>117</sup> The transfer of property pursuant to the application of the Absentee Property Law and the Legal and Administrative Matters Law in East Jerusalem also facilitates the transfer of its population into the occupied territory, in violation of international humanitarian law.

65. The Secretary-General recalls Security Council resolution [497 \(1981\)](#), in which the Council decided that the decision of Israel to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.

<sup>115</sup> Fourth Geneva Convention, art. 49 (6).

<sup>116</sup> [A/HRC/28/44](#), para. 49; [A/71/355](#), paras. 18 and 46; and [A/72/564](#), paras. 19–22.

<sup>117</sup> [A/HRC/34/39](#), paras. 40–57.



66. **On the basis of the present report, the Secretary-General recommends that Israel:**

(a) **Immediately and completely cease all settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in compliance with relevant United Nations resolutions, including Security Council resolution 2334 (2016), and halt any planned steps towards annexation of any part of the Occupied Palestinian Territory, in compliance with the principle of inadmissibility of the acquisition of territory by force.**

(b) **Review the application of planning laws and policies, as well as the Absentee Property Law and the Legal and Administrative Matters Law, to ensure that they are in accordance with the obligations of Israel under international humanitarian law and international human rights law;**

(c) **Immediately halt demolitions and forced evictions and cease any activity that would further contribute to a coercive environment and/or lead to a risk of forcible transfer;**

(d) **Take all measures to ensure the protection of Palestinians and their property from settler violence in the Occupied Palestinian Territory, including East Jerusalem, including through the issuance and enforcement of clear orders to the Israeli Security Forces to protect the Palestinian population;**

(e) **Ensure that all incidents of settler and Israeli Security Forces' violence against Palestinians and damage to their property be systematically investigated, that perpetrators be prosecuted and, if convicted, punished with appropriate sanctions, and that victims be provided with effective remedies, including adequate compensation, in accordance with international standards;**

(f) **Immediately cease and reverse all settlement development and related activities in the occupied Syrian Golan, and end discriminatory land, housing and development policies, in compliance with relevant United Nations resolutions;**

(g) **Immediately remove all mines and minefields in the occupied Syrian Golan, which pose a risk to the local population.**

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## Seventy-sixth session

Agenda item 55

**Israeli practices and settlement activities affecting the rights of the Palestinian people and other Arabs of the occupied territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

### **Report of the Secretary-General\***

#### *Summary*

The present report, prepared pursuant to General Assembly resolution [75/97](#), provides an update on Israeli settlement activities in the occupied West Bank, including East Jerusalem, and the occupied Syrian Golan, from 1 June 2020 to 31 May 2021, and highlights their impact on human rights.

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\* The present report was submitted after the deadline in order to reflect the most recent information.



## I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 75/97, provides an update on the implementation of the resolution from 1 June 2020 to 31 May 2021. It is based on direct monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory and on information provided by other United Nations entities in the Occupied Palestinian Territory and non-governmental organizations (NGOs). The report should be read in conjunction with recent related reports of the Secretary-General and of the High Commissioner submitted to the Assembly and to the Human Rights Council.<sup>1</sup> The quarterly reports of the Secretary-General to the Security Council on the implementation of resolution 2334 (2016) concerning the same period<sup>2</sup> also provide relevant information.

2. The report contains an update on settlement advancement and its impact on the human rights of Palestinian people. Section IV focuses in particular on the combined impact of Israeli-declared military firing zones and settler outpost activities near Palestinian communities. It also contains an update on Israeli settlements in the occupied Syrian Golan.

3. During the reporting period, Israeli settlement activities continued in the occupied West Bank, including East Jerusalem and the occupied Syrian Golan. Demolitions of Palestinian property and settler violence reached the highest levels since the United Nations began systematic recording.<sup>3</sup> In most settler violence incidents monitored, Israeli security forces failed to protect the Palestinian population, and in many cases used force against Palestinians. Widespread impunity for this violence remained a serious concern. These developments further exacerbated the coercive environment in many Palestinian communities described in previous reports and increased the risk of forcible transfer.<sup>4</sup>

## II. Legal background

4. International human rights law and international humanitarian law are concurrently applicable in the Occupied Palestinian Territory, namely, Gaza and the West Bank, including East Jerusalem and the occupied Syrian Golan. This includes the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), which is binding upon Israel as the occupying Power. A detailed analysis of the legal framework applicable in the Occupied Palestinian Territory and the occupied Syrian Golan can be found in previous reports of the Secretary-General.<sup>5</sup>

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<sup>1</sup> A/HRC/46/65, A/HRC/46/63, A/HRC/46/22, A/75/376 and A/75/336.

<sup>2</sup> See Security Council briefings, available at <https://unsco.unmissions.org/security-council-briefings-0>.

<sup>3</sup> According to data extracted from Office for the Coordination of Humanitarian Affairs databases systematically recording demolitions and settler violence incidents since 2009 and 2017 respectively.

<sup>4</sup> A/HRC/46/22, para. 4; A/75/376, para. 26; A/HRC/34/38, para. 48; and A/HRC/40/43, para. 14.

<sup>5</sup> A/HRC/34/38 and A/HRC/34/39.

### III. Activities related to settlements

#### A. Settlement expansion

##### Land designation, planning and tenders

5. Advancement of plans for settlement construction slowed, with plans for some 6,800 housing units in the West Bank, including East Jerusalem, advanced or approved by the Israeli authorities, compared with 11,700 housing units in the West Bank and 1,500 in East Jerusalem during the previous reporting period. This included 6,200 units in Area C and 600 in East Jerusalem. Of them, about 2,700 in Area C and 540 in East Jerusalem had reached the final stages of approval by 31 May 2021.<sup>6</sup>

6. Israeli authorities issued tenders for 1,900 units in Area C settlements and 200 in East Jerusalem, compared with 1,700 and 1,500, respectively, during the previous reporting period.

7. Official data on settlement construction starts in Area C indicates an increase from 1,301 units in the previous reporting period to 1,506<sup>7</sup> units.

8. On 17 and 18 January, Israeli authorities advanced plans for some 800 housing units and tendered some 1,900 units in Area C settlements, many deep inside the West Bank. On 20 January, winning bids for tenders for some 1,200 units in Giv‘at Hamatos were announced.<sup>8</sup> On 20 May, the Jerusalem District Planning Committee approved with conditions<sup>9</sup> the Har Homa E plan for 540 housing units in occupied East Jerusalem. These plans, if further advanced, would isolate occupied East Jerusalem from the rest of the West Bank and significantly undermine the possibility of a contiguous Palestinian State.<sup>10</sup>

9. Settlers established 12 new outposts,<sup>11</sup> continuing a decade-long trend of increase.<sup>12</sup> Nine of them were agricultural farms, which have a devastating impact on surrounding Palestinian communities.<sup>13</sup> On 3 May, settlers re-established and rapidly built “Evyatar” outpost on lands of Palestinian villages of Bayta, Qabalan and Yatma. By 31 May it included some 40 structures housing over 200 settlers.<sup>14</sup>

10. On 4 September, the Israeli Civil Administration issued expropriation orders for two archaeological sites on privately owned Palestinian property in Dayr Sim‘an and Dayr Qal‘ah.<sup>15</sup> Under international humanitarian law, private property must be

<sup>6</sup> Office of the Special Coordinator for the Middle East Peace Process.

<sup>7</sup> Ibid.

<sup>8</sup> See Tor Wennesland, Special Coordinator for the Middle East Peace Process, statement during a Security Council briefing on the situation in the Middle East, 25 March 2021. Available at [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_25\\_march\\_2021\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_25_march_2021_2334.pdf).

<sup>9</sup> Ir Amim, “Tender published for infrastructure works on Givat Hamatos and approval of Har Homa E plan issued in the public record”, 1 June 2021 (available at <https://mailchi.mp/ir-amim/tender-published-for-infrastructure-works-on-givat-hamatos-approval-of-har-homa-e-plan-issued-in-the-public-record?e=f7e1245427>) and “District Committee conditionally approves Har Homa E plan for 540 HU”, 5 May 2021.

<sup>10</sup> Ibid.; and S/2021/584.

<sup>11</sup> Peace Now, on file.

<sup>12</sup> A/75/376, para. 10.

<sup>13</sup> Sect. IV below; A/75/376, para. 10; and A/HRC/40/42, para. 39.

<sup>14</sup> See [www.haaretz.com/israel-news/.premium-in-just-a-month-illegal-settler-outpost-sprouts-up-on-palestinian-lands-1.9882850](http://www.haaretz.com/israel-news/.premium-in-just-a-month-illegal-settler-outpost-sprouts-up-on-palestinian-lands-1.9882850).

<sup>15</sup> See <https://alt-arch.org/en/expropriation-orders-west-bank>.

respected and cannot be confiscated, unless the seizure is required by imperative military necessity.<sup>16</sup> All seizure of historic monuments is prohibited.<sup>17</sup>

11. The Secretary-General recalls that the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, have no legal validity and are flagrant violations of international law. Outposts are also considered illegal under Israeli domestic law.<sup>18</sup>

## B. Consolidation of settlements

12. Despite an agreement within the governing coalition in Israel to present to the Knesset a proposal to annex parts of the occupied West Bank starting 1 July, on 13 August, Israel, the United Arab Emirates and the United States of America jointly announced that “Israel will suspend declaring sovereignty” over the West Bank, as part of the normalization agreement with the United Arab Emirates.<sup>19</sup>

13. In November, the Knesset “Subcommittee for Judea and Samaria” recommended the possibility of renewing the settlement of land titles in the West Bank.<sup>20</sup> Settlement of titles constitutes an irreversible act of sovereignty by a permanent regime, and so subverts the principle that occupation is inherently temporary.<sup>21</sup> In occupied East Jerusalem, land registration procedures began in the Umm Harun section of Shaykh Jarrah. Palestinian families concerned were not notified, thus seriously undermining their ability to legally defend their property rights.<sup>22</sup>

### Legislative developments, including regularization of outposts

14. On 9 June, the Israeli High Court of Justice struck down as unconstitutional a 2017 law enabling the wide-scale expropriation of private Palestinian land and the retroactive regularization, under Israeli law, of thousands of housing units in settlements and unauthorized outposts. The Court ruled that the law violated the rights of Palestinians in the West Bank to property and equality.<sup>23</sup> Despite this decision, serious concerns remain in relation to existing alternative legal mechanisms available to retroactively legalize, under Israeli law, outposts and unauthorized structures in settlements.<sup>24</sup>

15. On 29 November, the High Court of Justice legalized the declaration as State land of 224 dunums in the settlement of Kokhav Ya‘aqov, built on private and

<sup>16</sup> Regulations annexed to the Hague Convention IV of 1907 (Hague Regulations), art. 46. See also International Committee of the Red Cross (ICRC), “Rule 40: respect for cultural property”, and “Rule 51: public and private property in occupied territory”, Customary International Humanitarian Law database. Available at <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>.

<sup>17</sup> Hague Regulations, art. 56.

<sup>18</sup> Israel, Ministry of Foreign Affairs, “Summary of the opinion concerning unauthorized outposts”, Talya Sason, advocate, 10 March 2005; and A/72/564, para. 62.

<sup>19</sup> See <https://il.usembassy.gov/joint-statement-of-the-united-states-the-state-of-israel-and-the-united-arab-emirates>.

<sup>20</sup> See Shlomy Zachary, “Renewing settlement of title in Area C in the West Bank: a breach of international law and violation of Palestinians’ rights”, April 2021. Available at [https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/Renewing+settlement+of+title+report+2021/Renewing+settlement+of+title\\_ENG.pdf](https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/Renewing+settlement+of+title+report+2021/Renewing+settlement+of+title_ENG.pdf).

<sup>21</sup> Hague Regulations, arts. 43 and 55.

<sup>22</sup> See <https://mailchi.mp/ir-amim/in-a-first-since-1967-israel-underhandedly-initiates-land-registration-procedures-in-sheikh-jarrah-to-advance-jewish-settlement?e=5dfcd834de>.

<sup>23</sup> Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, statement during a Security Council briefing on the situation in the Middle East, 24 June 2020. Available at [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_24\\_june\\_2020\\_2334\\_0.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_24_june_2020_2334_0.pdf).

<sup>24</sup> A/HRC/46/65, paras. 16 and 17; and [www.haaretz.com/israel-news/.premium-gantz-nissenkorn-tell-staff-to-find-way-to-legalize-buildings-on-palestinian-land-1.8917013](http://www.haaretz.com/israel-news/.premium-gantz-nissenkorn-tell-staff-to-find-way-to-legalize-buildings-on-palestinian-land-1.8917013).

traditional village lands of the Palestinian town of Kafr Aqab, Ramallah.<sup>25</sup> The ruling may lead to further declarations of State land concerning two outposts and buildings in more than 20 settlements.<sup>26</sup>

16. Five plans retroactively regularizing outposts were advanced. On 16 December and 10 May, the Knesset advanced, in a preliminary vote, bills aimed at legalizing approximately 65 outposts and mandating that they should be treated as authorized settlements in the interim, with their residents receiving all municipal services.<sup>27</sup> On 26 August, the High Court of Justice ordered the evacuation of approximately 40 structures in the unauthorized settlement outpost of Mitzpe Kramim.<sup>28</sup> Israeli authorities demolished structures and dismantled or prevented construction in at least four outposts.<sup>29</sup>

## C. Impact of settlements on human rights

### Settlement-related violence

17. Settler violence against Palestinians intensified, with 430 incidents of settler violence resulting in deaths, injury and/or property damage,<sup>30</sup> compared with 337 in the previous reporting period, continuing the increase since 2017. The severity of the violence also intensified. Four Palestinians were killed and 145 injured by settlers,<sup>31</sup> including 8 with live ammunition. Two more Palestinians, including a woman, were killed in circumstances where it was not possible to determine whether the perpetrator was Israeli security forces or settlers. Two Israelis known or believed to be settlers were killed and, according to Israeli sources, 99 were injured by Palestinians.<sup>32</sup> Incidents of damage to Palestinian property increased to 327, with 9,477 trees and 199 vehicles vandalized.<sup>33</sup>

18. Additionally, Israeli security forces intervened with force, which in many cases monitored by OHCHR may have been unnecessary and/or disproportionate, against Palestinians in the aftermath of settler attacks or when they demonstrated against settlement expansion and outposts.<sup>34</sup> During this period, settlers killed two Palestinians, and Israeli security forces killed 23 Palestinians, including six children, in the context of demonstrations and clashes related to settlement expansion, and some 6,313 were injured.<sup>35</sup>

<sup>25</sup> See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\17\260\054\R42&fileName=17054260.R42&type=4> (Hebrew).

<sup>26</sup> See [www.haaretz.com/israel-news/.premium-israeli-high-court-rejects-petition-against-declaring-west-bank-area-state-land-1.9338816](http://www.haaretz.com/israel-news/.premium-israeli-high-court-rejects-petition-against-declaring-west-bank-area-state-land-1.9338816).

<sup>27</sup> Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, statement during a Security Council briefing on the situation in the Middle East, 21 December 2020 (available at [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_21\\_december\\_2020\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_21_december_2020_2334.pdf)); and <https://main.knesset.gov.il> (Hebrew).

<sup>28</sup> See [www.jpost.com/israel-news/court-orders-evacuation-of-homes-in-mitzpe-kramim-outpost-640240](http://www.jpost.com/israel-news/court-orders-evacuation-of-homes-in-mitzpe-kramim-outpost-640240).

<sup>29</sup> Office of the Special Coordinator for the Middle East Peace Process. After the end of the reporting period, on 9 June, Israel declared the area of “Evyatar” a closed military zone and ordered the outpost evacuated.

<sup>30</sup> United Nations, Office for the Coordination of Humanitarian Affairs, on file.

<sup>31</sup> Compared with none killed and 116 injured in the previous reporting period.

<sup>32</sup> Compared with 1 killed and 21 injured in the previous reporting period. United Nations, Office for the Coordination of Humanitarian Affairs, based on information provided by Israeli authorities. The Office for the Coordination of Humanitarian Affairs counts as injured people treated at a medical facility or on site by paramedic personnel.

<sup>33</sup> Compared with 266 incidents, including 8,591 trees vandalized in the previous reporting period.

<sup>34</sup> A/76/333, paras. 11 and 12.

<sup>35</sup> United Nations, Office for the Coordination of Humanitarian Affairs.

19. As in previous reporting periods, settler violence appeared designed to terrorize Palestinians and take over land. Severe violence occurred in the vicinity of settlements and outposts, targeting the homes and livelihoods of rural Palestinians and intimidating Palestinians from accessing their land. While consolidating the presence and expansion of Israeli settlements, settler violence contributed to making the daily lives of Palestinians in their homes and communities untenable. Systematic and increasingly severe settler violence contributes to the creation and worsening of the coercive environment, which is pressuring Palestinians to stay away from areas that they have traditionally used for their livelihoods or move from their places of usual residence.<sup>36</sup>

20. Settler violence increased during the olive harvest. The Office for the Coordination of Humanitarian Affairs recorded 40 incidents of settler violence against farmers across the West Bank, with 26 Palestinians injured, including 16 injured by Israeli security forces intervening following a settler attack.<sup>37</sup> At least 1,700 trees were vandalized and considerable quantities of olives stolen, predominantly in Nablus and Ramallah Governorates.<sup>38</sup> Sixteen incidents took place on agricultural lands in the vicinity of settlements, which are only accessible to Palestinian landowners and farmers with prior Israeli security forces coordination. Palestinian farmers also had difficulties in obtaining Israeli authorization to access their land in restricted areas behind the Wall. While the enhanced presence of Israeli security forces was a welcome and positive step, long-standing gaps in the enforcement of the rule of law on violent settlers remained of major concern.<sup>39</sup>

21. In December, settler violence surged across the West Bank following the murder of a settler woman by a Palestinian on 21 December and the death of a 16-year-old Israeli boy in a car crash while fleeing Israeli police after allegedly stoning Palestinian cars on 22 December. There were 46 incidents of settler violence in December 2020, compared with 11 in December 2019.<sup>40</sup> Continuing well into January, settlers carried out daily stone-throwing attacks, blockades and demonstrations along Road 60, attacks on Palestinian vehicles and homes, including armed and violent confrontations, and Palestinians held at gunpoint. On 17 January, approximately 20 Israeli settlers entered from the direction of Yitzhar settlement to the Palestinian village of Madama and attacked a house in the outskirts where a woman was at home with four children including an infant. The group of settlers, with their faces covered, threw large stones at the 6- and 11-year-old girls in the yard of the house. As the mother came outside, she was pelted with stones, as was the house, where they retreated. The 11-year-old girl was hospitalized with injuries to her face, the mother and the 6-year-old had light injuries and the windows of the house were broken. The family did not file a complaint, out of fear of losing work permits to Israel. No information is available regarding any investigation into the attack. Israeli political and security authorities managed to calm the tension and violence in February following concerted efforts, which included a meeting of the Central Command chief of the Israeli security forces and the Head of the Israeli Civil Administration with settler groups.<sup>41</sup>

22. There was a further serious surge in ideological and nationalistically motivated violence starting in April. The threat of significant evictions in Shaykh Jarrah and

<sup>36</sup> A/HRC/43/67, paras. 57 and 58.

<sup>37</sup> See [www.ochaopt.org/content/2020-olive-harvest-season-low-yield-amidst-access-restrictions-and-settler-violence#ftn1](http://www.ochaopt.org/content/2020-olive-harvest-season-low-yield-amidst-access-restrictions-and-settler-violence#ftn1).

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>41</sup> See [www.haaretz.com/israel-news/.premium-in-attempt-to-stem-violence-israeli-army-brass-meet-with-radical-settlers-1.9560600](http://www.haaretz.com/israel-news/.premium-in-attempt-to-stem-violence-israeli-army-brass-meet-with-radical-settlers-1.9560600).

Silwan for the benefit of settler organizations, Israeli movement restrictions in and around the Old City of East Jerusalem during Ramadan, and nationalistically motivated incitement and violence by Palestinians and Israelis contributed to the rising tension. These confrontations resulted in a serious escalation that spread to other East Jerusalem neighbourhoods and, in the course of May, to the entire Occupied Palestinian Territory, triggering the largest escalation between Israel and Palestinian armed groups in Gaza since 2014, and widespread protests and violence between the Jewish and Palestinian communities also inside Israel.<sup>42</sup>

23. In May, 86 settler violence incidents against Palestinians in the West Bank, including East Jerusalem, occurred.<sup>43</sup> Two Palestinians were killed by settlers and another two Palestinians were killed in circumstances where settlers and Israeli security forces shot live ammunition towards Palestinians simultaneously. Another 35 Palestinians, including three children, were injured by settlers, five of them with live ammunition. In the same period, there was one Israeli settler killed, and ten, including one child, injured by Palestinians.<sup>44</sup> On 3 May, a Palestinian killed an Israeli man and injured two others in a drive-by shooting attack at Za‘tarah checkpoint, south of Nablus.

24. On 14 May, Israeli settlers reportedly arriving from Hagai settlement overlooking Rihyah village, south of Hebron, set fire to 500 dunums of cultivated land. As the Palestinian landowners ran to the location, a group of armed settlers shot a 26-year-old Palestinian man in the head with live ammunition. The man fell, injured, and, according to eyewitnesses, was subsequently beaten by the settlers, who also fired live ammunition towards other Palestinians who attempted to approach. When Israeli security forces arrived, they used tear gas, rubber-coated metal bullets and live ammunition to disperse the Palestinians, but did not apprehend any of the settlers. An ambulance evacuated the injured man to hospital, where he was pronounced dead. Israeli security forces had not opened an investigation into the killing as at 31 May.<sup>45</sup> On 16 May, a dozen Israelis believed to be settlers, of whom at least five carrying firearms, drove in four vehicles around Bayt Hanina and Shu’fat neighbourhoods in East Jerusalem. They set up an armed checkpoint and aimed at and fired towards cars and people passing by. Palestinian youths gathered and threw stones towards them. The settlers fired live ammunition towards the Palestinians and seriously injured two Palestinian men. Israeli police started investigating, and arrested seven suspects, one of whom was indicted.

25. As the occupying Power, Israel has the obligation to take all the measures in its power to restore and ensure, as far as possible, public order and life in the Occupied Palestinian Territory and, in all circumstances, to protect the Palestinian population against all acts or threats of violence.<sup>46</sup> Israel also has the obligation to respect and ensure the human rights of the Palestinian population, including their rights to life and security of person.<sup>47</sup>

<sup>42</sup> See [A/76/333](#).

<sup>43</sup> United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>44</sup> *Ibid.*

<sup>45</sup> See [www.haaretz.com/israel-news/.premium-two-weeks-on-police-haven-t-begun-probing-alleged-settler-killing-of-palestinian-1.9931965](http://www.haaretz.com/israel-news/.premium-two-weeks-on-police-haven-t-begun-probing-alleged-settler-killing-of-palestinian-1.9931965).

<sup>46</sup> Hague Regulations, arts. 43 and 46; and Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), art. 27.

<sup>47</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*. See also [A/HRC/34/38](#), paras. 6–9 (with full references).



### Accountability for settler violence

26. The Secretary-General and the United Nations High Commissioner for Human Rights have repeatedly reported on the prevailing climate of impunity with regard to settler violence and takeover of private Palestinian land.<sup>48</sup> This overall climate persisted, despite the increased severity of settler violence on the one hand, and some reported steps taken by the Israeli authorities on the other. Of added concern were the monitored cases in this reporting period where Israeli security forces were witnessed and recorded attacking Palestinians side by side with the settlers, including with firearms.

27. In the latest available (August 2020) report, the Ministry of Justice of Israel listed 93 investigations into alleged “ideologically-based offences” by settlers for the period between January 2019 and July 2020. Two indictments were filed for crimes committed against Palestinians, including for cases opened in previous years, and five defendants were convicted, all for incidents that had taken place in 2014 and 2015.<sup>49</sup> The Ministry of Justice did not provide information on the number of complaints submitted by Palestinians; therefore the number of investigations opened cannot be compared with the number of complaints. In this same period, the Office for the Coordination of Humanitarian Affairs recorded 341 incidents of settler attacks against Palestinians, including two killings and 113 injuries.<sup>50</sup>

28. In May 2021, the Israeli human rights organization Yesh Din published its research into accountability for ideologically motivated offences<sup>51</sup> committed by Israeli settlers in Palestinian towns and villages in Area B of the West Bank from 2017 to 2020. Of the 63 incidents documented by the organization, mostly alleged property incidents (41) and stone throwing offences (14). Israeli police had opened investigations into 38 incidents, and no indictments had been filed.<sup>52</sup>

29. In September, Lod District Court sentenced two perpetrators of the Duma arson attack in 2015, for which they had been convicted in May 2020.<sup>53</sup> On 23 February, Israeli authorities indicted a 17-year-old Israeli boy accused of throwing stun grenades into Palestinian homes in Sartah.<sup>54</sup> On 6 September, an Israeli man was indicted on charges of aggravated assault after he allegedly shot and injured two Palestinians near Bidya.<sup>55</sup> In November, three Israelis, including two children, were indicted for attacking Palestinians harvesting their olives a month earlier.<sup>56</sup> On

<sup>48</sup> A/74/357, para. 27; A/70/351, para. 23; A/HRC/25/38, paras. 42–47; A/HRC/43/67, paras. 26–29; A/HRC/31/43, para. 37; and A/HRC/34/39, para. 18.

<sup>49</sup> Israel, Ministry of Justice, “Investigation and prosecution of ideologically motivated offences against Palestinians in the West Bank”, August 2020. Available at <https://www.justice.gov.il/Units/YeutzVehakika/InternationalLaw/MainDocs1/InvestigationandProsecutionofOffencesAgainstPalestinians.pdf>.

<sup>50</sup> United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>51</sup> Yesh Din, “Settler crime and violence inside Palestinian communities, 2017–2020”, May 2021, p. 6. Available at <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org>.

<sup>52</sup> Ibid. See also Yesh Din, “Law enforcement on Israeli civilians in the West Bank: Yesh Din figures 2005–2019” (December 2019). Available at <http://din-online.info/per42e.html>.

<sup>53</sup> A/HRC/46/65, para. 28.

<sup>54</sup> Wennesland, statement during a Security Council briefing on the situation in the Middle East, 25 March 2021 (see footnote 8). See also [www.timesofisrael.com/israeli-17-indicted-for-stun-grenade-attack-on-palestinians-vandalism/](http://www.timesofisrael.com/israeli-17-indicted-for-stun-grenade-attack-on-palestinians-vandalism/).

<sup>55</sup> See [www.timesofisrael.com/israeli-man-indicted-for-shooting-injuring-2-palestinians-in-west-bank-brawl/](http://www.timesofisrael.com/israeli-man-indicted-for-shooting-injuring-2-palestinians-in-west-bank-brawl/).

<sup>56</sup> See [www.haaretz.com/israel-news/.premium-israeli-settler-two-teens-indicted-for-attacking-palestinian-olive-farmers-1.9324925](http://www.haaretz.com/israel-news/.premium-israeli-settler-two-teens-indicted-for-attacking-palestinian-olive-farmers-1.9324925).

29 December, the State Attorney's Office filed an indictment against two individuals, one of them a minor, in relation to planning a "price tag" operation.<sup>57</sup>

30. Regarding fatal settler violence in this period, there was no information publicly available on any investigation into the killing on 5 January of a 25-year-old resident of Bayt Ummar, after reportedly attempting to throw a knife at Israeli security forces personnel, by a settlement guard in Gush Etzion the killing of a 26-year-old Palestinian by a settler in Urif on 14 May, or the killings of a man in Salfit on 14 May and a 37-year-old woman near Qiryat Arba' on 19 May in circumstances where it has not been possible to ascertain whether the perpetrator was a settler or a member of the Israeli security forces. Regarding the killing on 5 February of a 32-year-old Palestinian man from Ras Karkar, who entered a settlement outpost at night and reportedly attempted to break into a house, unarmed, and was shot by settlers, an Israeli security forces spokesperson stated that since the Israeli security forces had ruled the incident an attempted terror attack, no criminal investigation had been launched. Reportedly, one of the suspects had previously been indicted for aggravated assault in September 2020 and had had his gun confiscated in July 2020.<sup>58</sup> Regarding the Palestinian man killed by settlers in Rihyah on 14 May, Israeli authorities have not announced the opening of an investigation and, in response to a question from media, Israeli Police stated that "no complaint was filed with the police and the details of the incident as stated are not known to us".<sup>59</sup>

31. Failure to protect Palestinians and deficiencies in the justice system to hold settlers accountable for violence against Palestinians include: the application of different legal systems to settlers and Palestinians;<sup>60</sup> the persistent and prevailing lack of thorough and impartial investigations;<sup>61</sup> the very low rate of indictments and convictions; frequently delayed processes; and lenient charges. Few complaints were submitted by Palestinians owing to distrust of the Israeli legal system and fear of reprisals.<sup>62</sup> While efforts have been made by the Israeli authorities in recent years to prevent, investigate and prosecute particular incidents of settler violence, overall, these deficiencies sustain a climate of impunity for settler violence, encouraging attacks to continue. Additionally, documented cases in this reporting period, of attacks against Palestinians by settlers shooting side by side with the Israeli security forces, add to this climate.

### **Demolitions, forced evictions and displacement**

32. Demolitions and forced evictions as referred to below entail numerous human rights violations, exacerbate the coercive environment and raise concerns about the risk of forcible transfer. They also continue to raise concern about compliance with international humanitarian law provisions that are binding on the occupying Power, including the prohibition of the destruction of property and institutions dedicated to education.<sup>63</sup>

<sup>57</sup> See [www.srugim.co.il/?p=521119](http://www.srugim.co.il/?p=521119) (Hebrew). For the definition of "price tag operations", see A/HRC/40/42, para. 30.

<sup>58</sup> See [www.timesofisrael.com/man-said-to-have-shot-infiltrator-dead-already-on-trial-for-shooting-palestinian](http://www.timesofisrael.com/man-said-to-have-shot-infiltrator-dead-already-on-trial-for-shooting-palestinian).

<sup>59</sup> See [www.972mag.com/ismail-tubasi-settler-violence-west-bank/](http://www.972mag.com/ismail-tubasi-settler-violence-west-bank/). See also [www.haaretz.co.il/news/politics/.premium-1.9930536?utm\\_source=mailchimp&utm\\_medium=email&utm\\_content=author-alert&utm\\_campaign=%D7%94%D7%92%D7%A8%20%D7%A9%D7%99%D7%96%D7%A3&utm\\_term=20210623-05:54](http://www.haaretz.co.il/news/politics/.premium-1.9930536?utm_source=mailchimp&utm_medium=email&utm_content=author-alert&utm_campaign=%D7%94%D7%92%D7%A8%20%D7%A9%D7%99%D7%96%D7%A3&utm_term=20210623-05:54) (Hebrew).

<sup>60</sup> A/HRC/43/67, para. 29; and A/68/513, para. 12.

<sup>61</sup> A/HRC/40/42, para. 55; A/71/355, para. 50; A/HRC/34/38, para. 38; and A/HRC/37/43, para. 23.

<sup>62</sup> A/75/376, para. 33.

<sup>63</sup> Fourth Geneva Convention, arts. 49 and 147; and Hague Regulations, arts. 46 and 56. See also A/HRC/34/38, paras. 21 and 33.

33. Demolitions and confiscations spiked in the reporting period, despite the coronavirus disease (COVID-19) pandemic. Representing the highest number since the Office for the Coordination of Humanitarian Affairs started recording demolitions,<sup>64</sup> Israeli authorities demolished 964 structures in the West Bank, including East Jerusalem, displacing 1,241 Palestinians, including 655 children, and affecting another 5,789.<sup>65</sup> East Jerusalem (162), and in Area C, Tubas (195) and Hebron Governorates (192) were most affected.<sup>66</sup> Among the structures demolished were 216 donor-funded structures provided as humanitarian aid, and – amid the COVID-19 pandemic – 95 water, sanitation and hygiene for all (WASH) structures. Five schools received stop-work or demolition orders in Area C and East Jerusalem.<sup>67</sup>

34. In occupied East Jerusalem, Palestinians were increasingly being forced to demolish their own structures following demolition orders, to avoid higher fines and bearing the costs of the demolition.<sup>68</sup> Self-demolitions accounted for 74 demolitions, compared with 52 in the previous period, displacing 224 Palestinians, including 116 children, in this period.<sup>69</sup> In February, the Jerusalem Municipality rejected a master plan by the Bustan neighbourhood community, submitted as part of ongoing negotiations to create a housing solution for the residents.<sup>70</sup> The Municipality also opposed a request with the Local Affairs Court to extend a demolition freeze to 68 homes. In March, the Court decided to grant extensions to 52 demolition cases pending the planning process with the municipality. In total, 100 inhabited houses in Bustan neighbourhood, home to 1,550 Palestinians, remained under threat of forced eviction.

35. In addition, at least 218 Palestinian households in East Jerusalem, comprising 970 persons, including 424 children, are at risk of forced eviction owing to cases filed in Israeli courts, primarily by Israeli settler organizations.<sup>71</sup> From September to February, Israeli courts ordered the eviction of 13 Palestinian families and upheld rulings to evict a total of 10 Palestinian families from their homes in Batn al-Hawa, Silwan, for the benefit of settler organizations.<sup>72</sup> Appeals are pending either with the District Court or the Supreme Court.<sup>73</sup> On 10 February and 2 March, the Jerusalem District Court rejected appeals against evictions from 13 Palestinian households in Sheikh Jarrah.<sup>74</sup> The families' request for permission to appeal to the Supreme Court was pending consideration at the end of the reporting period.<sup>75</sup> The threat of evictions

<sup>64</sup> According to data extracted from Office for the Coordination of Humanitarian Affairs databases systematically recording demolitions since 2009.

<sup>65</sup> Demolished, seized or forced to demolish by owners. United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>66</sup> Ibid.

<sup>67</sup> United Nations Children's Fund (UNICEF), on file: 8 in East Jerusalem and 45 in Area C.

<sup>68</sup> A/75/376, para. 48.

<sup>69</sup> United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>70</sup> Ir Amim, "Reignited plan for 'King's Garden' park threatens to displace over 1,000 Palestinians from Al Bustan, Silwan", 25 March 2021; and Norwegian Refugee Council, on file.

<sup>71</sup> United Nations, Office for the Coordination of Humanitarian Affairs, household survey 2020; A/75/367, paras. 40–56.

<sup>72</sup> See Ir Amim, "Court rules to uphold eviction order of 8 families from Batan al-Hawa", 24 November 2020; <https://peacenow.org.il/en/district-court-rejects-the-appeal-of-8-families-from-batan-al-hawa-ordering-their-eviction>; Ir Amim, "Magistrate Court rules to evict four more families from Batan al-Hawa, Silwan", 31 December 2020; and Ir Amim, "Old City Basin watch: Israeli courts rule to evict 11 Palestinian families from Sheikh Jarrah and Batan al-Hawa", 17 February 2021.

<sup>73</sup> Leave to appeal to Supreme Court of Israel No. 8694/20 and No. 8858/20.

<sup>74</sup> The Ja'uni, Askafi, Al-Kurd and Abu Hasna families and Hamad family. See Peace Now, "The District Court rejects the appeal of 31 people ordering them to evict their homes in Shiekh Jarrah in favor of settlers", 4 March 2021.

<sup>75</sup> A/76/333.

gave rise to significant protests by Palestinians and solidarity movements, counter-protests and provocations by settlers and significant use of force, including against entirely peaceful protesters by Israeli security forces in April and May 2021.<sup>76</sup>

36. Pursuant to international humanitarian law, private property in occupied territory must be respected and cannot be confiscated by the occupying Power.<sup>77</sup> The eviction proceedings in these and other similar cases are based on the application of two Israeli laws, the Absentee Property Law and the Legal and Administrative Matters Law, which is seemingly inconsistent with this obligation.<sup>78</sup> Therefore, evictions, if ordered and implemented, would be contrary to the obligations of Israel under international law.

#### **Palestinian communities at risk of forcible transfer**

37. Palestinian communities across Area C, in East Jerusalem and in the H2 zone of Hebron, remain at risk of forcible transfer as a result of a coercive environment.<sup>79</sup> At particular risk are Bedouin and herder communities, including 18 communities in and around East Jerusalem, among them Khan al-Ahmar/Abu al-Helu<sup>80</sup> and communities in the Jordan Valley and those located in lands designated by Israel as closed military zones, examined below.

### **IV. Coercive environment: Palestinian herding communities located between a firing zone and an outpost in Area C**

38. Since the 1970s, approximately 18 per cent of the West Bank, nearly 30 per cent of Area C, has been designated by Israel as closed “military firing zones” for the purpose of military training.<sup>81</sup> Those areas are also home to some 6,200 Palestinians in 38 mostly Bedouin or herding communities. The communities are among the most vulnerable in the West Bank and their rights to an adequate standard of living and health, including water and sanitation, have been gravely restricted.<sup>82</sup> Palestinian presence in the firing zones is formally prohibited without prior coordination with the Israeli authorities, which is rarely granted, and Israel prohibits Palestinian residential and infrastructure construction.<sup>83</sup> Residents face restrictions on grazing livestock inside firing zones, and Israeli authorities frequently carry out demolitions and confiscate Palestinian-owned property and livestock. During the reporting period, 276 Palestinian-owned structures in firing zones, including 141 that were donor-funded, were demolished, displacing 500 Palestinians, including 284 children and 108 women.<sup>84</sup>

39. In November and February, in the largest single demolition ever recorded by the United Nations, Israeli authorities demolished or seized a total of 165 structures in Humsa Al Bqai’a, located in firing zone 903, displacing 311 Palestinians, including

<sup>76</sup> Ibid.

<sup>77</sup> Hague Regulations, art. 46.

<sup>78</sup> A/75/376, paras. 40–56.

<sup>79</sup> A/72/564, paras. 36–58; and A/HRC/34/39, para. 44. Regarding Khan al-Ahmar/Abu al-Helu, see A/74/357, paras. 12 and 36.

<sup>80</sup> A/73/410, para. 22; A/74/357, para. 36; A/HRC/37/43, paras. 24 and 25; and A/HRC/43/67, para. 33.

<sup>81</sup> A/73/410, para. 26, 28, 44, 45; and A/72/564, paras. 41–48.

<sup>82</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Palestinian communities at risk of forcible transfer: the case of eastern Nablus ‘firing zone’”, 9 August 2018.

<sup>83</sup> United Nations, Office for the Coordination of Humanitarian Affairs; Noga Kadman, *Acting the Landlord: Israel’s Policy in Area C, the West Bank* (Jerusalem, B’Tselem, 2013); and Nir Shalev and Alon Cohen-Lifshitz, *The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C* (Bimkom, 2008).

<sup>84</sup> United Nations, Office for the Coordination of Humanitarian Affairs.

63 women and 179 children. Among the demolished or seized structures, 94 were donor-funded, including structures that had been provided as humanitarian aid in response to previous demolitions.<sup>85</sup> Homes, water, sanitation and hygiene facilities and livelihood structures were demolished, and tents, food, water tanks and fodder for the community's livestock were confiscated, despite repeated calls by the international community for such actions to stop in accordance with international law.<sup>86</sup> In February, Israeli authorities confiscated all water tanks, leaving the community with no drinking water or water for its livestock. Israel claims that the community settled in the area "illegally" in 2010 long after it was designated a firing zone in 1972 and that its presence there endangers its members. The community disputes that claim and states that the village existed on the location prior to the occupation of the area in 1967. Decade-long petitions and appeals by the community against the demolitions ended without a final verdict from the High Court of Justice, after the military commander for the West Bank rejected in October 2020 the community's request for the area to be excluded from the firing zone, in an attempt to legalize the structures. There was no time for any further legal action on behalf of the community before it was verbally ordered to leave the area in early November and the demolitions and confiscations were carried out. The community has repeatedly rejected proposals to be moved to another location, stating its wish to remain. Such actions by Israel placed the community under extreme pressure to move and are therefore a key factor in a coercive environment, raising an imminent risk of forcible transfer. Forcible transfer is a grave breach of the Fourth Geneva Convention and thus amounts to a war crime.<sup>87</sup>

40. In some firing zones, such as Masafer Yatta 918, the lives of Palestinians were further affected during military drills and communities were sometimes temporarily evacuated from their homes. Shelling has taken place near homes and military tanks have caused damage to Palestinian property, land and crops.<sup>88</sup> For example, from 1 to 3 February, Israeli security forces held a training operation in Jinba in which military tanks damaged water tanks, electricity cables and solar panels supplying electricity to a school and a clinic.<sup>89</sup> In other firing zones, such as Nablus 904 A, military drills were not conducted during the reporting period. In fact, almost 80 per cent of the firing zone land designated for training was not used for such purposes.<sup>90</sup> Palestinians nevertheless continue to be subjected to the Israeli regulations and policies pertaining to firing zones, increasing the pressure to move and the risk of forcible transfer.<sup>91</sup>

41. The aforementioned communities have also been affected by the settlement expansion and outposts in their vicinity. Israeli authorities have ratified declarations of "State land" within the firing zones. The ratifications, by a body known as the Blue Line team, were performed in order to allocate land for settlement expansion or to

<sup>85</sup> Ibid.; and United Nations, Office for the Coordination of Humanitarian Affairs, "West Bank demolitions and displacement: an overview", February 2021.

<sup>86</sup> Ibid.; and United Nations, Office for the Coordination of Humanitarian Affairs, "United Nations reiterates its call for demolitions to end and for international law to be respected", 5 February 2021; Lynn Hastings, Humanitarian Coordinator for the Occupied Palestinian Territory, statement on the demolition at Humsa – Al Bqai'a, 9 July 2021; and Peter Stano, Spokesperson for Foreign Affairs and Security Policy of the European Union, statement on the Israeli demolition of Palestinian structures, Brussels, 5 November 2020.

<sup>87</sup> Fourth Geneva Convention, arts. 49 (1) and 147; and Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

<sup>88</sup> Monitoring by the Office of the United Nations High Commissioner for Human Rights (OHCHR). See also Land Research Centre, "Palestinian crops vandalized, people terrified and houses shackled by Israeli Military Trainings in Masafer Yatta, south east Hebron governorate", 3 February 2021.

<sup>89</sup> Ibid.

<sup>90</sup> Kerem Navot, *A Locked Garden: Declaration of Closed Areas in the West Bank* (2015).

<sup>91</sup> See A/72/564, paras. 41 and 47.

retroactively “legalize” unauthorized outposts and farms.<sup>92</sup> Military documents obtained by Israeli media from the Israeli security forces during the reporting period further demonstrate how Israeli soldiers, in a discriminatory practice, have expelled Palestinian shepherds from the firing zones while allowing settlers to remain and even build outposts and infrastructure, despite lack of official approval by the Israeli security forces.<sup>93</sup>

42. Israel continued to facilitate and provide incentives for illegal outpost activity, such as agricultural farms, including near and even in firing zones. On 16 December, Israeli media disclosed that in 2018 and 2019, 1.6 million shekels (\$490,000) of public Israeli State funds had been transferred to the Amana settlement movement for the development of unauthorized outposts.<sup>94</sup> On 11 February, the former Israeli Minister of Settlement Affairs stated to Israeli media that in “Area C we aspire to apply Israeli sovereignty. The purpose of the agricultural farms is to keep that option open for us”.<sup>95</sup> He noted that the settler farms “are meant to help us keep our finger on the pulse throughout the area ... that Jewish shepherd won’t be able to prevent Palestinian construction, but he can report it”.<sup>96</sup>

43. The outpost farms are often strategically placed either as extensions of existing settlements, along key roads and junctures restricting Palestinian access and movement,<sup>97</sup> or along the edges of firing zones often on hilltops, hemming in Palestinian land.<sup>98</sup> The unauthorized farms in the firing zones all have pending demolition orders against them, but the orders are rarely executed.<sup>99</sup> Some unauthorized outposts have infrastructure services, including water and electricity.<sup>100</sup> Documented cases of discriminatory law enforcement between the Palestinian communities and settler farms in the firing zones suggest that Israel is enforcing the firing zones as a means of taking over Palestinian land for the benefit of settlement expansion and that the settler farms further facilitate that aim.<sup>101</sup>

44. The outposts are also a source of settler violence and intimidation of Palestinians. Cases monitored by OHCHR in the firing zones included physical violence, shooting with live ammunition, torching of fields and livestock, theft and vandalization of property, trees and crops, stone-throwing and tenacious intimidation of herders and their families. In several documented cases, Israeli security forces stood idly by and took no action to prevent the violence; instead, they responded to settler-related violence by ordering Palestinians to leave the area, including Palestinian-owned land, or even actively supported the settlers. In addition, Israeli security forces are a further source of tension and violence, including when Palestinians protest against settlement expansion and new outposts (see para. 49 below).

<sup>92</sup> United Nations, Office for the Coordination of Humanitarian Affairs. See also [A/72/564](#), para. 47; and Kerem Navot, *Blue and White Make Black: The Blue Line Team in the West Bank* (2016).

<sup>93</sup> Hagar Shezaf, “Israeli soldiers expel Palestinians while letting settlers stay, military documents reveal”, *Haaretz*, 8 February 2021; and Amira Hass, “Analysis: six lies about Israel’s wild West settlement outposts”, *Haaretz*, 15 February 2021.

<sup>94</sup> Hagar Shezaf, “Israeli settler group funneled half a million dollars in public money to illegal settlements”, *Haaretz*, 16 December 2020.

<sup>95</sup> Oded Shalom and Elisha Ben-Kimon, “The Hague price”, *Ynet News*, 11 February 2021. Available at [www.yediot.co.il/articles/0,7340,L-5885532,00.html](http://www.yediot.co.il/articles/0,7340,L-5885532,00.html).

<sup>96</sup> *Ibid.*

<sup>97</sup> Kerem Navot and B’Tselem, *This Is Ours – And This, Too: Israel’s Settlement Policy in the West Bank* (2021).

<sup>98</sup> Hass, “Analysis: six lies about Israel’s wild West settlement outposts”.

<sup>99</sup> United Nations, Office for the Coordination of Humanitarian Affairs and Kerem Navot, on file.

<sup>100</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Palestinian communities at risk of forcible transfer: the case of eastern Nablus ‘firing zone’”.

<sup>101</sup> Shezaf, “Israeli soldiers expel Palestinians while letting settlers stay”; and Hass, “Analysis: six lies about Israel’s wild West settlement outposts”.

## A. Case study: firing zone 904 A and its vicinity

45. Firing zone 904 A in Nablus Governorate covers some 14,000 dunums with a population of 310 Palestinians in four communities, all considered at risk of forcible transfer.<sup>102</sup> Israeli authorities have demolished 515 structures in the communities since the Office for the Coordination of Humanitarian Affairs began recording demolitions in 2009. Several Palestinian families have left since Israel declared the area a firing zone in 1967. For example, after all its residents were displaced, Ad Dawa community no longer exists.<sup>103</sup> A total of 10 settler outposts are located inside and along the boundaries of the firing zone, with at least 755 dunums of land inside the firing zone being used for agricultural purposes.<sup>104</sup> While Israel prohibits Palestinian residential and infrastructure construction, settlers have constructed dirt roads across the firing zone linking the Itamar outposts with the “Allon Road” in the Jordan Valley.<sup>105</sup> Israeli security forces have also installed a road gate on the eastern edge, next to Afjam, further disrupting access by herders and farmers.<sup>106</sup>

46. The most affected community in the firing zone is Khirbat Tana, with some 170 residents. The community has experienced 398 demolitions since the Office for the Coordination of Humanitarian Affairs began recording in 2009, the highest number of demolished structures of any community in the West Bank. On 17 March, Israeli authorities demolished eight structures, displacing 18 Palestinians, including nine children. A total of 95.8 per cent of the of the community’s remaining structures have pending demolition or stop-work orders.<sup>107</sup> The Israeli Civil Administration does not recognize Khirbat Tana as a village because of its location within the firing zone and therefore will not consider it for master planning and also prohibits Palestinian construction in the area.<sup>108</sup> In 2016, the Ministry of Defence of Israel claimed, in response to mass demolitions in Khirbat Tana, that residing in structures located inside the firing zone posed a danger to the lives of Palestinian residents.<sup>109</sup> Yet, no military training has been conducted in firing zone 904 A since June 2019.<sup>110</sup>

47. Many Palestinians in surrounding communities own agricultural land within the firing zone. Access to their lands requires prior coordination with the Israeli authorities and permits are rarely granted. For example, the community of Yanun is restricted by firing zone 904 A to the west and encircled by outposts on three other sides, restricting the grazing land and cutting off access to services in Nablus. The population of Yanun declined from 30 families in 2001 to six families as at 31 May 2021.<sup>111</sup>

48. Most settler violence in firing zone 904 A is related directly to property damage and land takeover. For example, on 11 January, in Tell al Khashaba, eight Israeli settlers ploughed Palestinian-owned lands with a tractor, claiming to own the lands. Israeli security forces arrived and a settler brought forth a map with plans for building in the area, including a road from the settlement of Gitit. In response to ensuing

<sup>102</sup> Khirbat Tana, Al Ja’waneh, Tell al Khashabeh and Afjam; United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>103</sup> United Nations, Office for the Coordination of Humanitarian Affairs, on file.

<sup>104</sup> [A/72/564](#), para. 48 and according to Kerem Navot, on file.

<sup>105</sup> Ibid.

<sup>106</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Palestinian communities at risk of forcible transfer: the case of eastern Nablus ‘firing zone’”.

<sup>107</sup> United Nations, Office for the Coordination of Humanitarian Affairs, on file.

<sup>108</sup> [A/72/564](#), para. 43.

<sup>109</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Third large-scale demolition in Khirbet Tana in 2016”, 21 March 2016.

<sup>110</sup> United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>111</sup> Ibid.

clashes between settlers and Palestinians, Israeli security forces arrested one Palestinian, who was detained for 14 days and released on bail. Israeli police fined four Palestinians, but none of the settlers, for non-compliance with the COVID-19 measure of wearing masks, and Israeli security forces expelled the Palestinians from the area, whereas the settlers remained. The local community filed a complaint with the Binyamin police. Israeli authorities subsequently arrived in the village with a land surveyor and informed the community that a plan to expand Gitit settlement had been authorized in 1997. On 13 January, 15 settlers returned to the land with a bulldozer and two tractors, accompanied by a settlement guard from Gitit. During ensuing clashes between settlers and the landowners, Palestine TV captured on video<sup>112</sup> two Israeli settlers brutally beating an elderly man and his 47-year-old son with a wooden stick. The victims were taken to hospital with injuries. Israeli security forces responded by firing live ammunition in the air and striking Palestinians with rubber-coated metal bullets, tear gas and pepper spray and subsequently escorted the settlers away. When the Israeli surveyor returned to the area, he marked off 1,200 dunums of land and settlers placed iron bars to mark the plot. Since 13 January, Israeli security forces have prevented any Palestinian, including the landowners, from entering the lands. According to the village council, the livelihoods of at least 50 families were affected.

49. In addition to failing to protect Palestinians from settlers, in some instances, Israeli security forces were a further source of tension and violence, including when Palestinians protested the illegal settler activity on their land. For example, on 19 March, Israeli security forces shot in the head and killed a 46-year-old Palestinian man during a demonstration in Beit Dajan, just west of firing zone 904 A, where some 250 Palestinians were protesting against a new outpost farm established on Palestinian-owned land. When clashes erupted between Palestinians and Israeli security forces, the victim, who had a slingshot, was seen moving uphill towards one of the soldiers. The soldier shot him in the forehead from a distance of approximately 30 metres and, according to eyewitnesses, continued firing live bullets towards Palestinians attempting to help. The victim was pronounced dead while being transported to hospital.

## **B. Case study: firing zone 918 and its vicinity**

50. Firing zone 918 in Masafer Yatta, Hebron Governorate, covers some 30,000 dunums with a Palestinian population of some 1,300 in 14 villages.<sup>113</sup> Since the declaration of the closed military zone in the 1980s, residents have been at risk of forced eviction, demolition and forced displacement. After all its residents were displaced, two villages, Khirbet Sarura and Kharoubeh, no longer exist.<sup>114</sup> The herder communities in Masafer Yatta rely on livestock for their livelihood. Most residents live in tents or caves in extremely poor conditions, none are connected to water or electricity networks and, currently, all rely on food assistance.<sup>115</sup> Nine outposts and settler farms are located in and near the firing zone<sup>116</sup> and have been a constant source of violence, intimidation and “land grabs”.<sup>117</sup>

51. In 1999, Israeli authorities issued eviction orders against approximately 700 Palestinian residents for “illegally living in a firing zone”, in contradiction of an existing Israeli military order stipulating that the restrictions regarding the firing zone

<sup>112</sup> See [www.youtube.com/watch?app=desktop&v=Itv19MCfP4Q](https://www.youtube.com/watch?app=desktop&v=Itv19MCfP4Q).

<sup>113</sup> Norwegian Refugee Council, 2021, on file.

<sup>114</sup> Ibid.

<sup>115</sup> United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>116</sup> Kerem Navot, on file.

<sup>117</sup> OHCHR monitoring.



would not be applied to existing residents of the area.<sup>118</sup> In 2000, the Association for Civil Rights in Israel filed petitions to the Israeli High Court of Justice on behalf of 200 families and the High Court of Justice issued an interim injunction permitting the villagers to return to their homes. In 2012, Israel declared its intention to demolish eight of the communities, which were home to more than 1,000 Palestinians.<sup>119</sup> At a hearing in August 2020, the State argued that the Palestinian communities had not been permanent residents of the area when it was declared a firing zone and therefore did not have the right to continue living in their homes.<sup>120</sup> In July 2020, the Association for Civil Rights in Israel submitted to the Court a transcript of a 1981 hearing in which the then Minister of Agriculture instructed Israeli security forces to create training zones in the area to displace the Palestinian residents.<sup>121</sup> As at 31 May, a ruling in the case was pending. In parallel, communities in Masafer Yatta have been subject to several waves of demolitions and demolition orders since 1999, including against villages outside the firing zone. The Norwegian Refugee Council provided legal representation to the families with pending demolition orders and on 24 December secured an interim injunction for 60 days, following the ruling of the High Court of Justice in the eviction case.

52. During the reporting period, 54 Palestinian structures were demolished in firing zone 918,<sup>122</sup> displacing 100 Palestinians, including 55 children and 26 women, and affecting some 1,911 others. On 25 November, the Civil Administration demolished the homes of 44 Palestinians, 22 of whom were minors, and cut off entire communities from the water supply.<sup>123</sup>

53. On 1 January, Israeli security forces shot a 24-year-old unarmed Palestinian man in the neck with live ammunition while he attempted to retrieve an electricity generator seized by Israeli security forces in the community of Ar Rakeez on the edge of the firing zone. The generator was the family's only source of electricity. The victim was paralysed from the neck down and, at the end of the reporting period, remained in critical condition. An initial internal probe by the Israeli security forces found that the shooting was accidental, an account disputed by Palestinian eyewitnesses. The Israeli security forces have opened a further inquiry into the incident.<sup>124</sup>

54. During the reporting period, the Office for the Coordination of Humanitarian Affairs recorded 103 incidents of settler violence in firing zone 918 and its vicinity, resulting in the injury of 85 Palestinians and the vandalization of at least 1,589 Palestinian-owned trees. On 19 December, dozens of settlers, some masked and with firearms, trespassed on Palestinian-owned farmland in Suseya. Settlers physically attacked Palestinians, injuring an 82-year-old Palestinian man with kicks in the abdomen. When Israeli security forces arrived, they forcibly dispersed the Palestinians and did not arrest anyone. Yesh Din – Volunteers for Human Rights filed a complaint on behalf of the family but no information was available at the end of the reporting period as to whether an investigation had been opened. On 20 December, approximately 30 settlers, some armed and masked, attacked 12 Palestinians on the

<sup>118</sup> A/HRC/24/30, para. 28.

<sup>119</sup> Ibid.

<sup>120</sup> B'Tselem, "Masafer Yatta communities whose land was declared a 'firing zone'", 13 September 2020.

<sup>121</sup> Akevot, "Document exposed by Akevot: Ariel Sharon instructed IDF to create training zone to displace Palestinians", 9 August 2020; and Ofer Aderet, "Document reveals Ariel Sharon's plan to expel 1,000 Palestinians", *Haaretz*, 9 August 2020.

<sup>122</sup> United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>123</sup> B'Tselem, "Wave of demolitions in West Bank: Masafer Yatta, South Hebron Hills, 25 November 2020", 26 November 2020.

<sup>124</sup> Hagar Shezaf, "Funding Issues Delay Rehabilitation for Palestinian Man Paralyzed by Israeli Army Gunfire", 24 February 2021.

same land, injuring several of them. Israeli security forces intervened by ordering the Palestinians to leave the area.

### **Conclusions from case studies**

55. As the occupying Power, Israel cannot use the territory under occupation for military activity without ample justification.<sup>125</sup> Israeli firing zones serve the primary purpose of military training and, in the absence of active hostilities in the occupied West Bank, do not meet the threshold of imperative military reasons or absolute necessity for military operations that may justify any evacuation of the population or seizure or destruction of private property. Some firing zones are rarely even used for military purposes.

56. Israel continued to demolish and seize Palestinian structures in and near military firing zones, including internationally funded humanitarian projects. Under international humanitarian law, private property in occupied territory must be respected and cannot be confiscated by the occupying Power.<sup>126</sup> The destruction or seizure of private property can be justified under international humanitarian law only where rendered absolutely necessary by military operations; and the forcible removal of the civilian population under occupation from a given area can be justified only if the security of the population or imperative military reasons so demand and, even then, only for temporary periods of time until hostilities in the area in question have ceased.<sup>127</sup> Furthermore, Israel executes a planning policy that does not permit residents to build their homes legally or connect to basic, vital infrastructure. Closed military zones further limit Palestinian privately owned pastureland and impose severe restrictions on Palestinian movement and livelihoods, raising concerns of violations of human rights.<sup>128</sup>

57. In the light of the above, the Israeli regulations, policies and practices affecting Palestinians in Israeli-declared firing zones or their vicinity exacerbate the coercive environment<sup>129</sup> that places these communities under extreme pressure to move, raising an imminent risk of forcible transfer. Documented cases of transfers of land from firing zones to settlements exacerbate those concerns.<sup>130</sup>

## **V. Settlements in the occupied Syrian Golan**

58. Settlement expansion and Israeli commercial activity in the occupied Syrian Golan continue to raise concerns regarding the impact on the health, environment and agriculture of Syrian citizens in the area. During the reporting period, Syrians in the occupied Golan continued to voice their concerns about the impact of a large-scale wind-turbine project on Syrian farming lands and quality of life. On 7 December 2020, a group of 300 Syrians in the occupied Syrian Golan protested against access restrictions regarding their lands in preparation for the instalment of the wind turbines. Israeli police reacted to the protests by using force, including rubber bullets

<sup>125</sup> Hague Regulation, arts. 46 and 52; and Fourth Geneva Convention, art. 53.

<sup>126</sup> Hague Regulation, art. 46.

<sup>127</sup> Fourth Geneva Convention, arts. 53 and 49.

<sup>128</sup> International Covenant on Civil and Political Rights, art. 12; and International Covenant on Economic, Social and Cultural Rights, art. 11.

<sup>129</sup> [A/HRC/24/30](#), paras. 28–29.

<sup>130</sup> [A/73/410](#), para. 28.

and tear gas, and arrested eight Syrians.<sup>131</sup> Work on the turbines started in January 2021 despite objections by the Syrian population and human rights organizations.<sup>132</sup>

## VI. Conclusions and recommendations

59. **The establishment and expansion of Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territory it occupies, which is prohibited under international humanitarian law,<sup>133</sup> as consistently confirmed by the competent United Nations organs, including the International Court of Justice, the General Assembly, the Security Council and the Human Rights Council.<sup>134</sup>**

60. **Settlements have significant adverse effects on the rights of Palestinians, including their rights to life and security of person, freedom of movement, privacy, family life, an adequate standard of living, work and education, and on the exercise of their right to self-determination.**

61. **Israel has failed to uphold its obligation as the occupying Power to ensure, as far as possible, public order and life and to protect the Palestinian population against all acts or threats of violence. A climate of impunity has continued to prevail owing to persisting deficiencies in the justice system with respect to holding settlers accountable for violence against Palestinians and damage to their property.**

62. **Forced evictions resulting from demolitions in the Occupied Palestinian Territory are a key factor in the creation of a coercive environment. They have a negative impact on a wide range of human rights and increase the risk of forcible transfer.**

63. **The application of the Absentee Property Law and the Legal and Administrative Matters Law is seemingly inconsistent with international humanitarian law.<sup>135</sup> The measures taken<sup>136</sup> in East Jerusalem to facilitate the transfer by the occupying Power of its population into parts of the Occupied Palestinian Territory are prohibited under international humanitarian law and may amount to a war crime.<sup>137</sup>**

64. **The Secretary-General recalls Security Council resolution 497 (1981), in which the Council decided that the decision of Israel to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.**

65. **On the basis of the present report, the Secretary-General recommends that Israel:**

<sup>131</sup> Al-Marsad, "Israeli police fired rubber bullets and tear gas against Syrian civilians in the occupied Golan", 10 December 2020; and Middle East Eye, "Syrians in occupied Golan Heights protest over Israel wind farm project", 7 December 2020.

<sup>132</sup> Sara Toth Stub, "Renewable project stirs concern over local rights in the Golan Heights", US News, 17 February 2021.

<sup>133</sup> Fourth Geneva Convention, art. 49.

<sup>134</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136; Security Council resolutions 465 (1980) and 2334 (2016); General Assembly resolutions 71/97 and 72/86; and Human Rights Council resolution 31/36.

<sup>135</sup> A/75/376, paras. 51–55.

<sup>136</sup> See paras. 31–33.

<sup>137</sup> Fourth Geneva Convention, art. 49 (6); Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii); and A/75/376, paras. 54–55.

(a) **Immediately and completely cease all settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in compliance with international law, including relevant United Nations resolutions, such as Security Council resolution 2334 (2016);**

(b) **Immediately halt demolitions and forced evictions and cease any activity that would further contribute to a coercive environment and/or lead to a risk of forcible transfer;**

(c) **Review the application of planning laws and policies, as well as the Absentee Property Law and the Legal and Administrative Matters Law, to ensure that they are in accordance with the obligations of Israel under international humanitarian law and international human rights law;**

(d) **Review the regulations, policies and practices pertaining to Israeli-declared military firing zones in the Occupied Palestinian Territory and ensure that they are in accordance with international humanitarian law and international human rights law;**

(e) **Take all measures to ensure the protection of Palestinians and their property from settler violence in the Occupied Palestinian Territory, including East Jerusalem, including through the issuance and enforcement of clear orders to the Israeli security forces to protect the Palestinian population;**

(f) **Ensure that all incidents of violence by settlers and Israeli security forces against Palestinians and damage to their property are promptly, effectively, thoroughly and transparently investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are provided with effective remedies, including adequate compensation, in accordance with international standards;**

(g) **Immediately cease and reverse all settlement development and related activities in the occupied Syrian Golan and end discriminatory land, housing and development policies, in compliance with relevant United Nations resolutions;**

(h) **Immediately remove all mines and minefields in the occupied Syrian Golan, which pose a risk to the local population.**



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## Seventy-seventh session

Agenda item 47

### **Israeli Practices and Settlement Activities Affecting the Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan**

### **Report of the Secretary-General\***

#### *Summary*

The present report, prepared pursuant to General Assembly resolution [76/82](#), provides an update on Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, from 1 June 2021 to 31 May 2022.

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\* The present report was submitted after the deadline in order to reflect the most recent information.



## I. Introduction

1. The present report, submitted pursuant to General Assembly resolution [76/82](#), provides an update on the implementation of the resolution from 1 June 2021 to 31 May 2022. It is based on direct monitoring and information-gathering conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, and on information provided by Government sources, United Nations entities and non-governmental organizations. The report should be read in conjunction with related reports of the Secretary-General and of the United Nations High Commissioner for Human Rights submitted to the Assembly and the Human Rights Council.<sup>1</sup>

2. The report contains an update on settlement advancement and its impact on the human rights of the Palestinian people. Section IV highlights in particular the growing establishment of farm outposts with intensive settler violence worsening the coercive environment and forcing Palestinian herder families to leave their homes in what could amount to forcible transfer. It also contains an update on Israeli settlements in the occupied Syrian Golan.

## II. Legal background

3. Both international human rights law and international humanitarian law concurrently apply in the Occupied Palestinian Territory, namely, Gaza and the West Bank, including East Jerusalem, and the occupied Syrian Golan. This includes the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) which is binding upon Israel as the occupying Power. A detailed analysis of the applicable legal framework can be found in previous reports of the Secretary-General.<sup>2</sup>

## III. Update on settlement activities

### A. Expansion

#### **Land designation, planning and tenders**

4. Advancements of plans for settlement construction increased, with plans for some 9,200 housing units in the occupied West Bank (7,200 in Area C, 2,000 in East Jerusalem), advanced or approved by the Israeli authorities, compared with 6,800 housing units in the previous reporting period. Of them, about 1,900 in Area C had reached the final stages of approval by 31 May 2022.

5. Israeli authorities issued tenders for 1,400 units in Area C settlements and 400 in East Jerusalem, compared with 1,900 and 200, respectively, during the previous reporting period. Official data on settlement construction starts in Area C indicates an increase from 1,506 units in the previous reporting period to 2,396 units. In a rare move, on 28 October and 1 November, Israeli authorities advanced plans for some 6,000 housing units for Palestinians in the occupied East Jerusalem neighbourhood of Isawiyah and some 1,300 housing units for Palestinians in Area C.

6. Settlement advancements continued, further consolidating a ring of settlements around East Jerusalem. On 4 and 18 October and on 8 November, the Israeli Civil Administration held discussions on objections to two settlement housing plans for a total of nearly 3,500 units in the strategic E1 area immediately east of East Jerusalem. On

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<sup>1</sup> [A/HRC/49/85](#), [A/76/336](#) and [A/HRC/49/25](#).

<sup>2</sup> [A/HRC/34/38](#) and [A/HRC/34/39](#).

5 January, Israeli authorities published tenders for some 300 settlement housing units in the East Talpiot neighbourhood in East Jerusalem. On 10 and 24 January, the Jerusalem District Planning Committee advanced plans to build some 800 and 400 housing units, respectively, in the East Jerusalem settlement of Gillo. On 17 January, the same Committee advanced a plan for some 1,200 housing units next to Ramat Rachel – a significant number of which are intended for construction in East Jerusalem.<sup>3</sup> These plans, if approved, would further isolate occupied East Jerusalem from the rest of the West Bank, sever the connection between the northern and southern West Bank and significantly undermine the possibility of a viable and contiguous Palestinian State.

7. Settlers established 16 new outposts, 11 are still standing as at 31 May 2022.<sup>4</sup> Such outposts, illegal under Israeli law, are sometimes rebuilt if demolished.<sup>5</sup> In February 2022, following an official land survey, the Attorney General of Israel allowed authorities to declare land in the Evyatar outpost as “State land” and authorizing accelerated planning procedures for the establishment of a settlement there.<sup>6</sup> As at 31 May 2022, the site remained under control of the Israeli security forces.

8. Meanwhile, Palestinians are still unable to gain access their lands at the Homesh outpost, evacuated in 2005 and now a closed military zone, while the Israeli security forces failed to enforce a ban on settlers accessing the site and even provided security for large settler marches there on 23 December and 16 January.<sup>7</sup> Clashes with Palestinians around such marches were common, with scores of Palestinian injuries. For example, on 19 April, restrictions on Palestinian movement owing to a settler gathering resulted in clashes between Israeli security forces and Palestinians. On 30 May, the Government acknowledged to the High Court of Justice that the Homesh outpost was illegal and should be evacuated, but did not set a timeline for doing so, asking the Court not to intervene.<sup>8</sup>

9. In a decision of 28 February related to privately-owned Palestinian property in Hebron originally requisitioned by the Israeli security forces but now slated for a new Jewish settlement, the High Court of Justice observed that “civilian Jewish presence is part of the Israel Defense Forces regional security doctrine in the area.”<sup>9</sup> The judgment risks leading to further expropriation of private Palestinian land for settlement-expansion on the pretext of security – impermissible under international law.

10. The establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, have no legal validity and constitute a flagrant violation of international law.<sup>10</sup> In particular, it amounts to the transfer by Israel of its population into the Occupied Palestinian Territory, prohibited under international humanitarian law.<sup>11</sup>

<sup>3</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_22\\_march\\_2022\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_22_march_2022_2334.pdf).

<sup>4</sup> Peace Now, on file.

<sup>5</sup> Hagar Shezaf, “A huge security force evacuated two West Bank outposts. Settlers began rebuilding them the next day”, *Haaretz*, 25 March 2022.

<sup>6</sup> A/HRC/49/85, para. 42 and Hagar Shezaf, Jonathan Lis and Jack Khoury, “In last days in office, Israel’s Attorney General okayed settlement at illegal outpost”, *Haaretz*, 2 February 2022.

<sup>7</sup> David Israel, “1,200 Yeshiva students bypass army blockade to celebrate Seder Tu B’Shvat in Homesh”, *Jewish Press*, 17 January 2022; and Hagar Shezaf, “Footage Casts Doubt on Israel’s Claim to Enforce Ban on Evacuated Outpost”, *Haaretz*, 2 June 2022.

<sup>8</sup> See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/19/210/028/v54&fileName=19028210.V54&type=4> (Hebrew).

<sup>9</sup> See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/19/520/084/f15&fileName=19084520.F15&type=4> (Hebrew).

<sup>10</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136; see also Security Council resolutions 465 (1980) and 2334 (2016); General Assembly resolutions 71/97 and 72/86; and Human Rights Council resolution 31/36.

<sup>11</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 49 (6).

## B. Consolidation, including regularization of outposts

11. The process of settlement of land title – in which land ownership claims are examined and conclusively registered in the state’s land registry – began in East Jerusalem in 2018, after Jordanian efforts were suspended following the occupation in 1967.<sup>12</sup> The Israeli settlement of land title procedure is largely being promoted in areas where the State and/or settlers have a particular interest and likely have some capacity to prove land ownership rights in the framework of the proceedings.<sup>13</sup> The process is also reportedly furthering claims of State bodies, including the Custodian of Absentee Property, likely to constitute a threat to ownership rights of East Jerusalem residents.<sup>14</sup> Concerns have been raised that the procedure is being used to advance takeover of land in East Jerusalem and the West Bank.<sup>15</sup>

12. Concerns have also been raised that the title-settlement procedure was being implemented without transparency and without the knowledge of affected Palestinian residents and community councils, effectively denying Palestinians the opportunity to file claims.<sup>16</sup> On 30 June 2021, the Israeli High Court of Justice rejected a petition on similar grounds against the completion of the settlement process in the Umm Harun neighbourhood in East Jerusalem.<sup>17</sup>

13. The Government of Israel continued to consolidate settlement blocs with networks of bypass roads and the wall. Construction began on the Qalandiya underpass highway, which will shorten the connection between Israel and some settlements deep inside the West Bank.<sup>18</sup> Private Palestinian land could be possibly seized to construct the highway.<sup>19</sup> On 22 May, Israeli authorities issued an expropriation order for 55 dunums of Palestinian owned land in At-tur village, east of Jerusalem, for the construction of the “Eastern Ring Road”.<sup>20</sup> The road will reportedly not be accessible to West Bank Palestinians without permits, and is expected to accelerate development of new settlements in the West Bank.<sup>21</sup> The Government also reportedly plans an expansion of Route 55 on Palestinian-owned land near Qalqilyah, access to which could be denied to Palestinian vehicles.<sup>22</sup> Under international humanitarian law, private property must be respected and cannot be confiscated, unless confiscation is required by imperative military necessity.<sup>23</sup> As the occupying

<sup>12</sup> A/76/336, para. 13 and A/HRC/49/85, para. 11.

<sup>13</sup> Ir Amim, “Settlement of land title in East Jerusalem: a means of dispossessing Palestinians from their lands and homes”, March 2022.

<sup>14</sup> Noa Dagoni, Monitor report on the implementation of Government decision 3790 for investment in East Jerusalem, Quarterly report No. 2 for 2021. Land registration, Ir Amin.

<sup>15</sup> Ir Amim, “KKL-JNF and Israeli authorities are misusing land registration procedures to advance land takeover processes of an alarming magnitude”, 17 August 2021.

<sup>16</sup> Ir Amim, “Settlement of land title in East Jerusalem: a means of dispossessing Palestinians from their lands and homes”, March 2022.

<sup>17</sup> <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\21\960\029\ e06&fileName=21029960.E06&type=4> (Hebrew).

<sup>18</sup> Peace Now, “Works began on paving the Qalandiya underpass”, 16 August 2021. Available at: <https://peacenow.org.il/en/works-begun-on-paving-the-qalandiya-underpass>.

<sup>19</sup> Ir Amim, “Civil administration advances huge road construction plans, pushing forward the de-facto annexation of Greater Jerusalem, including its fourth settlement bloc.”

<sup>20</sup> <https://www.gov.il/BlobFolder/reports/t122122/he/%D7%A6%D7%95%20%D7%94%D7%A4%D7%A7%D7%A2%D7%94%20%D7%A2%D7%99%D7%91%D7%A8%D7%99%D7%AA%200122.pdf> (Hebrew).

<sup>21</sup> Peace Now, “Confiscation order for the Eastern Ring Road was issued”, 14 June 2022. Available at: <https://peacenow.org.il/en/confiscation-order-for-the-eastern-ring-road-was-issued>.

<sup>22</sup> Hagar Shezaf, “Highways to annexation: across the West Bank, Israel is bulldozing a bright future for Jewish settlers”, *Haaretz*, 11 December, 2020.

<sup>23</sup> Regulations annexed to the Hague Convention IV of 1907 (Hague Regulations), arts. 43, 46 and 55; Fourth Geneva Convention, art. 47; and International Committee of the Red Cross (ICRC) “Rule 51: public and private property in occupied territory”, Customary International Humanitarian Law database. Available at <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>.



Power, Israel must abstain from introducing irreversible changes particularly if detrimental to the rights and prerogatives of the occupied population. Meanwhile, Palestinians' rights to freedom of movement and access to services and livelihoods continued to be arbitrarily infringed, including owing to discriminatory restrictions on access to key roads on grounds of security of settlers.<sup>24</sup>

14. On 12 April, Israeli authorities declared approximately 22,000 dunums of land south of Jericho as a "Nature Reserve",<sup>25</sup> including 6,000 dunums of private Palestinian-owned land.<sup>26</sup> As a result, the landowners now cannot cultivate without pre-approval from an Israeli Nature Reserve Officer. As at 31 May, Israel had declared 48 nature reserves covering approximately 95,000 acres (approximately 7 per cent of the West Bank or 12 per cent of Area C).<sup>27</sup>

15. On 15 May, the High Court of Justice upheld the Government's controversial plan to construct a cable car connecting West Jerusalem to a settler organization centre near an old city gate as Palestinians residents in Silwan are facing home demolitions and forced evictions.<sup>28</sup> Settler organizations also continued their consolidation of property in East Jerusalem when, on 27 March, accompanied by Israeli police, they took over part of a historic Greek Orthodox Patriarchate building in the old city,<sup>29</sup> as well as various properties in Silwan on 2 and 15 July and 6 October.<sup>30</sup>

16. Four plans retroactively regularizing outposts were advanced.<sup>31</sup> Other apparent steps to consolidate settlements and "legalize" outposts included the Ministry of Defense reportedly mobilizing the Jewish National Fund to purchase hundreds of dunums of private Palestinian land in the West Bank.<sup>32</sup> A senior Israeli official announced on 24 October that settlement housing will be included in the Government's new long-term rental housing programme, further extending Israeli domestic law to the West Bank.<sup>33</sup> On 12 April, the Office of the Attorney General preliminarily legally approved connecting outposts built on State-land in the West Bank to the Israeli electricity grid. Although this decision will also mean electricity for some Palestinian communities in Area C, it is a step towards the regularization of dozens of outposts.<sup>34</sup> Outposts are also considered illegal under Israeli domestic law.<sup>35</sup>

<sup>24</sup> "Settlers for Apartheid: settlers prevented the opening of a road to Palestinians", 13 April 2022. Available at: <https://peacenow.org.il/en/keidar-road>.

<sup>25</sup> See <https://www.gov.il/he/departments/publications/reports/og363> (Hebrew).

<sup>26</sup> Peace Now, "The Minister of Defense approved the declaration of the largest nature reserve in 25 years in the West Bank", 25 May 2022.

<sup>27</sup> S/2022/504, para. 5.

<sup>28</sup> Jerusalem Legal and Human Rights Centre, "The cable car: another instrument for colonial control in the Old City", available at: <https://www.jlac.ps/details.php?id=u72v7ka2360yjdx4vf8r>.

<sup>29</sup> S/2022/504, para. 3.

<sup>30</sup> See Peace Now, "Settlers took over another house in Wadi Hilweh Silwan", 2 July 2021. Available at: <https://peacenow.org.il/en/settlers-took-over-another-house-in-wadi-hilweh-silwan>; "Details ... Leaking a property to Elad settlement association in Wadi Hilweh neighborhood in Silwan", 15 July 2022. Available at: <https://www.silwanic.net/index.php/article/news/78335>; and Al Jazeera "Israeli settlers take over home in Jerusalem's Silwan", 7 October 2021. Available at: <https://www.aljazeera.com/news/2021/10/7/settlers-take-over-home-in-jerusalem-silwan>.

<sup>31</sup> Peace Now, on file.

<sup>32</sup> Hagar Shezaf, "Israel recruited the Jewish National Fund to secretly buy Palestinian land for settlers", *Haaretz*, 15 July 2021.

<sup>33</sup> Hezki Baruch, "Judea and Samaria to be included in government's affordable rent project", *Israel National News*, 24 October 2021.

<sup>34</sup> Netael Bandel, Hagar Shezaf and Jonathan Lis, "Israel okays connecting illegal West Bank outposts to Israel", *Haaretz*, 12 April 2022.

<sup>35</sup> See <https://embassies.gov.il/MFA/AboutIsrael/state/Law/Pages/Summary%20of%20Opinion%20Concerning%20Unauthorized%20Outposts%20-%20Talya%20Sason%20Adv.aspx>.

### C. Demolitions, forced evictions and risk of forcible transfer

17. Israeli authorities demolished or confiscated 871 Palestinian-owned structures in the West Bank, including East Jerusalem, forcibly evicting 1,140 Palestinians (271 men, 275 women, 594 children).<sup>36</sup> Increasing numbers of Palestinians in East Jerusalem were forced to “self-demolish” their properties (118 structures compared to 74 in previous period) to avoid having to pay Israeli authorities for the cost of the demolition.<sup>37</sup>

18. Israeli Civil Administration data made public in December revealed that fewer than 1 per cent of Palestinian construction permits (24 of 2,550) were approved between 2016 and 2020.<sup>38</sup> In 2019–2020 the rate of approved requests for Palestinians was even lower (0.65 per cent), while demolition orders for Palestinian-owned structures in the Area C was at its highest in five years (797).<sup>39</sup>

19. On 4 May, the High Court of Justice rejected a petition against eviction orders issued to Palestinian residents of 12 herding communities in the Israeli-designated Firing Zone 918 in Masafer Yatta.<sup>40</sup> The petition had been ongoing since 2012.<sup>41</sup> The judgment is inconsistent with international law, including its narrow interpretation of the prohibition of forcible transfer to cover only mass transfers and for privileging Israeli military law over international law obligations.<sup>42</sup> With the Israeli security forces now enabled to implement eviction orders and use the site for active military training 1,144 residents (282 men, 293 women, 299 boys, 270 girls) are at imminent risk of forced evictions and forcible transfer.<sup>43</sup> On 11 May, demolitions in Khirbet Al Fakhiet and Markaz communities resulted in forced eviction of 49 people (20 male, 29 female), including 24 children, while other steps towards clearing of the area continued.<sup>44</sup> Israel, as the occupying Power, must cease forced evictions and possible forcible transfer of Palestinian families from their homes in Masafer Yatta, in line with its obligations under international law.<sup>45</sup>

20. Demolitions also continued in Humsa al-Buqay’ah, Tubas (Israeli-designated firing zone 903) in July and December. On 7 July, Israeli authorities demolished or confiscated 30 structures for lacking permits, including 16 homes, leading to the forced eviction of 42 people (20 male, 22 female), including 24 children. On 15 July, one of the families was once again forcibly evicted following confiscation of their donor-funded structure. Further confiscations of tents and fencing material took place on 5 December. Those incidents continued a wave of previous demolitions which had begun in November 2020 and intensified with five rounds of demolitions in February 2021.<sup>46</sup> The 42 people whose homes were demolished in July 2021 moved just outside the firing zone and remain there, raising concerns that forcible transfer may have taken place.<sup>47</sup>

<sup>36</sup> Office for the Coordination of Humanitarian Affairs, on file.

<sup>37</sup> Office for the Coordination of Humanitarian Affairs, on file.

<sup>38</sup> 8,356 permits for settlement housing units were issued. See Hagar Shezaf, “Israeli demolition orders for Palestinians in West Bank’s Area C hit five-year record”, *Haaretz*, 7 December 2021.

<sup>39</sup> *Ibid.*

<sup>40</sup> See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/13/130/004/n89&fileName=13004130.N89&type=2> (Hebrew).

<sup>41</sup> A/76/336, paras. 50 and 51.

<sup>42</sup> A/76/336, paras. 55 and 56. See also “UN experts alarmed by Israel High Court ruling on Masafer Yatta and risk of imminent forcible transfer of Palestinians”, Office of the United Nations High Commissioner for Human Rights, press release, 16 May 2022.

<sup>43</sup> A/HRC/49/85, para. 26.

<sup>44</sup> After 1 June there have been further demolitions, military training and restrictions.

<sup>45</sup> Fourth Geneva Convention, art. 49; International Covenant on Economic, Social and Cultural Rights, art. 11, and Committee on Economic, Social and Cultural Rights general comment No. 7 (1997) on forced evictions.

<sup>46</sup> A/HRC/49/85, para. 29.

<sup>47</sup> *Ibid.*

21. The coercive environment has deteriorated in Ibziq, Tubas (Israeli-designated firing zone 901). Two rounds of demolition took place on 4 and 31 August, leading to the displacement of 27 people (13 male, 14 female), including 19 children. In December, residents were reportedly forced to temporarily move out of their homes five times while Israeli soldiers and tanks operated near their homes and fields.<sup>48</sup> On 28 December, the Israeli Civil Administration demolished three residential structures and 13 other structures, leading to the displacement of 15 Palestinians (six male, nine female), including five children. The Israeli security forces returned with tanks on 2 January and reportedly destroyed hundreds of dunums of crops, access roads and farmland.<sup>49</sup> On 4 January, the Israeli Civil Administration demolished four residential structures and eight animal shelters – which the families had rebuilt after the previous December demolition. These demolitions and forced evictions intensify the environment coercing people to leave their homes, raise the risk of forcible transfer and violate a range of human rights, including the right to adequate housing.<sup>50</sup>

22. The Bedouin community of Khan al-Ahmar, on land slated for the strategic E1 settlement plan, remains under risk of forcible transfer.<sup>51</sup> On 1 February, the community leader told United Nations officials that the Israeli Civil Administration had suggested relocation of the community to a site 300 meters away. He reiterated that the community would only accept return to their Negev pre-1948 lands as an alternative to the current site. The Israeli High Court of Justice has ordered the Israeli authorities to explain by September 2022 why the demolitions approved in 2018 had not been implemented,<sup>52</sup> amid media reports of a potential agreement.<sup>53</sup> Any such “agreement” would raise questions of the extent of genuine consent, given the coercive environment within which the community live,<sup>54</sup> and of its compliance with international humanitarian law.<sup>55</sup>

### East Jerusalem

23. Over 300 Palestinian residents of al-Walaja, on the southern border of Jerusalem, remain under threat of home demolitions, forced eviction and possible forcible transfer. While 38 homes in the Jerusalem portion of al-Walaja are temporarily protected by a Supreme Court decision of 30 March that extended an injunction until 1 November,<sup>56</sup> 12 structures not covered by the injunction are at imminent risk. Five such structures were demolished, most recently on 11 May – part of 30 homes demolished since 2016. These demolitions are taking place alongside construction of settlements and the wall around the village and creating territorial contiguity between Jerusalem and the Gush Etzion settlement bloc.<sup>57</sup>

<sup>48</sup> Israeli Information Center for Human Rights in the Occupied Territories, “Harassment of Khirbet Ibzik community continues: residents evacuated from homes; military trains in their fields with tanks; Civil Administration destroys homes of three families”, December 2021. Available at: [https://www.btselem.org/photoblog/202112\\_demolitions\\_military\\_training\\_and\\_temporary\\_evacuations\\_in\\_jordan\\_valley](https://www.btselem.org/photoblog/202112_demolitions_military_training_and_temporary_evacuations_in_jordan_valley).

<sup>49</sup> See <https://www.youtube.com/watch?v=XO0NHRMYNVQ>.

<sup>50</sup> International Covenant on Economic, Social and Cultural Rights, art. 11.

<sup>51</sup> A/HRC/49/85, para. 28.

<sup>52</sup> <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/19/870/023/o29&fileName=19023870.O29&type=4> (Hebrew).

<sup>53</sup> <https://www.jpost.com/israel-news/article-701184>.

<sup>54</sup> A/72/564, paras. 37–40.

<sup>55</sup> Fourth Geneva Convention, art. 8.

<sup>56</sup> Ir Amim, “Demolition freeze in Al-Walaja case remains in place to allow for further urban planning progress”, 31 March 2022.

<sup>57</sup> Ahmad Al-Bazz, “Al-Walaja: a Palestinian village facing demolitions”, Norwegian Refugee Council, 20 December 2021.

24. Within occupied East Jerusalem, 970 Palestinians, including 424 children, are facing the threat of home-demolition and forced eviction, mostly in the neighbourhoods of Sheikh Jarrah and Silwan. On 10 and 11 May, demolitions in Silwan forcibly evicted 33 people (19 male and 14 female), including 18 children. Approximately 74 Palestinians, including 42 children, also remain at risk of impending forced eviction and possible forcible transfer following a demolition order in Wadi Qaddum, in the Silwan neighbourhood of East Jerusalem. As with most demolitions, the demolition was ordered owing to the lack of a building permit, virtually impossible for Palestinians to obtain. The Jerusalem Municipality had not responded to urgent requests by lawyers of the at-risk families as at 31 May.<sup>58</sup>

25. Tensions remained high in Sheikh Jarrah until 1 March, owing to planned forced evictions. On 29 December, the Salem family received an eviction notice based on a settler's claim under the Legal and Administrative Matters Law of 1970 – a discriminatory law under which only Jewish property owners who lost their property in East Jerusalem in 1948 can claim it.<sup>59</sup> A challenge of the eviction order was rejected by the Israeli Enforcement and Collections Authority on 30 January. However, on April 25, the Jerusalem Magistrates Court ordered the Salem family's challenge be reheard. This remains pending along with an injunction on the implementation of the eviction order as at 31 May.<sup>60</sup> Four other Sheikh Jarrah families also received a reprieve, on 1 March the Supreme Court of Israel allowed them to stay in their homes as protected tenants, until the conclusion of the process of settlement of land titles. The ruling may provide a precedent and protect other families similarly facing eviction. However, on 19 January, 12 Palestinians (six male, six female), including five children, were displaced when their house was demolished – the Salhie family had moved there before 1967.

26. Pursuant to international humanitarian law, private property in occupied territory must be respected and cannot be confiscated by the occupying Power.<sup>61</sup> The eviction proceedings in these and other similar cases are based on the application of two Israeli laws, the Absentee Property Law and the Legal and Administrative Matters Law, which is seemingly inconsistent with this obligation.<sup>62</sup> Therefore, evictions are contrary to the obligations of Israel under international law.

27. Demolitions, following the discriminatory Israeli planning-regime, and resulting forced evictions entail numerous human rights violations.<sup>63</sup> They also affect Palestinian women and girls disproportionately.<sup>64</sup> The Human Rights Committee has concluded: “such systematic practice of demolitions and forced evictions based on the discriminatory policies has led to the separation of Jewish and Palestinian communities in the Occupied Palestinian Territory, which amounts to racial segregation”.<sup>65</sup> They also breach the obligations of Israel as the occupying Power,<sup>66</sup> and further exacerbate the coercive environment increasing the risk of forcible transfer. Along with forcible transfer, extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly are also a grave breach of the Fourth Geneva Convention and thus amount to war crimes.<sup>67</sup>

<sup>58</sup> Ir Amim, “Urgent: Nearly 100 Palestinians are under threat of immediate displacement from Waddi Qaddum, East Jerusalem”, 30 May 2022.

<sup>59</sup> A/HRC/49/85, para. 32.

<sup>60</sup> Nir Hasson, “Israeli Court orders rehearing in Sheikh Jarrah Family's Case, postponing eviction”, *Haaretz*, 26 April 2022.

<sup>61</sup> Hague Regulations, art. 46.

<sup>62</sup> A/75/376, paras. 40–56.

<sup>63</sup> A/72/564, paras. 25, 49–50.

<sup>64</sup> CEDAW/C/ISR/CO/6, paras. 32–33.

<sup>65</sup> CCPR/C/ISR/CO/5, para. 42.

<sup>66</sup> Fourth Geneva Convention, arts. 53.

<sup>67</sup> Fourth Geneva Convention, arts. 49, 53 and 147; Hague Regulations, arts. 46 and 56.

## IV. Impact of settlements on human rights

### A. Settlement-related violence

#### Settler violence

28. Settler violence against Palestinians intensified, with 575 incidents of settler violence resulting in Palestinian deaths, injuries and/or property damage occurred in the reporting period, compared with 430 in the previous period, marking an alarming continued increase since 2017.<sup>68</sup> Two Palestinians (one man, one boy) were killed and 197 were injured by settlers (compared with 4 killed and 145 injured during the previous reporting period).<sup>69</sup> In addition, two Palestinians (one woman, one boy) were killed either by settlers or by Israeli security forces. Three settlers (all men) were killed by Palestinian attackers and, according to Israeli sources, 131 were injured (compared with 2 killed and 99 injured during the previous reporting period).<sup>70</sup> Damage to Palestinian property increased, with 12,985 trees and 518 vehicles vandalized. Monitoring by the Office of the United Nations High Commissioner for Human Rights (OHCHR) shows that settler violence also had an impact on women's mobility, further reinforcing negative aspects of traditional gender roles.

29. On 17 August 2021, four settlers abducted and assaulted 15-year-old Tareq Zubeidi from Silat Ad-Dhahr village, Jenin. He told OHCHR that while out with friends near the evacuated Homesh outpost they were accosted by settlers, one armed with a gun. While the others managed to run, Tareq was caught, kicked and beaten with sticks. He was then tied to the front of a car and driven towards Homesh, where he said he was again beaten, including by other settlers. He also said the settlers used pepper spray on him and burned the soles of his feet; his injuries – visible when interviewed by OHCHR – were consistent with burns from a car's cigarette lighter and with his testimony. In addition to the physical pain, the assault left him with fear and anxiety.

30. The family had reportedly called the police about the abduction,<sup>71</sup> but did not file a formal complaint owing to a lack of faith in the Israeli justice system and fear of reprisal, particularly cancellation of Israeli work permits. Following media coverage,<sup>72</sup> an Israeli security forces statement said that they had responded to a report about Palestinians throwing stones and had seen Israeli settlers pursuing a Palestinian whom the soldiers had then returned to his family.

31. On 30 August, the United Nations Special Coordinator for the Middle East Peace Process referred to this “heinous act” saying he expected that the Israeli authorities would undertake an investigation.<sup>73</sup> None has been announced yet. The incident illustrates the Palestinian predicament: settlers abuse with little or no action from the Israeli security forces and Palestinians, fearing retribution, rarely file official complaints. When investigations take place, action against settlers is rare. Such impunity encourages further attacks.

<sup>68</sup> Office for the Coordination of Humanitarian Affairs, on file.

<sup>69</sup> Office for the Coordination of Humanitarian Affairs, on file.

<sup>70</sup> Unlike United Nations-documented Palestinian injuries, these were not confirmed by medical sources.

<sup>71</sup> Jack Jeffery and Imad Isseid, “Palestinian teen recalls alleged beating, torture at hands of settlers” *The Times of Israel*, 10 September 2021.

<sup>72</sup> Gideon Levy and Alex Levac, “Shackled, beaten, strung up on a tree: Palestinian teen brutally attacked by settlers”, *Haaretz*, 26 August 2021; “Israeli settlers abduct, brutally assault 15-year-old boy”, Defense for Children International, Palestine, 27 August 2021. Available at: [https://www.dci-palestine.org/israeli\\_settlers\\_abduct\\_attack\\_15\\_year\\_old\\_palestinian\\_boy](https://www.dci-palestine.org/israeli_settlers_abduct_attack_15_year_old_palestinian_boy).

<sup>73</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_30\\_august\\_2021\\_0.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_august_2021_0.pdf)

32. Some settler attacks were met with wide condemnation.<sup>74</sup> However, most everyday attacks that harass, injure and terrorize, rarely garner attention. Settler attacks on Israeli security forces led to sharp political reactions in Israel.<sup>75</sup> In November, the Israel Defense Forces chief of staff was reported to have issued an unambiguous directive that soldiers must act to stop violent attacks, including by settlers. Little, however, appears to have changed in practice so far.<sup>76</sup>

### **Israeli Security Forces use of force**

33. In addition to settler violence, there were many instances where Israeli security forces used force to restrict and suppress Palestinian demonstrations against the settlement enterprise and outposts, including in Beita.<sup>77</sup> As a result, at least eight Palestinians were killed (three men, five boys) and 8,241 injured (7,321 men, 10 women, 910 children). In many incidents monitored by OHCHR, the use of firearms by Israeli security forces appears to have been unnecessary or disproportionate, including using firearms without warning, where there was no threat to life or of serious injury or without first resorting to less extreme means, including less-lethal weapons.<sup>78</sup>

34. On 5 November, Israeli security forces shot and killed a 15-year-old Palestinian boy in Deir Al-Hattab, Nablus. Four boys had joined protests against a recently established outpost. Confrontations ensued. Subsequently, one boy was shot in the stomach with live ammunition. The use of firearms causing death of persons not posing an imminent threat to life or of serious injury may constitute a violation of the prohibition of the arbitrary deprivation of life and may, depending on the circumstances, amount to an act of wilful killing, a war crime in the context of military occupation.<sup>79</sup>

35. Incidents where Israeli security forces are actively supporting or joining settler attacks against Palestinians appear to be growing.<sup>80</sup> On 3 July, Israeli security forces shot and killed a 21-year-old Palestinian man in his brother's house in Qusra village, south-east of Nablus, while he defended himself against an attack from 20–30 settlers, including a settlement guard. An Israeli security forces statement said that the man was shot after he threw a suspicious object that exploded near soldiers.<sup>81</sup> According to eyewitnesses, there was no explosion. In addition to raising concerns about excessive use of firearms, this incident also highlights the role of Israeli security forces participating in, and providing security cover for settlers carrying out, acts, that may amount to criminal offences, against Palestinians and their property.

36. Settler and Israeli security forces activities and use of firearms are increasingly interwoven, with their distinction becoming increasingly difficult to discern. In one attack in Tuwani village, Hebron, on 26 June, a settler was recorded on video firing a

<sup>74</sup> [A/HRC/49/85](#), para. 20.

<sup>75</sup> Judah Ari Gross, "Gantz orders 'aggressive' crackdown on settler violence after soldiers attacked", *The Times of Israel*, 14 October 2021.

<sup>76</sup> Amos Harel, "Settler attacks on Palestinian spike, reflecting Israel's systemic failure", *Haaretz*, 19 November 2021.

<sup>77</sup> [A/HRC/49/85](#), paras. 42–49.

<sup>78</sup> International Covenant on Civil and Political Rights, art. 6; [CCPR/C/GC/36](#), para. 12; and principles 9, 10 and 14 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

<sup>79</sup> International Covenant on Civil and Political Rights, art. 6 and Fourth Geneva Convention, art. 147.

<sup>80</sup> [A/76/336](#), para. 44; [A/HRC/49/85](#), para. 54; and [S/2022/504](#).

<sup>81</sup> Jack Khoury, "Palestinian shot dead by Israeli army amid clashes near evacuated settlement outpost", *Haaretz*, 3 July 2021.

rifle at Palestinians<sup>82</sup> which, according to eyewitnesses, had been handed to him by a soldier in an Israeli security forces vehicle. Israeli security forces later claimed that he had snatched the rifle but, while the soldier was reportedly questioned, no action was apparently taken against the settler.<sup>83</sup> Similarly, on 24 April, three Palestinians aged 16, 58 and 60 were injured by live ammunition near Surif, Hebron, after a confrontation ensued following settlers blocking a road. One injured man told OHCHR that both settlers and Israeli security forces were firing and it was not clear who had injured him. The spokesperson for the Israeli security forces claimed that there had been no injuries, saying soldiers used only “protest dispersal methods”.<sup>84</sup> Firearms must never be used simply to disperse an assembly.<sup>85</sup> Israeli Police opened an investigation in September.<sup>86</sup> No further update was available as at 31 May.

37. At least two other Palestinians were killed in circumstances where it was not possible to determine whether the perpetrator was a member of the Israeli security forces or a settler. On 16 June, a 29-year-old woman was shot and killed near Hizma checkpoint, north-east of Jerusalem, by a man who was either off-duty Israeli security forces personnel or a settler. In the second instance, a 16-year-old was shot and killed in the old city of Jerusalem on 17 November by a settler and Israeli security forces. These follow two similar killings monitored by OHCHR in May 2021.<sup>87</sup>

38. As the occupying Power, in most settler-related violence, Israel has repeatedly failed in its responsibility to protect the Palestinian population and their property against violence, and in many cases has used arbitrary force against Palestinians.<sup>88</sup> Widespread impunity for this violence remained a serious concern. Those developments further exacerbated the coercive environment in many Palestinian communities described in previous reports and increased the risk of forcible transfer.

39. Systematic and increasingly severe settler violence with the acquiescence and support of Israeli security forces (including arbitrary use of force and firearms) puts at risk Palestinians’ rights to life and security of the person, and contributes to a worsening coercive environment for them.<sup>89</sup>

40. Nine instances of attacks with participation or involvement of civilian security coordinators against Palestinians or their property were reported.<sup>90</sup> The Office of the United Nations High Commissioner for Human Rights has also verified instances where settlement guards participated in settler attacks on Palestinians.<sup>91</sup> Civilian security coordinators and settlement guards are often paid for, trained, and armed by Israeli security forces, granted certain law enforcement powers, and subject to the military discipline system.<sup>92</sup> As such, they are agents of the State, with Israel bearing responsibility for their actions.<sup>93</sup> Yet, as civilians officially hired by the Israeli

<sup>82</sup> See <https://www.youtube.com/watch?v=gkXiR1d3tKg>.

<sup>83</sup> Yaniv Kubovich and Hagar Shezaf, “After four months, Israel probes incident of settler who fired soldier’s weapon at Palestinians”, *Haaretz*, 28 October 2021.

<sup>84</sup> Basil Adra, “After blocking West Bank road, settlers open fire and wound Palestinians”, 27 April 2022. Available at: <https://www.972mag.com/settlers-soldiers-shoot-palestinians-surif/>.

<sup>85</sup> *CCPR/C/GC/37*, para. 88.

<sup>86</sup> Yaniv Kubovich and Hagar Shezaf, “After four months, Israel probes incident of settler who fired soldier’s weapon at Palestinians”, *Haaretz*, 28 October 2021.

<sup>87</sup> *A/HRC/49/85*, para. 22.

<sup>88</sup> Hague Regulations, arts.43 and 46; Fourth Geneva Convention, art. 27.

<sup>89</sup> *A/HRC/49/85*, para. 19; *A/76/336*, para. 19.

<sup>90</sup> Yesh Din, on file.

<sup>91</sup> For example, on 14 July, 25 February and 23 March in Yitzhar, Esh Kodesh and Maskiyot respectively.

<sup>92</sup> Yesh Din, “The Lawless Zone: the transfer of policing and security to the civilian security coordinators in the settlements and outposts”, 17 September 2014.

<sup>93</sup> Fourth Geneva Convention, art. 29; *CCPR/C/GC/36*, para. 15, International Law Commission Draft Articles on State Responsibility, art. 8.

regional settlement councils and living within the settlements and outposts, civilian security coordinators and guards invariably identify with the goals of their communities and often appear to expand their role beyond security to de facto expansion of settlement lands, leading to regular friction with Palestinians.<sup>94</sup> Former soldiers have also claimed that, in practice, the civilian security coordinators often direct lower ranking Israeli security forces personnel and commanders.<sup>95</sup>

### Accountability

41. According to official Israeli statistics, there were 19 indictments of Israelis for “ideologically-based offences” in the West Bank in 2021, following 87 investigations undertaken by Israeli police.<sup>96</sup> The increase in indictments is welcome (there were five in 2020, eight in 2019). There is still a lack of transparency with respect to details. The 87 investigations are a limited proportion of the 575 documented instances of settlers causing injury or damage. One indictment appears to be of a 19-year-old settler on 22 November for assaulting three Israeli human rights activists who were assisting Palestinians in the olive harvest.<sup>97</sup> An Israeli who harms a non-Palestinian in the West Bank is six-times more likely to be indicted (19 per cent) than if they harmed a Palestinian (3 per cent).<sup>98</sup>

42. On 7 February, research was released showing that 92 per cent of the 1,395 investigative files studied relating to settler violence against Palestinians between 2015 and 2021 were closed without an indictment, while only approximately 3 per cent of investigations led to convictions.<sup>99</sup> This is consistent with Israeli police data: charges were filed in under 4 per cent of settler violence cases from 2018 to 2020.<sup>100</sup> In contrast, 90 per cent of investigations of Palestinians (between 2014 and 2018) led to indictments in military courts, with 96 per cent of the cases prosecuted resulting in conviction, most of which were based on plea deals (99.6 per cent from 2018 to April 2021).<sup>101</sup>

43. The number of complaints being filed by Palestinians is reportedly decreasing.<sup>102</sup> In its consideration of the periodic report submitted by Israel, the Human Rights Committee noted with concern “the underreporting by victims for lack of trust in the authorities and fear of reprisals, and the lack of access by victims to justice and effective remedies”.<sup>103</sup> The Committee noted that States must exercise due diligence, investigate ex officio and punish private acts, such as violence, that would impair the enjoyment of the International Covenant on Civil and Political Rights (ICCPR) and caused harm.<sup>104</sup>

44. In a rare development, on 27 April the Jerusalem Magistrates Court convicted seven Israeli men and acquitted another of incitement to violence and terror for their

<sup>94</sup> A/HRC/28/44, para. 22.

<sup>95</sup> Avshalom Zohar Sal, “The Israeli occupation problem isn’t just a few violent settlers”, *Haaretz*, 20 January 2022; and Breaking the Silence, “Settler violence in the West Bank. Soldiers’ Testimonies 2012–2020”. Available at: <https://www.breakingthesilence.org.il/inside/wp-content/uploads/2021/07/OnDuty-Testimonies-En.pdf>.

<sup>96</sup> See [https://www.gov.il/BlobFolder/dynamiccollectorresultitem/hr-0007/he/human-rights-replay\\_investigation-and-prosecutionof-offences-against-palestinians.pdf](https://www.gov.il/BlobFolder/dynamiccollectorresultitem/hr-0007/he/human-rights-replay_investigation-and-prosecutionof-offences-against-palestinians.pdf).

<sup>97</sup> Hagar Shezaf, “Israeli charged for assault on activists helping Palestinians during olive harvest”, *Haaretz*, 22 November 2021.

<sup>98</sup> Yesh Din, “Law enforcement on Israeli civilians in the West Bank (settler violence). Yesh Din figures 2005–2021”, December 2021.

<sup>99</sup> *Ibid.*

<sup>100</sup> Hagar Shezaf, “Charges are pressed only in 4% of settler violence cases”, *Haaretz*, 7 February 2022.

<sup>101</sup> Hagar Shezaf and Maya Horodniceanu, “Israel’s other justice system has rules of its own”, *Haaretz*, 25 April 2022.

<sup>102</sup> Hagar Shezaf, “Charges are pressed only in 4% of settler violence cases”, *Haaretz*, 7 February 2022.

<sup>103</sup> CCPR/C/ISR/CO/5, para. 24.

<sup>104</sup> CCPR/C/21/Rev.1/Add.13, para. 8.



actions during a 2015 “hate wedding”. The men were recorded dancing at a wedding with weapons and stabbing pictures of a Palestinian toddler killed in a previous settler attack in Duma.<sup>105</sup> The appeal against acquittal of five children acquitted by the Jerusalem Juvenile Court in September 2021 remained pending.<sup>106</sup>

45. Two settlers were also reportedly held in administrative detention in March and April for 7 and 10 weeks, respectively. One was initially arrested for a violent attack on Palestinians and Israeli activists near Burin in January.<sup>107</sup> The incident, recorded on video, also led to the injury of some Israelis and attracted wide condemnation.<sup>108</sup> The other detainee had previously been released after completing a one-year sentence in juvenile detention in January 2022 for attacking a Palestinian.<sup>109</sup> Upon his release, a convoy of settlers drove through Huwwarah village, injuring three Palestinians and damaging 20 vehicles and two storefronts by stone-throwing. Video recordings show the Israeli security forces, which had accompanied the settler convoy, standing by during the violence.<sup>110</sup>

46. In its authoritative interpretation on the right to life, the Human Rights Committee has stressed that instances “in which a serious risk of deprivation of life was caused by the use of potentially lethal force” be investigated.<sup>111</sup> Where the Israel Defense Forces are required to carry out investigations according to their own policy,<sup>112</sup> there is lack of transparency. Although Israeli security forces have reportedly said that they were “looking into the incident” on 5 November when a child was shot (para. 34 above), no criminal investigation has been announced.<sup>113</sup> Between 1 January 2017 and 31 October 2021, 428 Palestinians (including 91 children) were killed by Israeli security forces in law enforcement operations in the Occupied Palestinian Territory. OHCHR is aware of 82 criminal investigations opened, of which at least 13 were closed without further action. Only five resulted in indictments – three leading to convictions for minor offences. Impunity remains pervasive for incidents of excessive use of force by Israeli security forces in law enforcement.

47. In March, the Human Rights Committee raised concerns about: “(a) a significant increase in the number and severity of settler violence in recent years; (b) the involvement of Israeli security forces in such violence; and (c) a very low rate of indictments and convictions of perpetrators, fostering a general climate of impunity.”<sup>114</sup> Such conclusion raises serious concerns of the adherence by Israel to its obligations under international human rights law and as an occupying Power.

<sup>105</sup> Hagar Shezaf, “‘Wedding of hate’: seven Israelis convicted of incitement to terrorism” *Haaretz*, 27 April 2022.

<sup>106</sup> [A/HRC/49/85](#), para. 21.

<sup>107</sup> Josh Breiner, “Israeli settler suspected of terrorist activities to be placed in administrative detention”, *Haaretz*, 11 March 2022.

<sup>108</sup> *The Times of Israel*, “Coalition members condemn latest settler attack, with some calling to raze outposts”, 22 January 2022.

<sup>109</sup> Hagar Shezaf, “Rare administrative detention for Jewish Israeli approved by Defense Minister Gantz” *Haaretz*, 11 April 2022.

<sup>110</sup> Hagar Shezaf, “Three Palestinians reportedly wounded as settlers hurl stones in West Bank”, *Haaretz*, 24 January 2022; Tovah Lazaroff, “Huwara shop owner recalls attack: the soldiers stood and looked”, *The Jerusalem Post*, 25 January 2022.

<sup>111</sup> [CCPR/C/GC/36](#), para. 27.

<sup>112</sup> ReliefWeb “New investigation policy regarding Palestinian casualties from IDF fire in Judea and Samaria”, 6 April 2011.

<sup>113</sup> Gideon Levy and Alex Levac, “A rock hit an Israeli soldier. he responded by shooting at the Palestinian protesters, killing a boy”, *Haaretz*, 11 November 2021.

<sup>114</sup> [CCPR/C/ISR/CO/5](#), para. 24.

## B. Case study: farm outposts, settler violence, and apparent forcible transfer in Al-Ganoub

48. Settlement-related violence has been linked to broader takeovers of land in the West Bank,<sup>115</sup> including for farm outposts.<sup>116</sup> Farm outposts have grown rapidly, there's a total of 77, with 66 having been established over the last decade and 46 between 2017 to 2021.<sup>117</sup> Farm outposts are strategically deployed and extensively backed by Israeli authorities,<sup>118</sup> despite being illegal even under Israeli law. While largely built on "State lands", the few residents of these outposts and their herds use a much larger area of pastureland, reportedly leading to the takeover of between 25,000<sup>119</sup> and 60,000 acres (nearly 7 per cent of Area C).<sup>120</sup>

49. Israeli security forces play a significant role in ensuring the protection of such outposts and settlers, including by providing security cover during attacks against Palestinians.<sup>121</sup> In addition to broader Area C limitations and regular demolitions and forced evictions,<sup>122</sup> the violent settler attacks, combined with restrictions on pastureland and water resources are key elements of the coercive environment, which is effectively forcing Palestinian herders to move out of those areas.<sup>123</sup>

50. Al-Ganoub is a small herder community, near Sa'ir, north-east of Hebron, located in Area C. The coercive environment, and settler violence in particular, have led seven families to move from their homes and community since mid-2018 – most recently in May 2022 – while the 14 remaining families live under serious threat of possible forcible transfer.

51. In 1983, the settlement of Asfar (also called Metzad) was established south of Al-Ganoub, initially as a military outpost on privately-owned Palestinian land. Following Israeli authorities' allocation of "State land", the settlement municipal boundaries comprise nearly 4,000 dunums. Settlers also apparently expanded their control over 3,600 dunums outside municipal boundaries, much of which is privately-owned by Palestinians.

52. In 1992, the Asfar settlers established a residential outpost on a nearby hilltop, again on land previously requisitioned for "security needs". Although it was abandoned, in 2000, it was repopulated by different settlers and named Pnei Kedem.<sup>124</sup> These settlers now cultivate more than 350 dunums of mostly privately-owned Palestinian land. Recently, four new farm outposts have been established in the area: Pnei Kedem farm (2018); Pnei Kedem east, (2020), Pnei Kedem north (2021, with an additional extension further north) and Metzad farm (2020).<sup>125</sup>

<sup>115</sup> A/76/336, para. 48 and "State Business: Israel's misappropriation of land in the West Bank through settler violence", November 2021, B'Teselem.

<sup>116</sup> A/76/336, paras. 41–43.

<sup>117</sup> Kerem Navot, "The Wild West: grazing, seizing and looting by Israeli settlers in the West bank", May 2022, p. 17. Available at: [https://www.keremnavot.org/\\_files/ugd/a76eb4\\_169d342c74c9428bbdf6a07e2706eff5.pdf](https://www.keremnavot.org/_files/ugd/a76eb4_169d342c74c9428bbdf6a07e2706eff5.pdf).

<sup>118</sup> Yesh Din, "Plundered pastures", December 2021.

<sup>119</sup> Ibid.

<sup>120</sup> Kerem Navot, "The Wild West: grazing, seizing and looting by Israeli settlers in the West bank", May 2022, p. 17. Available at: [https://www.keremnavot.org/\\_files/ugd/a76eb4\\_169d342c74c9428bbdf6a07e2706eff5.pdf](https://www.keremnavot.org/_files/ugd/a76eb4_169d342c74c9428bbdf6a07e2706eff5.pdf).

<sup>121</sup> A/76/336, paras. 44 and 49.

<sup>122</sup> A/72/564 and A/73/410, para. 32.

<sup>123</sup> See "Unshattered: Palestinian herders struggling under military occupation and settler violence. A photo essay from the Hebron Hills". Available at: <https://www.ochaopt.org/unshattered>.

<sup>124</sup> United Nations Office for the coordination of Humanitarian Affairs, "The humanitarian impact of de facto settlement expansion: the case of Asfar", 13 December 2016.

<sup>125</sup> See <http://maps.keremnavot.org/herding/?lang=en>.

53. Settler violence has been a concern for Al-Ganoub residents for decades, largely by settlement and outposts guards, with support from Israeli security forces stationed within the settlement-controlled area.<sup>126</sup> However, the intensity of the violence significantly increased following the establishment and growth of the farm outposts. On 8 February, approximately 50 settlers attacked 75-year-old community representative Abdelfattah Shalaldeh (Abu Jamal) and his family in Al Ganoub: “I was playing with my grandchildren on our land that we inherited and owned before the Ottoman time.” He told OHCHR that initially a group of 10–15 settlers with three dogs started throwing stones at the family tent from a distance, and then attacked after a larger group arrived. While his wife and grandchildren fled, Abu Jamal stayed because he could not run and because he believed he wouldn’t be harmed owing to his age. He was beaten by settlers armed with axes and batons and kicked while on the ground, while another group attacked his nephew who lives nearby and tried to intervene.

54. The attack ended as the Israeli security forces arrived. Umm Jamal, Abu Jamal’s wife, told OHCHR that the Israeli security forces were watching from a distance but did not intervene until the settlers were leaving. According to eyewitnesses, the settlers were not stopped by the Israeli security forces, who instead threatened to shoot some of the family who had arrived and begun to throw stones at the retreating settlers. The attack left Abu Jamal with multiple fractures in the face and hand, and injuries on the head, neck and face. His nephew was taken to the hospital suffering from internal bleeding in his stomach. The family filed a complaint with the Israeli police on 13 February, providing photos and videos, but had not received any update as at 31 May.<sup>127</sup>

55. This was not an isolated incident. During the reporting period, the Office for the Coordination of Humanitarian Affairs documented five other such instances of settler violence against herder families of Al-Ganoub causing injury and/or damage. These ranged from attacks with knives and sticks (17 March), injuring livestock (22 January), stealing livestock (27 March) and destruction of olive trees (2 February). Other incidents of trespassing, harassment and threatening behaviour, including settlers chasing herders and livestock away from pastureland with dogs, often remain undocumented. Settler attacks effectively reduce pastureland and thus force the Palestinian herders to move away. Abu Jamal told OHCHR that since 2018, the pastureland surrounding the residential area in Al-Ganoub had decreased from a radius of 1 km to merely 100 metres, while the farm outposts controlled 5,000 dunums of pastureland that Al-Ganoub herders used to access.

56. Israeli authorities also use the discriminatory planning regime to put additional pressure on Palestinian residents.<sup>128</sup> On 4 August, Israeli security forces and Israeli Civil Administration officials demolished a residential tent and destroyed a water tank belonging to one family, resulting in the forced eviction of eight people, including four children. Meanwhile demolition orders against the outposts are not enforced.<sup>129</sup> Unlike nearby settlements, Al-Ganoub residents have no access to water or electricity networks, leaving them dependent on expensive water tankers and unreliable solar panels.<sup>130</sup> There has also apparently been a reduction in private services, as providers of water, wood, fodder and taxis fear settler attacks near Al-Ganoub.

<sup>126</sup> United Nations Office for the coordination of Humanitarian Affairs, “The humanitarian impact of de facto settlement expansion: the case of Asfar”, 13 December 2016.

<sup>127</sup> B’Teselem, “Al-Qanub, Hebron District: dozens of settlers attack family tent compound with stones, injuring two family members”, 7 March 2022.

<sup>128</sup> A/73/410, para. 32; A/HRC/49/85, para. 53.

<sup>129</sup> Yesh Din, “Plundered pastures”, December 2021, p. 14.

<sup>130</sup> United Nations Office for the coordination of Humanitarian Affairs, “The humanitarian impact of de facto settlement expansion: the case of Asfar”, 13 December 2016.

57. The most recent family to leave Al-Ganoub on 6 May are Ziyad Shalaldeh and Umm Abed, with their four children and his aged parents. Ziyad was born and lived throughout in Al-Ganoub. The family lived in a large tent, with separate sections for kitchen and dairy production, with 80 sheep in another structure. Ziyad showed OHCHR documents to prove his ownership of seven dunums of land cultivated with fruit trees and with two water cisterns – part of the 183 dunums of pastureland owned by the extended family in Area C.

58. The family lived in an isolated part of Al-Ganoub with the path to them passing through a training site for Israeli security forces and leading to the settlement, while a farm outpost was only 100 metres away. This made them more susceptible to settler attacks. For example, on 30 April, approximately 10 settlers with batons and pepper spray trespassed into their yard and stole seven newborn goats and assaulted their 15-year-old daughter who tried to record the incident on video. Ziyad reported this incident to the Office for the Coordination of Humanitarian Affairs but said that threats and chasing them off their lands had become so common in recent months that he had not reported them, such as on 14 October when settlers chased him while he was herding his sheep. He told OHCHR that, in March alone, settlers attacked the family at least four times, stealing items including a fence and fodder stands and frequently swimming in their cistern used for drinking-water.

59. Ziyad told OHCHR that the continuing anxiety caused by the attacks had left the family no option but to move out. As the family was packing and loading their belongings on 6 May, they were attacked by a group of around 40 masked settlers, who tried to steal or damage their belongings. One sheep was killed, their solar panel unit and a water-tank damaged, and other belongings were stolen. According to Ziyad, the settlers piled their clothes and textiles in a nearby cave and burned them. Umm Abed told OHCHR that she ran to the military camp 500 metres away, but the Israeli security forces remained at a distance until the settlers themselves began to leave. The soldiers did not pursue the settlers and merely told the family to file a complaint with the Israeli police. Although the family filed a complaint, Ziyad said he had little hope as Al-Ganoub residents have previously filed several complaints, without any action taken.

60. Other families have resorted to other coping mechanisms, including moving to areas furthest from the outposts within the same community. Others have moved out temporarily. Yacoub and Asma Shalaldeh moved away from July 2021 to January 2022 with their five children. According to Yacoub, the violence intensified around in 2016 and 2017 when one particular settler erected a tent in the area and led regular attacks. By early 2018, the outpost had grown, and the settler claimed that the pastureland and wells were guaranteed to him by the authorities. Yacoub's brother, Jamel, was one of the early ones to leave in July 2018 after an attack on his son by the settlers. After another serious incident in early July 2021 – when Yacoub said he was attacked by five masked settlers who stole five sheep while another 20 sheep escaped – he, too, decided to move.

61. Both the Shalaldeh families moved to Al-Maniya, 13 kilometres away from Al-Ganoub, near a landfill and sewage treatment plant. They told OHCHR that they had no desire to leave Al-Ganoub but had no choice as the situation had become unbearable for them.

62. The forced move away has significantly challenged Ziyad and Umm Abed's family, in particularly their ability to continue with their traditional way of life as herders. Umm Abed told OHCHR that although they owned a plot of land at the edge of Sa'ir town, living there was not feasible as animals weren't permitted in that residential area. Instead, they temporarily lived on a relative's plot in Al-Maniya. The

limited pastureland in Al Maniya, however, means that the family has to purchase fodder to feed the animals, making it unsustainable in the long-term.

63. Although there have not been any settler attacks in Al-Maniya, Ziyad said that they were facing threats of expulsion from the Israeli security forces and Israeli Civil Administration along with restrictions on pastureland due to the nearby Israeli military area. According to Ziyad, since moving, Israeli Civil Administration officials have repeatedly told him to leave. On 30 May, Israeli Civil Administration threatened to demolish his structure and confiscate his belongings.<sup>131</sup>

64. Families in Al-Maniya are also struggling with deteriorated access to water and education. In the absence of wells, Ziyad said they relied largely on expensive water tanks, while the children have dropped out of school – it is 6 kilometres away – owing to lack of transportation. The family also fears the health effects of living next to a landfill site. Umm Abed told OHCHR that the younger children were constantly vomiting owing to the smell.

65. The forced displacement has had a disproportionate impact on women and girls. Asma Shalalkeh told OHCHR that the absence of toilet facilities at Al Maniya meant that she and her daughter could only relieve themselves once a day – after dusk – as they needed to find private space in the nearby hills. This became more difficult during their menstrual periods. She also highlighted the lack of transportation, which made all the women more reliant on the men, as they did not drive, reinforcing traditional gender roles. This has also had an impact on access to health services, which are at a village 6 kilometres away. Asma also raised concerns about lack of privacy owing to the regular intrusion by small observation drones apparently flown by Israeli security forces, making them feel insecure and forced to wear headscarves even inside their own tent. Ziyad told OHCHR that they moved their teenage daughter from Al Maniya to stay with relatives in Sa’ir owing to concerns about her safety.

66. Palestinian herding communities have a unique social and traditional way of life, built around their herds, which relies on access to pastureland and water resources. The coercive environment in Al-Ganoub – in particular the increasing settler violence – is making it difficult for them to sustain their traditional way of life. For some families, the increased threat to family members was the final straw which forced them to leave their communities, even at significant costs to their livelihoods, family and social ties. Such an involuntary move by members of the protected population from their place of ordinary residence raises serious concern that forcible transfer may have taken place.<sup>132</sup>

67. The Pnei Kedem farm outpost website states: “in conjunction with the Ministry of Agriculture ... we have created a business plan to raise a herd of 400 sheep. A herd creates a permanent presence over a large area, thereby contributing to security.”<sup>133</sup> This is placed in a larger context: “The ranch is located in a strategic area, which safeguards a local nature reserve, and encompasses lands providing for essential future growth.”<sup>134</sup> Such statements are consistent with the findings of other studies: that farm outposts and subsequent violence are part of a long-standing Israeli plan for Area C to clear the area by forcing Palestinian herders away and take over the land for settlement expansion.<sup>135</sup>

<sup>131</sup> On 14 June, the Israeli Civil Administration demolished the structures and forcibly evicted the family – they now live in a small tent provided by the ICRC.

<sup>132</sup> A/73/410, para. 58. See also International Criminal Court, “Elements of crimes”, The Hague, 2011.

<sup>133</sup> See <https://gush-etzion.org.il/project/pnei-kedem-ranch/>.

<sup>134</sup> Ibid.

<sup>135</sup> According to Karem Navot, an organization that monitors Israeli policies in the West Bank; and Yesh Din, “Plundered pastures”, December 2021.

## V. Settlements in the occupied Syrian Golan

68. Settlement expansion in the occupied Syrian Golan took a new dimension on 26 December 2021 when the Israeli Cabinet approved a special plan to build 7,300 residential units in existing settlements, including “Katzrin”, for 23,000 new Israeli settlers within the next five years. The plan also includes the establishment of two new settlements (“Asif” and “Matar”) with 2,000 units each.<sup>136</sup>

69. In his remarks to the Cabinet meeting on 26 December 2021, the Prime Minister of Israel at the time stated that the goal of this plan was “to double the population of the Golan Heights” in order “to advance the interests of the State of Israel”, stating that “the Golan Heights [were] Israeli”<sup>137</sup>. The Secretary-General reaffirms the continuing validity of Security Council resolution 497 (1981), by which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.<sup>138</sup>

70. The existing 34 settlements, as well as the plan to expand them and establish new ones, and the Israeli commercial activity, including the large-scale wind turbine project, continue to limit the Syrian population’s access to land and water, in violation of a wide range of their human rights, including the rights to food, to health, and to adequate housing.

## VI. Conclusions and recommendations

**71. The establishment and expansion of Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territory it occupies, which is prohibited under international humanitarian law, as consistently confirmed by the competent United Nations organs, including the International Court of Justice.<sup>139</sup> It may also amount to a war crime.<sup>140</sup>**

**72. Settlement of titles constitutes an irreversible act of sovereignty by a permanent regime and subverts the principle that occupation is inherently temporary.<sup>141</sup> Ongoing action in this regard in the occupied West Bank, including East Jerusalem, is illegal under international law and increases the risk of illegal appropriation of property and of possible forcible transfer.<sup>142</sup>**

**73. The steady increase in violence by settlers with the acquiescence and support of Israeli security forces, and the continuing impunity for such acts highlight the unwillingness of the Israeli authorities to uphold its obligations as the occupying Power to ensure as far as possible public order and life and protect the Palestinian population against all acts or threats of violence. Growing instances of Israeli security forces using force in the context of settler attacks**

<sup>136</sup> Ministry of Foreign Affairs, “Cabinet approves special plan to develop the Golan Heights”, 26 December 2021. Available at: <https://www.gov.il/en/departments/news/cabinet-approves-special-plan-to-develop-golan-heights-26-dec-2021>.

<sup>137</sup> Ministry of Foreign Affairs, “PM Bennet’s remarks at the start of the special Cabinet meeting on the Golan Heights”, 26 December 2021. Available at: <https://www.gov.il/en/departments/news/pm-bennet-s-remarks-at-the-special-cabinet-meeting-26-dec-2021>.

<sup>138</sup> A/74/357, para. 70.

<sup>139</sup> A/76/336, para. 59.

<sup>140</sup> Fourth Geneva Convention, art. 49 (6). See also Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

<sup>141</sup> Hague Regulations, arts. 43 and 55.

<sup>142</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

against Palestinians, or jointly using force, including firearms, in the same incident is making distinction in violence increasingly difficult to discern.

74. There was an almost total failure to ensure accountability for apparent unlawful killing of Palestinians, including in instances that raise concerns of extrajudicial executions and wilful killing. This is indicative of the climate of impunity which prevails with respect to Israeli security forces excessive force against Palestinians, including in the contexts of settlement.

75. Systematic demolitions of Palestinian homes, based on discriminatory laws and policies, are ongoing and result in forced evictions: a gross violation of human rights.<sup>143</sup> Forced evictions resulting from demolitions in the Occupied Palestinian Territory are a key factor in the creation of a coercive environment. They have a negative impact on a wide range of human rights and increase the risk of forcible transfer.

76. Outposts, including farms, play a vital role in limiting Palestinian pastureland, including on privately-owned land, and effectively add further restrictions on Palestinian movement and livelihood. This adds to the coercive environment and along with increasing settler violence is forcing some Palestinians to leave their home, raising concerns of possible forcible transfer.

77. The Secretary-General recalls Security Council resolution [497 \(1981\)](#), by which the Council decided that the decision of Israel to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.

78. The Secretary-General recommends that Israel:

(a) Immediately and completely cease and reverse all settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in compliance with international law, including relevant United Nations resolutions, such as Security Council resolution [2334 \(2016\)](#);

(b) Immediately halt demolitions and forced evictions and cease any activity that would further contribute to a coercive environment and/or lead to a risk of possible forcible transfer;

(c) Promptly review operations and policies of Israeli security forces to ensure consistency with the obligations of Israel as occupying Power to protect the Palestinian population;

(d) Ensure that all incidents of violence by settlers and Israeli security forces against Palestinians and damage to their property, are promptly, effectively, thoroughly, and transparently investigated; that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are provided with effective remedies, including adequate compensation, in accordance with international standards;

(e) Immediately cease and reverse all settlement development and related activities in the occupied Syrian Golan and end discriminatory land, housing and development policies, in compliance with relevant United Nations resolutions;

(f) Immediately remove all mines and minefields in the occupied Syrian Golan, which pose a risk to the local population.

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<sup>143</sup> Commission on Human Rights resolution 2004/28, para. 1.