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Human rights situation in Palestine and other occupied Arab territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report, submitted pursuant to Human Rights Council resolution 49/29, provides an update on the implementation of the provisions of the resolution during the period from 1 November 2021 to 31 October 2022.

* 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 Human Rights Council resolution 49/29, provides an update on the implementation of the provisions of the resolution during the period from 1 November 2021 to 31 October 2022. The report takes stock of developments during the 10 years since the adoption of Council resolution 19/17, by which the Council established the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem.¹ It also contains an update on Israeli settlements in the occupied Syrian Golan.

2. The advancement of settlements in the West Bank, including East Jerusalem, and the transfer by Israel of its civilian population to the occupied territory, in contravention of international law,² has continued over the decade. This has resulted in numerous systematic violations of the human rights of Palestinians. The report documents patterns of systematic discrimination in law, policy and practice, encompassing almost every sphere of life, and examines, in particular, housing, land and property rights and the right to life, security of person and access to justice. These violations have created a coercive environment which is forcing Palestinians to leave their homes and their lands in possible forcible transfer – a grave breach of the Fourth Geneva Convention, which may amount to a war crime³ – and the ultimate result of the cumulative effect of the settlement enterprise.

3. The findings in the present report are based on direct monitoring and other 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 (NGOs). The report should be read in conjunction with other related reports of the Secretary-General and of the High Commissioner for Human Rights submitted to the General Assembly and the Human Rights Council.⁴

II. Legal framework

4. International human rights law and international humanitarian law apply concurrently in the Occupied Palestinian Territory, namely, Gaza and the West Bank, including East Jerusalem, and in the occupied Syrian Golan. This includes the application of the 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.⁵

¹ [A/HRC/22/63](#).

² Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 49.

³ *Ibid.*, arts. 49 (1) and 147; Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii); International Committee of the Red Cross (ICRC), Database on Customary International Humanitarian Law, rule 129; and [A/76/336](#), paras. 39 and 57.

⁴ [A/72/564](#), [A/72/565](#), [A/75/376](#), [A/76/336](#), [A/77/493](#), [A/HRC/37/38](#), [A/HRC/37/42](#), [A/HRC/37/43](#), [A/HRC/40/42](#), [A/HRC/43/67](#), [A/HRC/46/65](#), [A/HRC/49/85](#) and [A/HRC/49/25](#).

⁵ [A/HRC/34/38](#) and [A/HRC/34/39](#).

III. Update on settlement activities

A. Settlement expansion

5. During the past 10 years, the settlement population in the occupied West Bank, including East Jerusalem, has grown from 520,000⁶ in 2012 to just under 700,000.⁷ The population lives in 279 Israeli settlements spread across the West Bank, including 14 settlements in East Jerusalem, with a total population of more than 229,000 persons.⁸ Of those settlements, at least 147 are outposts, which are illegal even under Israeli domestic law.⁹ The establishment and the expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, have no legal validity and constitute a flagrant violation of international law. The establishment and expansion of such settlements amount to the transfer by Israel of its population into the Occupied Palestinian Territory, which is prohibited under international humanitarian law. All measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, violate international humanitarian law and a number of Security Council resolutions.¹⁰

6. Settlement expansion has continued year upon year over the course of the decade. During the present reporting cycle (1 November 2021–31 October 2022), advancement or approval of new settlement plans increased,¹¹ while the number of tenders decreased.¹² Official data on settlement construction approvals indicated an average quarterly rate of 763 units.¹³ On 12 May alone, Israel advanced some 20 plans for the construction of more than 4,000 housing units in Area C settlements, including in particularly sensitive areas across the Green Line.¹⁴ Settlement advancements in and around East Jerusalem also continued, threatening to sever the connection between the southern West Bank and the northern West Bank and further detaching East Jerusalem from the rest of the West Bank. On 5 September 2022, Israel advanced plans for some 700 units in the planned settlement of Givat Hashaked in East Jerusalem and planning processes moved forward for the expansion of the Har Gilo settlement on the lands of the Palestinian village of Al-Walaja, placing over 304 Palestinian people (151 children, 80 men and 73 women) under imminent risk of forced displacement.¹⁵

Consolidation of settlements and takeover of land and resources

7. Whereas areas under settlement jurisdiction in Area C exceed half a million dunams, accounting for 15.1 per cent of Area C, Israel has expanded de facto control over much larger swathes of the West Bank, including East Jerusalem,¹⁶ through a variety of means. The takeover of land and resources consolidates Israeli presence while severely infringing upon Palestinians' freedom of movement, access to services and livelihoods, in addition to their

⁶ A/HRC/22/63, para. 28.

⁷ See <https://peacenow.org.il/en/settlements-watch/settlements-data/population> (465,400 in the West Bank) and <https://peacenow.org.il/en/settlements-watch/settlements-data/jerusalem> (229,377 in East Jerusalem).

⁸ Ibid.

⁹ Ministry of Foreign Affairs of Israel, "Summary of the opinion concerning unauthorized outposts", 10 March 2005; and A/72/564, para. 62.

¹⁰ *Legal Consequences of Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004 (www.icj-cij.org/public/files/case-related/131/131-20040709-ADV-01-00-EN.pdf), p. 136, and, for example, Security Council resolutions 465 (1980) and 2334 (2016).

¹¹ Office of the United Nations Special Coordinator for the Middle East Peace Process: 9,280 units were advanced/approved, including 6,340 in East Jerusalem (7,100 in previous period).

¹² Ibid.: tenders were issued for 400 unit (3,600 in previous reporting period).

¹³ Ibid.: figures between October 2021 and September 2022.

¹⁴ See

https://unsco.unmissions.org/sites/default/files/report_of_the_secretary_general_on_the_implementation_of_scr2334_-_28_september_2022.pdf.

¹⁵ See www.ir-amim.org.il/en/node/2861 and A/HRC/46/65, para. 46.

¹⁶ See https://s3.eu-west-1.amazonaws.com/files.yesh-din.org/over+the+border+2022/Meever+Lagvul_ENG.pdf.

collective right to economic prosperity and the enjoyment of resources,¹⁷ including arable land and water springs.¹⁸

Declarations of “State land”

8. Through the manipulative use of land laws applicable in the West Bank, Israel has declared more than 750,000 dunams of land in the West Bank as “State land”, including lands that would have been classified as private property.¹⁹ Under local laws, land registered as “State land” is intended for public use. Nevertheless, according to Yesh Din, an Israeli human rights organization, 99.76 per cent of the State land allocated for use has been allocated for the benefit of Israeli settlements.²⁰ Under the Regulations respecting the Laws and Customs of War on Land (the Hague Regulations), the occupying power is obliged to safeguard the capital of government and public properties and administer them in accordance with the rules of usufruct.²¹

Infrastructure

9. Israel has spent billions of dollars on consolidating settlement blocs with networks of so-called bypass roads, which are designed to circumvent the Palestinian presence in the West Bank.²² A 1997 Israeli planning document explained that separate roads were a preferred planning model because they “provide a better solution for the issue of segregation”.²³ Indeed, some roads are only for Israeli use, segregating Jewish and Palestinian travellers.²⁴ Even when Palestinians are allowed to travel on some roads, they are primarily designed to connect settlements and outposts to each other, to Israel and to Jerusalem. In addition, an extensive system of checkpoints and roadblocks allows Israel to control access to the bypass roads and the main highways in the West Bank.²⁵ Furthermore, some roads segment Palestinian governorates into isolated enclaves of village clusters,²⁶ hindering connectivity and restricting Palestinians’ movement in the West Bank in a manner that severely infringes upon their freedom of movement and access to livelihoods and services, with negative results. For example, people who experience gender-based violence are not able to access life-saving services and quality care.²⁷

10. Israel further consolidates settlements and outposts by providing them with water and sewerage, communications, power, security systems and educational and health care facilities, promoting connectivity and economic development of the settlement enterprise and normalizing the settler presence in the Occupied Palestinian Territory.²⁸ As a result of the establishment of Israeli infrastructure, the population of the settlements has grown rapidly.²⁹

¹⁷ A/77/356.

¹⁸ A/HRC/37/39, para. 52.

¹⁹ See www.btselem.org/sites/default/files/sites/default/files2/publication/200205_land_grab_eng.pdf, p. 51; see also

www.btselem.org/sites/default/files/sites/default/files2/201203_under_the_guise_of_legality_eng.pdf, p. 6, and A/77/328, para. 33.

²⁰ See http://peacenow.org.il/wp-content/uploads/2018/07/Lands_Allocated_to_Palestinians_ENG.pdf.

²¹ Regulations respecting the Laws and Customs of War on Land (the Hague Regulations), art. 55.

²² A/77/328, para. 25.

²³ See www.breakingthesilence.org.il/inside/wp-content/uploads/2020/12/Highway-to-Annexation-Final.pdf, p. 5.

²⁴ A/77/328, para. 80; see also www.breakingthesilence.org.il/inside/wp-content/uploads/2020/12/Highway-to-Annexation-Final.pdf and <https://peacenow.org.il/en/the-roads-boom-in-2020>.

²⁵ See www.breakingthesilence.org.il/inside/wp-content/uploads/2020/12/Highway-to-Annexation-Final.pdf.

²⁶ See www.jlac.ps/userfiles/Salfit-%20JLAC_pub.pdf and www.jlac.ps/userfiles/Dhar%20Al%20Maleh%20Appeal.pdf; www.jlac.ps/userfiles/Qalqiliya-%20JLAC-%20EU%20feb%202020.pdf.

²⁷ A/HRC/49/85, para. 10.

²⁸ A/77/328, para. 25; see also <http://peacenow.org.il/wp-content/uploads/2021/03/The-Roads-Boom-in-2020.pdf>.

²⁹ See www.breakingthesilence.org.il/inside/wp-content/uploads/2020/12/Highway-to-Annexation-Final.pdf, p. 5.

While occupation is inherently temporary in nature,³⁰ Israel continues to invest in and implement permanent infrastructure projects for the settlers. In 2017, the Prime Minister of Israel announced an 800 million shekel plan for bypass roads, including lighting, cellular reception and protection of buses, for the West Bank settlements.³¹

11. Advancement continued during the current reporting cycle, including the Eastern Ring Road, which is planned to bypass East Jerusalem and to connect the settlements south of Jerusalem with the settlements east of Jerusalem in the Ma'ale Adumim area.³² For that purpose, Israel issued an expropriation order for about 55 dunams of land in the Palestinian village of At-Tur, east of Jerusalem.³³ According to the Israeli organization Peace Now, holders of Palestinian identification will not have access to the road.³⁴

Outposts

12. There are currently 147 outposts in the West Bank, 78 of which have been erected since 2012.³⁵ Of that number, 77 are “farms”, 66 of which have been established in the past decade.³⁶ Although illegal, even under Israeli law, outposts are often strategically placed and play a key role in the takeover of Palestinian land. Israel employs different financial, legal and planning mechanisms to enable the establishment and expansion of outposts.³⁷ Outpost farms are often centred around a single caravan or a few illegal modular structures, gradually taking over the larger area around them for herding or farming. The resources needed to erect the farms are often minimal, enabling settlers to take over very large areas of land in a short period of time.³⁸ In 2021, the head of Amana, a settler organization, discussed the intention of expanding outpost farms in Area C, affirming how they are a more efficient tool for seizing land than settlements.³⁹

13. Most settler-related violence occurs in the vicinity of outposts and there appears to be a correlation between the expansion of outposts and settler attacks against Palestinians.⁴⁰ Israeli security forces play a significant role in ensuring the protection of outposts and settlers.⁴¹ Law enforcement by Israeli security forces is invariably discriminatory, in support of settler communities, including when they attack Palestinians, and against Palestinians attempting to protest against illegal outpost activity⁴². Previous reports⁴³ have also

³⁰ Hague Regulations, arts. 43 and 55, and A/76/336, para. 13.

³¹ See <https://www.israelnationalnews.com/news/237927>; see also A/HRC/37/43, para. 18.

³² See <https://peacenow.org.il/en/confiscation-order-for-the-eastern-ring-road-was-issued#:~:text=The%20southern%20part%20of%20the%20Eastern%20Ring%20Road,by%20the%20Israeli%20government%20%28Resolution%203790%29%2C%20see%20below.>

³³ A/77/493, para. 13.

³⁴ See <https://peacenow.org.il/en/confiscation-order-for-the-eastern-ring-road-was-issued#:~:text=The%20southern%20part%20of%20the%20Eastern%20Ring%20Road,by%20the%20Israeli%20government%20%28Resolution%203790%29%2C%20see%20below.>

³⁵ See <https://peacenow.org.il/en/settlements-watch/settlements-data/population>.

³⁶ See [a76eb4_9d3dee006d0e4decac505bf432bbd56e.pdf](#) (keremnavot.org), p. 16.

³⁷ See

www.btselem.org/press_releases/20210309_new_report_with_keren_navot_this_is_ours_and_this_to_o.

³⁸ See

www.btselem.org/press_releases/20210309_new_report_with_keren_navot_this_is_ours_and_this_to_o.

³⁹ See www.haaretz.co.il/news/politics/.premium-1.9557640?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=20210222-10:52 [in Hebrew].

⁴⁰ A/HRC/49/85, para. 40.

⁴¹ A/77/493, para. 49.

⁴² See A/77/493, paras. 7–8, and A/HRC/49/85, paras. 40–49.

⁴³ A/77/493, sect. B, and A/76/336, sect. IV.

documented how outposts are viewed by government officials as a tool to “prevent Palestinian invasions” and acquire Israeli sovereignty over land in Area C.⁴⁴

14. Since 2012, Israel has sought to develop a domestic legal path to enable the retroactive legalization of outposts built without official approval, including those on land privately owned by Palestinians.⁴⁵ The 2012 Levy report, commissioned by Israel, provided the legal rationale for the legalization of most unauthorized settlement outposts.⁴⁶ This was followed by the publication of a position paper by the Ministry of Foreign Affairs in 2015, according to which the West Bank is not occupied territory and Israel has legitimate claims to it.⁴⁷ In 2016 and 2017, the Attorney General issued two legal opinions, allowing for the retroactive legalization of settlement units built on private Palestinian land when built in good faith, based on the assumption that they were built on State land. This resulted in interference with the property of Palestinian landowners, who are protected persons, and ensured the welfare of Israeli residents.⁴⁸ In 2018, the Zandberg Committee, a technical team tasked with drafting a regularization plan, formulated unprecedented recommendations intended to legalize thousands of unauthorized structures in the West Bank, including those built on privately owned Palestinian land.⁴⁹

15. While a “regularization law”, introduced in 2017 to retroactively legalize outposts built on private Palestinian land and housing units built illegally in existing settlements,⁵⁰ was ruled unconstitutional in 2020, the Supreme Court determined that existing legal tools serve the purpose of regularizing, under domestic law, illegal Israeli construction on private Palestinian land.⁵¹ In 2022, the Supreme Court determined that the Mitzpeh Kramim outpost met the threshold of “good faith”, despite the fact that the land was known to be privately owned.⁵² The decision set a worrying precedent for the retroactive legalization of outposts on private Palestinian land in the West Bank. The establishment of settlements, including outposts, is a flagrant violation of international law, and outposts are also considered illegal under Israeli domestic law.

Areas closed or confiscated for “military purposes”

16. Israel has declared some 1,765 million dunams of land, almost one third of West Bank and over half of Area C, as closed “military areas” for various purposes.⁵³ The areas include, but are not limited to, seam zone areas, special security areas near settlements and closed military firing zones. In addition, closure and seizure orders issued by the Israel security forces prohibit Palestinian construction and severely curtail Palestinian freedom of movement.

17. Since the 1970s, approximately 18 per cent of the West Bank, nearly 30 per cent of Area C, where some 6,200 Palestinians currently live, has been designated by Israel as closed “military firing zones”. Most of that land (78 per cent) is not being used for active military training.⁵⁴ Any Palestinian presence in such zones is prohibited without prior coordination with the Israeli authorities, which is rarely granted. Israel prohibits construction and development of Palestinian infrastructure and regularly orders and carries out the demolition and confiscation of Palestinian-owned property in firing zones.⁵⁵

⁴⁴ See www.btselem.org/press_releases/20210309_new_report_with_keren_navot_this_is_ours_and_this_to_o, p. 43.

⁴⁵ A/HRC/40/42, para. 14.

⁴⁶ A/68/513 and footnote 15.

⁴⁷ See www.gov.il/en/departments/general/israeli-settlement-and-international-law.

⁴⁸ A/73/410, para. 13, and A/HRC/37/43, para. 17.

⁴⁹ A/HRC/31/43, para. 27.

⁵⁰ A/HRC/40/42, para. 15.

⁵¹ A/HRC/46/65, para. 16.

⁵² See report_of_the_secretary_general_on_the_implementation_of_scr2334_-_28_september_2022.pdf (unmissions.org).

⁵³ See www.keremnavot.org/_files/ugd/a76eb4_affeae08cbc9492fb589419b6348373c.pdf, p. 9.

⁵⁴ See www.keremnavot.org/a-locked-garden, p. 10.

⁵⁵ See www.btselem.org/sites/default/files/sites/default/files2/201306_area_c_report_eng.pdf, p. 14.

18. In a decision of 28 February 2022 related to privately owned Palestinian property in Hebron originally requisitioned by Israel security forces but now slated for a new Jewish settlement, the High Court of Justice observed that a “civilian Jewish presence is part of the Israel Defense Forces regional security doctrine in the area”. This ruling represents a departure from a landmark ruling of 1979, which recognized that the expropriation of land by military orders for the construction of settlements contravened international law.⁵⁶ The new judgment risks leading to the further expropriation of private Palestinian land for settlement expansion on the pretext of ensuring security, which is impermissible under international law.⁵⁷

19. Israel has also declared lands within firing zones as “State land”, opening them up to settlement activity. Since the 1980s, over 40 per cent of land in the West Bank that Israel has declared State land is within firing zones.⁵⁸ Previous reports have also documented discriminatory law enforcement between Palestinians and settlers in firing zones.⁵⁹

National parks and archaeology

20. Israel has declared 48 “nature reserves” in the West Bank, covering at least 383,600 dunams of land, equivalent to about 7 per cent of the West Bank. Such nature reserves are effectively inaccessible for Palestinians, including those who may own the land.⁶⁰ During the present reporting cycle, Israel proceeded with plans to declare a nature reserve on approximately 22,258 dunams of land south of Jericho; some 6,070 dunams is on private Palestinian-owned property. The Nahal Og nature reserve is the largest reserve to be declared in 25 years.⁶¹

21. The archaeology policy of Israel appears to be another method used to take over land and expand settlements.⁶² According to the latest available data from the coordinator of government activities in the occupied territories, in 2019, Israel issued 118 demolition orders and warnings for structures allegedly built on archaeological sites in the West Bank.⁶³ The figure represents a 162 per cent increase over a period of two years.⁶⁴ In some cases, archaeological excavations have preceded the establishment of new Israeli settlements that had not yet received permits.⁶⁵

22. During the reporting cycle, Israeli right-wing settler groups succeeded in transferring the responsibility for archaeological sites in Area C from the Staff Office for Archaeology of the Civil Administration to the Israel Antiquities Authority of the Ministry of Culture of Israel,⁶⁶ further politicizing the administration of archaeological sites in the West Bank. The extension of the jurisdiction of Israeli authorities to the occupied territory is inconsistent with international humanitarian law and violates the obligation of Israel as the occupying Power

⁵⁶ A/77/328, para. 32.

⁵⁷ A/77/493, para. 9.

⁵⁸ Information provided by the Office for the Coordination of Humanitarian Affairs (OCHA); see also A/72/564, para. 47; and www.keremnavot.org/a-locked-garden, p. 10.

⁵⁹ A/76/336, para. 41; see also www.haaretz.com/israel-news/2021-02-08/ty-article/.premium/israeli-soldiers-expel-palestinians-while-letting-settlers-stay-documents-reveal/0000017f-e8fb-da9b-a1ff-ecffb8d10000; www.haaretz.com/israel-news/.premium-six-lies-about-the-cowboy-outposts-in-the-northern-jordan-valley-1.9539497; and <https://www.akevot.org.il/en/news-item/document-revealed-by-akevot-ariel-sharon-instructed-idf-to-create-training-zone-to-displace-palestinians/>.

⁶⁰ See www.ochaopt.org/content/settlement-expansion-around-israeli-declared-nature-reserve.

⁶¹ See https://unsco.unmissions.org/sites/default/files/sg_report_on_the_implementation_of_scr_2334_-_22_june_2022.pdf.

⁶² See <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/Menachsim+Archeology/Menachsim+-+Eng+-+Web.pdf>.

⁶³ See <https://emekshaveh.org/en/appropriating-the-past-israels-archaeological-practices-in-the-west-bank/>.

⁶⁴ See www.haaretz.com/israel-news/2020-06-23/ty-article/.premium/when-an-archaeological-find-can-evict-palestinians-from-their-home/0000017f-f484-d887-a7ff-fce402bb0000.

⁶⁵ See <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/Menachsim+Archeology/Menachsim+-+Eng+-+Web.pdf> the Past, pp. 20–22.

⁶⁶ See www.haaretz.com/israel-news/2022-06-08/ty-article/.highlight/under-settler-pressure-israel-extends-antiquities-authoritys-powers-into-west-bank/00000181-42f8-df72-a5cb-c2ffa4660000.

to support the competent national authorities of the occupied territory in safeguarding and preserving its cultural property.⁶⁷

Settlement of title

23. The examination of land ownership claims and land title registration in the West Bank (“settlement of title” process) was halted at the start of the occupation, in line with the rules of international humanitarian law.⁶⁸ In 2018, in a reversal of its long-standing position, Israel reinitiated the “settlement of title” process in East Jerusalem,⁶⁹ with the procedure largely being implemented in a non-transparent manner,⁷⁰ in areas where the State and/or settlers have a particular interest.⁷¹ On 23 June 2022, the process was initiated in two highly sensitive areas in East Jerusalem, Abu Tor, south of the Old City, where the blocs marked for settlement of title cover much of the neighbourhood and is home to hundreds of Palestinian families, and the Umayyad Palace area, a 20-dunam archaeological site below the Al Aqsa Mosque compound.⁷² In August, the process was completed in the neighbourhood of Um Haroun in Sheikh Jarrah, formally registering the title of properties under the name of Jews who allegedly owned the land before 1948.⁷³ As at the end of the reporting period, the registration had begun in 158 blocs throughout East Jerusalem.⁷⁴

24. In November 2020, the Knesset “Subcommittee for Judea and Samaria” recommended the possibility of renewing the settlement of land titles in the West Bank.⁷⁵

B. Impact of settlements on human rights

Housing, land and property rights

25. For decades, Israeli authorities have ordered the demolition of Palestinian homes and property on the grounds that they lacked a building permit, despite the law of occupation prohibiting destruction of property, except for military necessity.⁷⁶ From 2012 to 2021, Israel demolished 6,821 Palestinian-owned structures in the West Bank, including East Jerusalem (Area C accounting for 77 per cent; East Jerusalem for 21 per cent), forcibly evicting 9,766 Palestinians (5,036 children, 2,483 men and 2,247 women). Structures demolished included 2,525 residential structures, 1,502 donor-funded structures provided as humanitarian aid and 571 water, sanitation and hygiene structures. Twenty schools were affected by demolition or confiscation, affecting the education of 1,297 children.⁷⁷ All but 131 of the total number of demolitions were in Area C or in East Jerusalem, and all but 146 were carried out on the grounds of a lack of Israeli-issued building permits.

26. Alarming levels of demolition continued during the reporting period. Israel demolished 914 Palestinian-owned structures in the West Bank, including East Jerusalem⁷⁸

⁶⁷ Hague Convention of 1 March 1954 relating to civil procedure, art. 5.

⁶⁸ Hague Regulations, arts. 43 and 55.

⁶⁹ A/77/493, para. 11, A/76/336, para. 13, and A/HRC/49/85, para. 11.

⁷⁰ A/76/336, para. 13.

⁷¹ See www.ir-amim.org.il/sites/default/files/Settlement%20of%20Title%20in%20East%20Jerusalem%20March%202022.pdf.

⁷² See www.haaretz.com/israel-news/2022-06-26/ty-article/israel-moves-to-register-lands-near-al-aqsa-using-funds-earmarked-for-palestinians/00000181-a154-d19e-ab99-f575f89f0000 and <https://mailchi.mp/ir-amim/in-a-dramatic-development-israel-initiates-settlement-of-land-title-adjacent-to-al-aqsa-across-abu-thor?e=5dfcd834de>.

⁷³ See www.ir-amim.org.il/sites/default/files/Settlement%20of%20Title%20in%20East%20Jerusalem%20March%202022.pdf.

⁷⁴ See www.gov.il/BlobFolder/news/matmedet-3790-2022/he/%D7%95%D7%A2%D7%93%D7%94%D7%9E%D7%AA%D7%9E%D7%93%D7%A%D7%A2022.pdf (www.gov.il), p. 55.

⁷⁵ A/76/336, para. 13.

⁷⁶ Fourth Geneva Convention, art. 53.

⁷⁷ Education Cluster Occupied Palestinian Territory.

⁷⁸ The number was 967 in the previous reporting period.

(717 in Area C (78 per cent) and 166 (18 per cent) in East Jerusalem, forcibly evicting 1,079 Palestinians, including 521 children, 268 women and 284 men.⁷⁹ Demolished structures included 320 residential structures, 138 donor-funded structures provided as humanitarian aid, 50 water, sanitation and hygiene facilities and one school.⁸⁰ As of 31 October 2022, legal aid actors were covering at least 4,208 pending demolition and eviction orders against Palestinian structures,⁸¹ with highest number of orders being in East Jerusalem, followed by Ramallah, Bethlehem and Nablus. Destruction and appropriation of property in the occupied territory, unjustified by military necessity and carried out unlawfully and wantonly, is a grave breach of the Fourth Geneva Convention and thus amounts to a war crime.⁸² There are currently 56 schools with stop-work orders facing the risk of demolition across the West Bank and East Jerusalem. Such stop-work orders affect the education of an estimated 6,550 students,⁸³ who also face heightened risk of forced child labour or early marriage,⁸⁴ in breach of the obligations of the occupying Power prohibiting the destruction of institutions dedicated to education.⁸⁵

27. Demolitions and ensuing forced evictions result in numerous human rights violations, with a negative impact on rights to adequate housing, water, sanitation, health, education, family life, residency and freedom of movement.⁸⁶ Protection risks have been heightened, and the coping capacities of communities affected,⁸⁷ with Palestinian women and girls disproportionately affected by distress and trauma.⁸⁸

28. In recent years, Israel has introduced measures limiting the legal recourse for Palestinians in Area C, contributing to a notable deterioration in housing, land and property rights. These measures include Military Order No. 1797 regarding the removal of new structures,⁸⁹ allowing the Israeli Civil Administration to remove “new” structures after 96 hours of the issuance of a removal order. According to information from the Office for the Coordination of Humanitarian Affairs (OCHA), the order has been implemented in 158 recorded incidents since it came into effect in 2018 and for 42 structures during the reporting period. Similarly, administrative orders introduced and/or amended in recent years⁹⁰ have resulted in a steady increase in the seizure of structures in Area C: from 6 in 2017, 17 in 2018, 27 in 2019, 33 in 2020 and 82 in 2021. During the reporting period, 131 such seizures were recorded.⁹¹

29. These orders serve to circumvent procedures established under planning legislation, severely restricting the ability of Palestinians to be heard before a judicial body. Further, significant political pressure is being exerted on the Israeli Civil Administration by pro-settlement members of Knesset and leaders of the settler movement to increase the enforcement of demolition orders.⁹²

⁷⁹ Information provided by OCHA.

⁸⁰ Education Cluster Occupied Palestinian Territory.

⁸¹ Norwegian Refugee Council.

⁸² See <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>, art. 147.

⁸³ Education Cluster Occupied Palestinian Territory.

⁸⁴ See www.savethechildren.es/sites/default/files/2021-06/Hope_under_the_rubble_STC.pdf.

⁸⁵ Fourth Geneva Convention, arts. 49 and 147; Hague Regulations, arts. 46 and 56; and Security Council resolution 1612 (2005).

⁸⁶ [A/77/493](#), paras. 26–27, and [A/72/564](#), paras. 25 and 49–50.

⁸⁷ [A/77/493](#), para. 65.

⁸⁸ See www.globalprotectioncluster.org/sites/default/files/2022-08/opt_protection_analysis_update_westbank_aug2022.pdf; see also [CEDAW/C/ISR/CO/6](#), paras. 32–33.

⁸⁹ See www.ochaopt.org/content/west-bank-demolitions-and-displacement-july-august-2022; see also [A/HRC/46/65](#), para. 32.

⁹⁰ See www.militarycourtwatch.org/files/server/MO%201651%20.pdf; www.nevo.co.il/law_html/law65/666_038.htm#Seif6; and www.nevo.co.il/law_html/law65/666_038.htm concerning “mobile structures”.

⁹¹ Information provided by OCHA.

⁹² Knesset Foreign Affairs and Defense Committee “Palestinian takeover of Area C”, 29 July 2020 and 13 August 2020.

30. It is clear that Israeli planning and zoning regimes in Area C and East Jerusalem are discriminatory,⁹³ rendering it almost impossible for Palestinians to obtain building permits.⁹⁴ Data from the Israeli Civil Administration made public in December 2021 revealed that fewer than 1 per cent of Palestinian construction permits (24 of 2,550) in Area C had been approved between 2016 and 2020.⁹⁵ In contrast, 8,356 permits for Israeli settlement housing units were issued.

31. In occupied East Jerusalem, Israel has zoned only 15 per cent of the area illegally annexed by Israel in 1967 for Palestinian housing needs, compared to 38 per cent allocated for settlement construction.⁹⁶ Data provided by the Jerusalem municipality show that while Palestinian people account for 38 per cent of the overall population of Jerusalem, between 1991 and 2018 only 16.5 per cent of building permits were issued for construction in Palestinian neighbourhoods, mainly for small-scale private projects.⁹⁷ By contrast, 37.8 per cent of all permits were issued for settlement construction in East Jerusalem. As a result, a third of Palestinian homes in East Jerusalem have been built without the required Israeli permit, which makes them subject to demolition orders.⁹⁸

32. Between 2012 and 2021, Israeli authorities demolished 1,407 Palestinian houses in East Jerusalem. Within the reporting period alone, 166 houses were demolished and 86 were demolished by their owners. Demolitions owing to the lack of building permits appear to be on the increase, with the number of structures demolished in East Jerusalem in 2021 (177) totalling approximately the same as the total over the past four years (2017–2020).⁹⁹ Fuelling the recent acceleration in the demolition of newly built Palestinian structures in East Jerusalem is the adoption of amendment 116 to the planning and building law, effective from October 2017, enabling expedited demolitions¹⁰⁰ and further limiting opportunities for legal recourse. The number of Palestinians in East Jerusalem who have been forced to self-demolish their properties is on the rise (16 structures in 2013; 58 in 2019; 89 in 2020; and 101 in 2022). This trend is on the rise since the new regulations came into force in 2018¹⁰¹ – it is the only way to avoid paying the large fines and charges concomitant with the Israeli municipality carrying out the demolition.¹⁰²

33. The Human Rights Committee has concluded that such “systematic practice of demolitions and forced evictions based on the discriminatory policies have led to the separation of Jewish and Palestinian communities in the Occupied Palestinian Territory, which amounts to racial segregation”.¹⁰³

Additional discriminatory laws in East Jerusalem

34. The right to housing for Palestinians in East Jerusalem is further undermined by the Absentees’ Property Law,¹⁰⁴ enacted in 1950, which 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 was otherwise outside that area after 27 November 1947.¹⁰⁵ Since the illegal annexation of East Jerusalem under international law,¹⁰⁶ property owned by Palestinians

⁹³ A/HRC/37/43, paras. 29–32, A/HRC/25/38, paras. 11–14, A/HRC/31/43, paras. 18 and 45, A/HRC/34/38, para. 25, and CERD/C/ISR/CO/14-16, para. 25.

⁹⁴ Ibid., para. 26.

⁹⁵ See <https://www.haaretz.com/israel-news/2021-12-07/ty-article/.premium/demolition-orders-for-palestinians-in-west-banks-area-c-hit-five-year-record/0000017f-f234-d487-abff-f3fef38d0000>.

⁹⁶ A/HRC/43/67, para. 42.

⁹⁷ See <https://peacenow.org.il/en/jerusalem-municipal-data-reveals-stark-israeli-palestinian-discrepancy-in-construction-permits-in-jerusalem>.

⁹⁸ Ibid.

⁹⁹ Information provided by OCHA.

¹⁰⁰ A/HRC/43/67, para. 32.

¹⁰¹ Administrative Offenses Regulations 2018, and Planning and Building Law, art. 254 (9).

¹⁰² A/77/493, para. 17, and www.alhaq.org/advocacy/18827.html.

¹⁰³ CCPR/C/ISR/CO/5, para. 42.

¹⁰⁴ See <https://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/04-Absentees-Property-Law-1950.pdf>.

¹⁰⁵ A/75/376, para. 51, and A/70/351, paras. 30 and 31.

¹⁰⁶ A/75/376, para. 51.

residing outside the city has been determined to be “absentee property”, which, in some cases, has been transferred or sold to settler organizations.¹⁰⁷ While the Legal and Administrative Matters Law of 1970 permits claims for the restitution of property in East Jerusalem owned by Jewish persons before 1948, it does not allow equivalent Palestinian claims of ownership in West Jerusalem. 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.¹⁰⁸ By applying the Absentees’ Property Law and the Legal and Administrative Matters Law in East Jerusalem, Israel is exceeding the limited legislative authority that an occupying Power may exercise under international humanitarian law. Both laws are seemingly inconsistent with the obligation that private property in occupied territory must be respected and cannot be confiscated.¹⁰⁹ In addition, confiscations under the laws are carried out solely on the basis of the nationality or origin of the owner, rendering such laws inherently discriminatory.

35. Within occupied East Jerusalem, at least 218 Palestinian households, mostly in the neighbourhoods of Sheikh Jarrah and Silwan, are facing the threat of forced eviction, their residents living in constant fear and anxiety, owing to cases filed in Israeli courts, primarily by Israeli settler organizations.¹¹⁰ The settlement of title procedure coupled with discriminatory legal structure¹¹¹ and settlement expansion plans currently under way¹¹² could cause a significant rise in eviction lawsuits against Palestinians residing in East Jerusalem.

Settlement-related violence

36. Settler violence adversely affects Palestinian society, violating a range of rights.¹¹³ Over the past 10 years, OHCHR has documented how Israeli security forces have not only stood by idly but have actively participated in the violence against Palestinians, including with deadly consequences.¹¹⁴ The settler presence and violence, which appears designed to terrorize Palestinians as part of a calculated and systematic effort to expand Israeli control beyond the settlement jurisdiction areas, has also reduced Palestinians’ access to land and consolidated the presence and expansion of Israeli settlements and outposts.¹¹⁵ The climate of fear and intimidation has had a serious psychological impact on Palestinians¹¹⁶ and the increasingly severe level of settler violence is a key component of the coercive environment, increasing their risk of forcible transfer.

37. Over the past 10 years there have been a total of 3,372 incidents of settler violence verified by the United Nations, including 1,222 people injured (922 men, 102 women and 243 children). OHCHR has documented numerous cases of settlers attacking and terrifying women and girls, including pregnant¹¹⁷ and elderly women, with stones, batons, pepper-spray, Molotov cocktails, dogs and firearms. As an added concern, OHCHR monitoring shows that settler violence has had an impact on women’s freedom of movement and has reinforced negative aspects of traditional gender roles in the Palestinian community.¹¹⁸

¹⁰⁷ Ibid.; see also <https://law.acri.org.il/pdf/unsafe-space-en.pdf>, p. 35.

¹⁰⁸ A/75/376, para. 51, A/70/351, paras. 29–36 and 49–51, and A/HRC/34/39, para. 46.

¹⁰⁹ The Hague Regulations, art. 46, and A/75/376, para. 51.

¹¹⁰ A/HRC/49/85, para. 25.

¹¹¹ See <https://mailchi.mp/ir-amim/strategic-bloc-of-land-between-east-jerusalem-abu-dis-covertly-transferred-into-state-hands-in-parallel-to-completion-of-land-registration?e=5dfcd834de>.

¹¹² See <https://www.ir-amim.org.il/sites/default/files/Settlement%20of%20Title%20in%20East%20Jerusalem%20March%202022.pdf>.

¹¹³ A/HRC/40/42, para. 24.

¹¹⁴ A/77/493, paras. 33–40, A/HRC/49/85, paras. 13–19, A/76/336, paras. 17–23, and A/75/376, para. 17.

¹¹⁵ A/76/336, para. 19, and A/HRC/40/42, para. 24.

¹¹⁶ A/HRC/40/42, para. 48.

¹¹⁷ A/75/376, para. 21.

¹¹⁸ A/HRC/40/42, paras. 48–49, A/77/493, para. 28, and A/HRC/46/63.

38. During the present reporting period, settler violence further intensified, reaching the highest levels ever recorded by the United Nations.¹¹⁹ There were 739 incidents of settler violence in the West Bank, including East Jerusalem (502 incidents in the previous period), presenting an 89 per cent increase compared to 2012 when the United Nations recorded 391 incidents. Settlers injured 248 Palestinians (207 men, 19 women and 22 children) and vandalized 10,810 trees and 668 vehicles. The severity of such attacks also intensified. Two Palestinian men were killed by settlers, while two Palestinian boys were killed either by Israel security forces or settlers using firearms simultaneously.

39. Settler violence and intimidation, which peaks during the annual olive harvest, seriously impedes farmers' access to their land and their livelihoods, involves serious physical and psychological harm, which also targets protective-presence volunteers. Violence during the recent harvest season reached an all-time record, with 48 settler attacks involving property damage and 11 incidents resulting in 49 Palestinians injured (45 men, 3 women and 1 boy). During the harvest, 1,400 Palestinian-owned trees were vandalized and approximately 1,000 were harvested by people believed to be Israeli settlers. In addition, 30 Palestinians were injured by the Israeli security forces that intervened following a settler attack – a concerning trend.¹²⁰ On 19 October, some 30 Israeli settlers attacked Palestinian farmers and Israeli activists picking olives near Ma'ale Amos settlement, southeast of Bethlehem. Settlers hit a 70-year-old Israeli woman activist with stones and batons, causing broken ribs and a broken hand.

40. Settlement guards appeared to play an active role in violent attacks. On 21 October, four Palestinian men picking fruit from their olive trees in Burin village in Nablus were attacked with stones and teargas by some 20 Israeli settlers from the Givat Ronen/Sneh Ya'akov outpost. Stone-throwing confrontations ensued between local Palestinians and settlers arriving from outposts near the Har Bracha and Yitzhar settlements. When Israeli security forces intervened, an armed man in an Israeli security forces uniform assisted the settlers in throwing teargas canisters at the Palestinian crowd. He was filmed handing a tear gas grenade to a settler and showing him where to aim.¹²¹ The man was later identified as the settlement guard of Har Bracha settlement. On 25 October,¹²² Israeli media reported that the guard had been suspended pending a probe by the Israel Defense Forces but he was reinstated shortly afterwards, on 31 October.¹²³

41. Settlement guards actively participating in settler attacks have been documented as a trend over the years, including cases of civilian security guards shooting and killing Palestinians with live ammunition alongside settlers and Israeli security forces.¹²⁴ In the West Bank, security guards often live in settlements or outposts, identify as settlers and share a related ideology, while being paid for, trained and armed by the Israeli security forces, seemingly blurring the lines of law enforcement powers between them and the settlers.¹²⁵ In East Jerusalem settlements, the Ministry of Defence contracts security guards to protect settlers.¹²⁶

42. Violence by settlers and the Israeli security forces has become increasingly interwoven and, over the years, their distinction has become increasingly difficult to discern.¹²⁷ Since 2012, OHCHR has documented numerous incidents where settlers were recorded shooting at Palestinians side by side with the Israeli security forces.¹²⁸ That trend

¹¹⁹ OCHA began tracking this behaviour in 2005; see also www.ochaopt.org/content/palestinians-resisting-forcible-transfer-masaffer-yatta#ftn_ref5.

¹²⁰ A/77/493, paras. 33–40, A/HRC/49/85, paras. 13–19, A/76/336, paras. 17–23, and A/75/376, para. 17.

¹²¹ See https://twitter.com/Yesh_Din/status/1583459965846818817.

¹²² See <https://www.haaretz.com/middle-east-news/palestinians/2022-10-26/ty-article/.premium/israeli-army-suspends-official-who-helped-settlers-throw-gas-grenades-on-palestinians/00000184-12bd-df0c-a1dc-b3bfaa230000>.

¹²³ See <https://www.haaretz.com/israel-news/2022-10-31/ty-article/.premium/israeli-army-reinstates-official-who-helped-settlers-tear-gas-palestinians/00000184-2d71-dc27-a19c-aff3aea20000>.

¹²⁴ A/HRC/49/85, paras. 15 and 16.

¹²⁵ A/77/493, para. 40.

¹²⁶ Ibid.

¹²⁷ A/77/493, para. 36.

¹²⁸ A/77/493, para. 35, A/76/336, para. 44, A/HRC/49/85, para. 54, and S/2022/504.

continued during the present reporting period. On 29 July, Israeli security forces and settlers, operating side by side, shot and killed a 15-year-old Palestinian boy and injured at least three other Palestinian men who were protesting against settler activities in Al Mughayyir village in Ramallah. The child was shot in the back while running away and later died from his wounds. Eyewitnesses and video footage indicate that the Israeli security forces and the settlers were firing live ammunition simultaneously, making it impossible to determine who fired the lethal shots. In addition to raising concerns about unlawful killing and injury of Palestinians, the incident also highlights the role of the Israeli security forces in participating in and providing security cover for settlers carrying out acts that may amount to criminal offences against Palestinians.

43. The incident demonstrates how the Israeli security forces use force to restrict and suppress Palestinian freedom of expression and assembly when demonstrating against the settlement enterprise and occupation. During the last decade, OHCHR has documented numerous cases of discriminatory law enforcement during demonstrations, including intimidation of protesters and journalists, mass arrests and the use of excessive force against mainly peaceful protesters, as well as the use of lethal force as crowd control measure.¹²⁹ In many incidents monitored by OHCHR, the use of firearms by the 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. The use of firearms causing the death of individuals who were not posing a threat to life or serious injury constitutes a violation of the right to life¹³⁰ and may be equivalent to extrajudicial execution. In an occupation situation, such actions may also amount to wilful killings under the Fourth Geneva Convention, which is a war crime.¹³¹

Accountability

44. Over the past 10 years, Israel has failed in its obligation to promptly, effectively and independently investigate and prosecute crimes against Palestinians committed by settlers and related violations by the Israeli security forces and to provide justice to the victims.¹³² The Human Rights Committee delivered pointed criticism on the state of Israeli law enforcement in March 2022.¹³³

45. Failure to protect Palestinians and deficiencies in the justice system to hold settlers accountable for violence against Palestinians, with particular obstacles to access to justice for women and girls, have been reported previously. Few complaints are submitted by Palestinians owing to distrust of the Israeli legal system and fear of reprisals.¹³⁴ Overall, these deficiencies sustain and exacerbate a climate of impunity for settler violence, encouraging the continuation of attacks.¹³⁵ Additionally, the above-mentioned attacks against Palestinians by settlers shooting side by side with the Israeli security forces, add to such a climate. Settler violence against Palestinians serves as a method to take over land in the West Bank.¹³⁶

46. Despite some reported steps taken by Israel in the current reporting period, such as establishment of special teams to address ideologically based offences¹³⁷ and some public calls for accountability¹³⁸, actual accountability measures remain gravely deficient. Little to no information has been made publicly available on investigations into killings of

¹²⁹ A/HRC/49/85, sect. IV, A/77/493, para. 33, and A/HRC/49/85, para. 41.

¹³⁰ Universal Declaration of Human Rights, arts. 19 and 20; International Covenant on Civil and Political Rights, arts. 6 (1), 9 (1), 19 and 22; Hague Regulations of 1907, art. 46; and Fourth Geneva Convention, art. 27.

¹³¹ See <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>, art. 147.

¹³² A/77/493, para. 78 (d), A/77/493, para. 46, A/76/336, para. 26, and A/HRC/49/85, paras. 20–22.

¹³³ CCPR/C/ISR/CO/5, paras. 24, 26 and 27.

¹³⁴ A/76/336, para. 31.

¹³⁵ A/77/493, para. 47; A/76/336, para. 31; and A/HRC/49/85, para. 23.

¹³⁶ See www.btselem.org/sites/default/files/publications/202111_state_business_eng.pdf.

¹³⁷ http://www.gov.il/BlobFolder/dynamiccollectorresultitem/hr-0007/he/human-rights-replay_investigation-and-prosecutionof-offences-against-palestinians.pdf, March 2022.

¹³⁸ See www.timesofisrael.com/coalition-members-condemn-settler-attack-with-some-calling-to-raze-outposts/.

Palestinians by settlers, settlement guards or settler-related killings by the Israeli security forces, and obtaining information on status of cases has remained similarly challenging. On 25 August, the State prosecution closed its investigation into the killing of a 27-year-old Palestinian man by a settler on 21 June in the village of Iskaka near the Ariel settlement. Even though the stabbing took place in the presence of the Israeli security forces, the authorities stated that self-defence could not be ruled out.¹³⁹ Regarding the events of 28 September 2021, when dozens of settlers entered Umm Fagarah in Masafer Yatta, attacking residents, homes and vandalizing property, injuring several Palestinians, including a toddler, the State prosecutor filed indictments against only two persons.¹⁴⁰ No information is available of further accountability measures into the killing of Palestinians by settlers during the previous reporting period.¹⁴¹

47. According to the latest report of the Ministry of Justice on the Israeli investigation and prosecution of “ideologically motivated offences” against Palestinians,¹⁴² 87 investigations were opened against Israeli suspects in 2021 while OCHA documented 585 incidents of settler violence in the same year.¹⁴³ Of that number, 49 cases remain under investigation, while 38 have been closed, including 19 indictments reportedly filed. The Ministry of Justice did not provide information on the number of complaints submitted by Palestinians.

48. According to Yesh Din, 92 per cent of settler violence cases that the organization examined between 2005 and 2021 were closed without an indictment, while approximately only 3 per cent of investigations led to convictions.¹⁴⁴ Israelis who harm non-Palestinians in the West Bank are six times more likely to be indicted than if they harmed a Palestinian. From 2018 to 2020, charges were filed in under 4 per cent of settler violence cases.¹⁴⁵ In contrast, between 2018 and April 2021, 96 per cent of investigations of Palestinian violence by the military prosecution ended with a conviction, with 99.6 per cent based on plea deals.¹⁴⁶

C. Coercive environment and forcible transfer

49. The violations described above, including settlement expansion, discriminatory Israeli land and planning policies and measures, demolitions, forced evictions and systematic and increasingly severe settler violence, both individually and cumulatively, create a context whereby Palestinians are often left with no choice but to leave their places of residence.¹⁴⁷ Any population movement caused either through direct demolition of structures or forced evictions or by the implementation of, or failure to protect from, coercive measures that compel protected persons to move could amount to forcible transfer, a grave breach of the Fourth Geneva Convention, constituting a war crime.¹⁴⁸

¹³⁹ See www.haaretz.com/israel-news/2022-08-25/ty-article/.premium/israel-closes-case-against-settler-suspected-of-fatally-stabbing-palestinian/00000182-d597-d972-a7d6-dd9f49470000.

¹⁴⁰ See www.haaretz.com/israel-news/2022-11-29/ty-article-magazine/.premium/witnesses-werent-questioned-and-cases-were-closed-the-palestinian-villagers-seek-justice/00000184-be27-d05a-a3b4-ff674bb30000.

¹⁴¹ A/HRC/49/85, para. 22.

¹⁴² http://www.gov.il/BlobFolder/dynamiccollectorresultitem/hr-0007/he/human-rights-replay_investigation-and-prosecutionof-offences-against-palestinians.pdf.

¹⁴³ Information provided by OCHA.

¹⁴⁴ See www.yesh-din.org/en/data-sheet-december-2021-law-enforcement-on-israeli-civilians-in-the-west-bank-settler-violence/.

¹⁴⁵ See www.haaretz.com/israel-news/2022-02-07/ty-article-magazine/.premium/charges-are-pressed-in-just-4-of-settler-violence-cases/0000017f-e826-df2c-a1ff-fe77f5090000.

¹⁴⁶ See www.haaretz.com/israel-news/2022-04-25/ty-article-magazine/.highlight/israels-other-justice-system-has-rules-of-its-own/00000180-6566-d824-ad9e-e7664fa10000.

¹⁴⁷ A/HRC/43/67, paras. 41–59.

¹⁴⁸ A/HRC/43/67, paras. 37–40; Fourth Geneva Convention, arts. 49 (1) and 147; Rome Statute, art. 8 (2) (b) (viii); International Covenant on Economic, Social and Cultural Rights, art. 11; and Committee on Economic, Social and Cultural Rights, general comment No.7 (1997).

50. As referenced extensively in the jurisprudence of international criminal tribunals, the prohibition of forcible transfer is to be interpreted broadly¹⁴⁹ and may result from indirect measures,¹⁵⁰ including the creation of a coercive environment, whereby people are forced to leave against their genuine will.¹⁵¹ In the past decade, the Secretary-General and the High Commissioner have expressed their repeated concern regarding the existence and intensity of a coercive environment in the West Bank, including East Jerusalem. Risk of forcible transfer and concern over actual cases where Palestinians appear to have been forcibly transferred has been reported on¹⁵² with respect to Area C,¹⁵³ including the Jordan Valley,¹⁵⁴ the H2 area in Hebron¹⁵⁵ and East Jerusalem.¹⁵⁶ During the reporting period, the following three cases monitored by OHCHR have been of particular concern.

Ras al Tin

51. Ras al Tin is a Palestinian herding community¹⁵⁷ of approximately 35 households (240 people, including 150 children), located in Area C, whose seasonally changing residential and herding areas are located in and next to an area that has been designated as a “firing zone”, closed for Israeli military training.¹⁵⁸ The community has unceasingly been subjected to a range of increasing pressures, including demolitions, confiscations of livelihood materials, settler violence and lack of protection from it, and excessive use of force by the Israeli security forces, which, combined, created a coercive environment and presented a risk of forcible transfer for its residents. In 2009, demolition orders were issued against 13 families. In 2015, two homes were demolished, affecting 11 people, including seven children.¹⁵⁹ In 2021, 84 Palestinians, including 53 children, lost their homes when Israeli security forces confiscated 49 structures.¹⁶⁰ According to community members, the Israeli security forces verbally ordered the community, repeatedly, to move to Area B. On 14 June and 6 July 2022, two serious settler attacks occurred; women were particularly affected and several residents were injured. This, combined with the pressures of the past years, including regular harassment by settlers, resulted in 19 households (99 people, including 62 children) deciding to leave the area in July 2022. The families relocated to Kafr Malek village in Area B, where they faced harsh and unsustainable conditions, without access to basic services, such as water, health care, sustained electricity, water and sanitation and hygiene facilities. Further, schools were located at long distances from the village, disproportionately affecting women and children. As of September 2022, OHCHR documented that the families remained in Kafr Malek. Two families who had remained in Ras Al Tin are planning to join them. It appears the families have moved permanently as a result of the accumulation of coercive elements, raising concerns that forcible transfer may have taken place.

Masafer Yatta

52. On 4 May 2022, the High Court of Justice rejected a petition against eviction orders issued to Palestinians belonging to 12 herding communities in the Israeli-designated firing

¹⁴⁹ International Criminal Court, PCNICC/2000/1/Add.2; and International Tribunal for the Former Yugoslavia, Case No. IT-95-9-T, 17 October 2003, para. 130.

¹⁵⁰ [A/HRC/43/67](#), para. 38.

¹⁵¹ [A/HRC/43/67](#), para. 40, and [A/HRC/34/39](#), para. 42.

¹⁵² [A/77/493](#), paras. 17–27 and 48–76, [A/76/336](#), paras. 37–57, and [A/HRC/49/85](#), paras. 28–29.

¹⁵³ [A/77/493](#), paras. 20 and 21, [A/HRC/43/67](#), para. 33, [A/HRC/34/39](#), para. 44, and [A/72/564](#), paras. 36–57.

¹⁵⁴ [A/73/410](#).

¹⁵⁵ [A/71/355](#), [A/HRC/43/67](#) and [A/73/410](#), para. 19.

¹⁵⁶ [A/HRC/37/43](#), [A/HRC/43/67](#) and [A/73/410](#), para. 20.

¹⁵⁷ The community has lived in Ras al Tin since 1988 and has been forced to move several times; see also www.haaretz.com/israel-news/twilight-zone/2022-07-21/ty-article-magazine/.highlight/a-palestinian-tribe-is-uprooted-for-the-seventh-time/00000182-228a-d15a-a197-73bf44770000.

¹⁵⁸ Declared a firing zone in 1967; see also OCHA Humanitarian Report: Ras al Tin, 18 July 2022 (<https://www.unocha.org/media-centre/humanitarian-reports>).

¹⁵⁹ OCHA Humanitarian Report: Ras al Tin, 18 July 2022.

¹⁶⁰ Ibid.

zone 918 in Masafer Yatta.¹⁶¹ The petition had been ongoing since 2012.¹⁶² The judgment is inconsistent with international law for its narrow interpretation of the prohibition of forcible transfer to cover only mass transfers and for privileging Israeli military law over international law obligations.¹⁶³ With the Israeli security forces now enabled to implement eviction orders and to use the site for active military training, 1,144 residents (282 men, 293 women, 299 boys, 270 girls) are at imminent risk of forced eviction and forcible transfer.¹⁶⁴

53. Since the court ruling of 4 May, Israel has intensified the coercive environment by carrying out demolitions, issuing demolition and military seizure orders, increasing the military presence and operations and imposing movement restrictions on residents and humanitarian responders, including the establishment of checkpoints and the imposition of detentions, affecting access to education, health care and people's ability to sustain their livelihoods, particularly for female-headed households.¹⁶⁵ Thus far, 25 structures in Khirbet at Tabban have already been demolished, resulting in the forced eviction of 64 people, who now live in tents or shelters provided by the humanitarian community. For some people, this was the third time they had lost their homes in less than a year. A further 35 demolition orders have been issued, affecting 77 structures, including homes. On 18 May, Israeli security forces issued a military seizure order allowing the construction of a two-lane patrol road between Khirbet Bir al 'Idd and communities, which, once complete, threatens to severely hamper the movement of Palestinians and their access to hospitals and other basic services.¹⁶⁶ In June 2022, military training exercises began, resulting in large-scale military deployment and the establishment of more permanent presence of the Israeli security forces through the construction of a military base, with firing ranges emplaced close to inhabited residential areas.¹⁶⁷ On 6 July 2022, the roof of a residential home was damaged by Israeli live ammunition fired during a training exercise while the family was inside the home¹⁶⁸. The Israeli security forces have begun closely monitoring and restricting the movement of people in the area, even on days when training is not taking place, including by going house to house to photograph residents' faces and check their identification documents.¹⁶⁹ In July, there were several cases of members of the community being stopped and detained for hours at newly established flying checkpoints, even outside military training periods. In addition, representatives of humanitarian organizations and United Nations personnel have been stopped, delayed and their cars seized and confiscated. On 29 July, a military seizure order was issued to construct a checkpoint in At Tuwani that would close off the main access road to Masafer Yatta. On 11 August, Israeli security forces placed concrete blocks at the entrance of At Tuwani in preparation for a road gate, which is considered to be part of a larger checkpoint infrastructure.¹⁷⁰

54. The Secretary-General and the High Commissioner have repeatedly voiced deep concern regarding the possible forced evictions and forcible transfer of Palestinian families

¹⁶¹ See <https://supreme.court.gov.il/sites/en/Pages/home.aspx>; see also, on 2 October 2022, the High Court of Justice of Israel rejected a petition to hold additional hearings, available at <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/22/440/041/v15&fileName=22041440.V15&type=4> [in Hebrew].

¹⁶² A/76/336, paras. 50 and 51.

¹⁶³ A/77/493, para. 19 and A/76/336, paras. 55 and 56; see also www.ohchr.org/en/press-releases/2022/05/un-experts-alarmed-israel-high-court-ruling-masafer-yatta-and-risk-imminent.

¹⁶⁴ A/HRC/49/85, para. 26.

¹⁶⁵ See www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022.

¹⁶⁶ Ibid.

¹⁶⁷ OCHA, Humanitarian Report: Masafer Yatta, 17 August 2022 (<https://www.unocha.org/media-centre/humanitarian-reports>).

¹⁶⁸ See www.ochaopt.org/poc/28-june-18-july-2022 and www.haaretz.com/middle-east-news/palestinians/2022-09-21/ty-article-magazine/.premium/in-the-shadow-of-idf-live-fire-training-life-in-masafer-yatta-has-become-unbearable/00000183-5f7a-d722-abd7-5f7f1e380000.

¹⁶⁹ See www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022.

¹⁷⁰ OCHA Humanitarian Report, 17 August 2022 (<https://www.unocha.org/media-centre/humanitarian-reports>).

from their homes in Masafer Yatta, urging Israeli authorities to stop all military training to allow community members to stay in their homes in safety and dignity.¹⁷¹

East Jerusalem

55. In Silwan, on 10 and 11 May 2022, demolitions caused the forcible eviction of 33 people, including 18 children. Approximately 74 Palestinians, including 42 children, remain at risk of impending forced eviction and possible forcible transfer following a demolition order in Wadi Qaddum.¹⁷² In Sheikh Jarrah, tensions have remained high over the past years in the context of several rounds of planned forced evictions. In December 2021, the Salem family received an eviction notice based on a settler's claim.¹⁷³ The proposed eviction would displace 12 people, including six children.¹⁷⁴ On 1 March 2022, the Israeli Supreme Court allowed four Sheikh Jarrah families facing eviction orders to stay in their homes as protected tenants until the conclusion of the process of settlement of land title. This ruling may provide a precedent and protect other families similarly facing eviction.

D. Settlements in the occupied Syrian Golan

56. Over the past decade, in the context of the Syrian civil war, Israel has regularly attacked Syrian military personnel and installations and has expanded Israeli settlements on the Golan. Following the recognition of Israeli "sovereignty" over the Golan by the United States of America on 25 March 2019, Israel embarked on an unprecedented plan to double its settler population in the Golan by 2027 and to increase the number of settlements from 34 to 36.¹⁷⁵ As documented in Security Council resolution 497 (1981), the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan is null and void and without international legal effect.

57. Occupied Syrian Golan villages suffer from severe overcrowding. The seizure of lands for Israeli settlements, military zones, nature reserves and commercial activities, including a wind turbine project, continue to limit access of the Syrian population to land and water, in violation of their rights to adequate housing, food and health. The Syrian Government has formally protested the confiscation and appropriation of over six square kilometres of Syrian land for the construction of 42 wind turbines in the villages of Ain El-Hajal, Al Mansura and Al-Thaljiyat, and the imminent confiscation of another four square kilometres of agricultural land to facilitate the construction of another 41 wind turbines in the villages of Madjal Shams, Masada, Buqaata and Ein Qiniya.¹⁷⁶ The Syrian Arab Republic has also expressed concern over the health impacts for its population centres located within 10 kilometres of the 120 metre-tall turbines.

IV. Conclusions and recommendations

58. **The establishment and expansion of settlements in the Occupied Palestinian Territory and the occupied Syrian Golan, authorized or unauthorized under Israeli law, amount to the transfer by Israel of its own civilian population into the territories it occupies, which is prohibited under international humanitarian law,¹⁷⁷ as consistently confirmed by the competent United Nations organs, including the International Court**

¹⁷¹ A/77/493, para. 19, A/76/336, paras. 50–57; see also <http://www.ochaopt.org/content/statement-United-nations-resident-and-humanitarian-coordinator-occupied-palestinian-territory-lynn-hastings>; www.ohchr.org/en/press-releases/2022/05/un-experts-alarmed-israel-high-court-ruling-masafer-yatta-and-risk-imminent; and https://www.btselem.org/sites/default/files/2022-10/ICC_preventive_intervention_eng.pdf.

¹⁷² See <https://www.ir-amim.org.il/en/node/2867>.

¹⁷³ A/HRC/49/85, para. 32.

¹⁷⁴ A/77/493, para. 25.

¹⁷⁵ See <https://www.gov.il/en>.

¹⁷⁶ Letter from the Permanent Representative of the Syrian Arab Republic to the United Nations High Commissioner for Human Rights, Michelle Bachelet, 29 July 2022.

¹⁷⁷ Fourth Geneva Convention, art. 49 (6).

of Justice.¹⁷⁸ Such transfers amount to a war crime that may engage the individual criminal responsibility of those involved.

59. The systematic takeover of land through various means, including discriminatory Israeli laws and orders, continues to undergird settlement expansion in the West Bank, including East Jerusalem. The “settlement of titles” is illegal under international law and increases the risk of illegal appropriation of property and of possible forcible transfer.¹⁷⁹ Over the past decade there has been a significant shift in the position of the Government of Israel and its institutions – characterized by an increasingly emboldened stance aimed at accelerating control over land and resources and imposing Israeli sovereignty.

60. Discriminatory planning policies and practices, demolitions and forced evictions in the Occupied Palestinian Territory, including for the benefit of settler organizations, entail numerous human rights violations and are a key factor in the coercive environment which currently prevails. Displacement and “relocation” to alternative residential areas as a result of such an environment amounts to forcible transfer, contrary to the obligations of Israel under international humanitarian law and international human rights law.¹⁸⁰

61. Settler violence has reached the highest levels ever recorded by the United Nations. Violence by settlers and the Israel security forces has become increasingly interwoven, including cases of settlers shooting side by side with the Israeli security forces.¹⁸¹ Israel has repeatedly failed in its responsibility as the occupying Power to protect Palestinians and their property.¹⁸² This contributes to worsening of the coercive environment and discrimination against Palestinians, with a prevailing climate of impunity for settler violence and for use of force by the Israeli security forces.

62. The High Commissioner further 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 was null and void and without international legal effect.

63. On the basis of the findings presented in the present and previous reports, the High Commissioner recommends that the Israeli authorities:

(a) Immediately and completely cease and reverse all settlement development and related activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, in accordance with relevant United Nations resolutions, including Security Council resolutions 497 (1981) and 2334 (2016);

(b) Rescind all policies and practices contributing to a coercive environment and/or increasing the risk of forcible transfer of Palestinians;

(c) Review planning laws and policies to ensure that they are compliant with the obligations of Israel under international human rights law and international humanitarian law;

(d) Refrain from implementing evictions and demolition orders on the basis of discriminatory and unlawful planning policies and practices that may lead to the forcible transfer of Palestinians, affecting women disproportionately;

(e) Take all steps necessary to protect the Palestinian population and their property from settler violence and 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

¹⁷⁸ *Legal Consequences of 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.

¹⁷⁹ I.C.J. Reports 2004, p. 136.

¹⁸⁰ Fourth Geneva Convention, art. 49 (6), and Rome Statute, art. 8 (2) (b) (viii).

¹⁸¹ A/77/493, para. 36, and A/HRC/49/85, paras. 15 and 16.

¹⁸² The Hague Regulations, arts. 43 and 46, and Fourth Geneva Convention, art. 27.

and, if convicted, punished with appropriate sanctions, and that victims are provided with effective remedies, including adequate compensation, in accordance with international standards;

(f) Protect the rights to freedom of expression and peaceful assembly of Palestinians, refrain from all undue restriction, including use of force, and create an enabling environment for peaceful protests;

(g) End policies and practices within the occupied Syrian Golan that may lead to discrimination against protected persons.
