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### 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 [77/126](#), provides an update on Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan from 1 June 2022 to 31 May 2023.

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\* The present report was submitted for processing after the deadline for reasons beyond the control of the submitting office.



## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [77/126](#) and provides an update on the implementation of the resolution from 1 June 2022 to 31 May 2023. 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 (NGOs). 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 General 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 settlement expansion and settler violence as key human rights violations against Palestinians in the West Bank, with a focus on the Nablus area. 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 in 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

4. Over the past decade, successive Israeli Governments have consistently advanced and implemented policies of settlement expansion and takeover of Palestinian land.<sup>3</sup>

5. The policies of the current Government in this regard are aligned, to an unprecedented extent, with the goals of the Israeli settler movement to expand long-term control over the occupied West Bank, including East Jerusalem, and, in practice, to further integrate those areas into the territory of the State of Israel. The Government, in its guiding principles, expressly claimed the “exclusive and indisputable right” of the Jewish people to “all parts of the Land of Israel”, including the occupied West Bank and the occupied Syrian Golan.<sup>4</sup> In addition, Coalition agreements indicated that the Government would promote a policy of “application of sovereignty” over the West Bank<sup>5</sup> through institutional changes, legislation and massive settlement expansion, including the regularization of outposts.<sup>6</sup> Any acts or policies amounting to a purported annexation of the occupied territories, if

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<sup>1</sup> See [A/78/502](#); [A/HRC/52/75](#); and [A/HRC/52/76](#).

<sup>2</sup> See [A/HRC/34/38](#); and [A/HRC/34/39](#).

<sup>3</sup> [A/HRC/52/76](#), para. 2.

<sup>4</sup> See Government of Israel coalition agreements, on file with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

<sup>5</sup> See article 118 of the coalition agreement between the Prime Minister and the Religious Zionism party, on file with OHCHR.

<sup>6</sup> *Ibid.*, see for example, arts. 142–199.

implemented, would constitute a most serious violation of international law, including the Charter of the United Nations.<sup>7</sup>

6. By 31 May, the agenda of the Government was advancing at a fast pace. Ahead of the formation of the Government, the Knesset amended the Basic Law: the Government so as to allow the creation of an Additional Minister post within the Ministry of Defence.<sup>8</sup> The founder of the settler organization Regavim and leader of the far-right Religious Zionism party, who resides in the settlement of Kedumim, was appointed as Additional Minister.<sup>9</sup> While the Minister of Defence retains security powers, the Additional Minister, formally under the supervision of the Minister of Defence, assumes administrative functions pertaining to the majority of the governing powers in the West Bank, including land designations, planning and coordination of demolitions.<sup>10</sup> Among other responsibilities, the Additional Minister will supervise a newly created and staffed Settlement Administration unit<sup>11</sup> and be in charge of managing and directing the Coordination of Government Activities in the Territories unit and the Civil Administration of Israel; regularizing settlements; implementing an “equal citizenship reform” in the West Bank aimed at improving services and infrastructure for settlers only; and updating “security legislation”, that is to say, implementing the reform through military orders.<sup>12</sup> On 18 May, the Additional Minister, in his other capacity as Minister of Finance, reportedly presented to Government ministries a two-year plan under which 500,000 more settlers would move to the occupied West Bank<sup>13</sup> and, to that end, budget allocations to several other civilian ministries would be increased<sup>14</sup> according to media, a senior Israeli Minister later clarified that the proposal of the Additional Minister did not represent government policy.<sup>15</sup>

7. These measures, in particular the transfer of wide administrative powers relating to settlements and land administration from the military authorities to Israeli civilians, elected and accountable to the population of Israel, could facilitate annexation in violation of international law, including the Charter. Moreover, the changes explicitly reflect the facts on the ground, namely, that Israel has been administering the occupied West Bank in a manner that discriminates against the protected population.<sup>16</sup>

<sup>7</sup> Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land of 18 October 1907 (Hague Regulations), arts. 42–43, 46 and 55–56; Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention), arts. 47, 53 and 64; and [A/75/376](#), para. 13.

<sup>8</sup> Israel, Basic Law: The Government, Article 24a (Amendment No.11), on file with OHCHR. See also, Noa Shpigel, “Knesset votes to give five far-right leaders unprecedented authority in West Bank”, *Haaretz*, 27 December 2022.

<sup>9</sup> See [www.gov.il/en/departments/people/minister](http://www.gov.il/en/departments/people/minister). See also, Hagar Shezaf, “This pro-settler NGO has been shaping Israeli policy for years. Now, it’s in control”, *Haaretz*, 27 April 2023.

<sup>10</sup> Memorandum of Understanding and Division of Powers and Responsibilities between the Minister of Defense and the Additional Minister in the Ministry of Defense, available at [https://ynet-pic1.yit.co.il/picserver5/wcm\\_upload\\_files/2023/02/23/SkylTh4As/\\_\\_\\_\\_\\_.pdf](https://ynet-pic1.yit.co.il/picserver5/wcm_upload_files/2023/02/23/SkylTh4As/_____.pdf) (Hebrew), and at [www.breakingthesilence.org.il/inside/wp-content/uploads/2023/02/Galant-Smotrich-agreement-eng.pdf](http://www.breakingthesilence.org.il/inside/wp-content/uploads/2023/02/Galant-Smotrich-agreement-eng.pdf) (English).

<sup>11</sup> See [www.gov.il/he/departments/policies/dec168-2023](http://www.gov.il/he/departments/policies/dec168-2023) (Hebrew).

<sup>12</sup> Memorandum of Understanding, para. 8.

<sup>13</sup> Yaniv Kubovich and Ben Samuels, “Far-right Israeli Minister lays groundwork for doubling West Bank settler population”, *Haaretz*, 18 May 2023.

<sup>14</sup> See [www.gov.il/blobFolder/policy/state-budget-main-2023-2024/he/state-budget\\_2023-2024\\_state-budget-main-2023-2024-file.pdf](http://www.gov.il/blobFolder/policy/state-budget-main-2023-2024/he/state-budget_2023-2024_state-budget-main-2023-2024-file.pdf) (Hebrew).

<sup>15</sup> Amir Tibon, “Israel to U.S.: Smotrich’s remarks on doubling settler population are not government policy”, *Haaretz*, 23 May 2023.

<sup>16</sup> Hague Regulations, art. 43; Fourth Geneva Convention, arts. 47 and 64; [A/77/493](#), paras. 13, 25–27 and 56; and [A/77/501](#), paras. 8, 15, 28, 30–32 and 46–47.

8. The Human Rights Committee has expressed deep concern that the separation of Jewish and Palestinian communities in the Occupied Palestinian Territory, including as a result of the systematic practice of demolitions and forced evictions based on discriminatory policies, amounts to racial segregation<sup>17</sup> and may also amount to international crimes.<sup>18</sup>

## A. Settlement expansion

### Advancement, including planning and tenders

9. Advancement of plans for settlement construction increased.<sup>19</sup> Plans for the construction of some 16,500 housing units were advanced or approved, of which 11,400 are in Area C and 5,090 are in East Jerusalem, an increase of 58 per cent and 154 per cent, respectively.<sup>20</sup>

10. Israeli authorities issued tenders for approximately 1,350 new settlement housing units (1,260 in Area C and 90 in East Jerusalem). In Area C alone, a total of 1,240 settlement construction starts were officially recorded in the period between 1 July 2022 and 31 March 2023.

11. Plans to consolidate the ring of settlements that will encircle East Jerusalem and separate it from other parts of the West Bank were further developed. Discussion of objections to the construction of over 3,400 housing units between East Jerusalem and Ma'ale Adummim (the E1 area), one of the steps for the final approval of the plan, was scheduled for September, but was postponed to March. It was then postponed again and is now scheduled to occur by 12 June 2023.<sup>21</sup> If implemented, this plan would sever the connection between the northern and southern West Bank and eliminate the possibility of a viable and contiguous Palestinian State.<sup>22</sup>

12. In the southern part of East Jerusalem, the Israeli authorities advanced plans on 5 September for some 700 units in the new settlement of Givat Hashaked, adjacent to the Palestinian neighbourhoods of Sharafat and Bayt Safafa.<sup>23</sup> On 29 March, the Jerusalem Local Planning Committee rejected objections to the “Lower Aqueduct” plan,<sup>24</sup> which envisages the building of 1,465 housing units between the settlements of Har Homa and Givat Hamatos. If approved and implemented, the four settlements would create a contiguous built-up belt, sealing off East Jerusalem from Bethlehem.

13. On 23 November, the Supreme Court of Israel rejected a petition<sup>25</sup> filed by Palestinian farmers and Israeli human rights organizations against the allocation of 1,200 dunums of land in Khirbat al-Nahlah, near Bethlehem, for the planning of up to 7,000 housing units in the new settlement of Givat Eitam (the E2 project). The land was declared by Israel as “State land” in 2004. If constructed, Givat Eitam would

<sup>17</sup> CCPR/C/ISR/CO/5, para. 42; A/77/493, para. 27; and A/HRC/49/87.

<sup>18</sup> A/77/493, para. 27; and A/HRC/49/87.

<sup>19</sup> A/77/493, para. 4.

<sup>20</sup> Rounded figures.

<sup>21</sup> Tovah Lazaroff, “Israel delays hearing plans for E1 settlers homes in West Bank”, *Jerusalem Post*, 12 March 2023. Decision by the Israeli high planning council, sub-committee for objections, 12 March 2023.

<sup>22</sup> A/77/493, para. 5.

<sup>23</sup> See S/PV.9139.

<sup>24</sup> Ir Amim, “Israeli authorities advance plans for some 6,500 housing units in settlements across East Jerusalem”, 3 April 2023.

<sup>25</sup> Peace Now, “The Supreme Court rejected petition to block allocation of a-Nahla (E2) Land to Build Settlement”, 23 November 2022.

occupy the only significant area available for the urban development of Bethlehem, which is otherwise flanked by the wall on three sides.<sup>26</sup>

14. The establishment and expansion of settlements in the West Bank, including East Jerusalem, have no legal validity and constitute a flagrant violation of international law, including relevant United Nations resolutions.<sup>27</sup> The Israeli regulations, policies and practices affecting the Palestinians as described in the present report cumulatively create a coercive environment that is forcing Palestinians to leave their homes and lands in what could amount to forcible transfer, which itself is a grave breach of the Fourth Geneva Convention that may amount to a war crime.<sup>28</sup>

#### **Retroactive regularization of outposts**

15. In the reporting period, Kerem Navot, an Israeli NGO, documented the establishment of 25 new outposts by settlers in the West Bank.<sup>29</sup> Outposts are settler constructions in the West Bank, including East Jerusalem, that are also illegal under Israeli law. As the United Nations High Commissioner for Human Rights has stated, the Israeli authorities have employed multiple mechanisms to make it possible to retroactively legalize outposts under Israeli law, and make them a tool for settlement expansion and takeover of large areas of Palestinian land.<sup>30</sup>

16. In July, the Supreme Court of Israel reversed a High Court of Justice ruling ordering the evacuation of settlers from the outpost of Mitzpeh Kramim, near Ramallah, establishing a potentially concerning precedent for the retroactive regularization of dozens of outposts and thousands of illegal structures.<sup>31</sup> The Supreme Court ruling changed the legal framework that has been applied to the West Bank thus far, which prohibited the establishment of Israeli settlements on privately owned Palestinian land.<sup>32</sup> Under international humanitarian law, private property cannot be confiscated and the destruction of private property is permissible only if it is rendered absolutely necessary by military operations.<sup>33</sup>

17. On 12 February, the Security Cabinet of Israel announced that it had decided to retroactively legalize 10 outposts in Area C.<sup>34</sup> According to Peace Now, an Israeli NGO, six of the outposts are partially built on privately owned Palestinian land. Three of the legalized outposts are partially located within Israeli-designated firing zones.<sup>35</sup>

<sup>26</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Shrinking space: urban contraction and rural fragmentation in the Bethlehem governorate”, Special Focus, May 2009.

<sup>27</sup> Fourth Geneva Convention, art. 49(6); *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136, para. 120; Security Council resolutions 465 (1980) and 2334 (2016); General Assembly resolutions 71/97 and 72/86; and Human Rights Committee resolution 31/36.

<sup>28</sup> Fourth Geneva Convention, arts. 49(1) and 147; Rome Statute of the International Criminal Court, art. 8(2)(b)(viii); International Committee of the Red Cross, Customary International Humanitarian Law, Rule 129; and A/76/336, paras. 39 and 57.

<sup>29</sup> Data from Kerem Navot.

<sup>30</sup> A/HRC/52/76, para. 12; and Yesh Din, “The age of regularization: the Zandberg Committee expropriation report for retroactive authorization of Israeli outposts and illegal construction in the settlements – analysis, ramifications and implementation”, 1 April 2019.

<sup>31</sup> CFH 6364/20, *Minister of Defense v. ‘Abd al-Fatah Salha*, Judgement of 27 July 2022; and A/HRC/52/76, para.15.

<sup>32</sup> See A/HRC/52/76. See also, Yesh Din, “The Supreme Court in service of Jewish supremacy: the retroactive approval of the unauthorized outpost of Mitzpe Kramim”, December 2022.

<sup>33</sup> Hague Regulations, art. 46; and Fourth Geneva Convention, art. 53.

<sup>34</sup> Decision of the Security Cabinet of Israel of 12 February 2023, available at [www.gov.il/he/departments/policies/dec6b-2023](http://www.gov.il/he/departments/policies/dec6b-2023).

<sup>35</sup> Avigayil, Givat Arnon and Malachei Hashalom. See also Peace Now, “The security and political cabinet approved the establishment of 9 new settlements by authorizing 10 illegal outposts in the occupied territories”, 15 February 2023.

18. In addition to approving plans to build 7,200 housing units in West Bank settlements, in February, the Israeli authorities regularized four additional outposts as neighbourhoods of existing settlements,<sup>36</sup> despite the lack of spatial contiguity between them.<sup>37</sup> Israeli media reported that the Israeli Government has plans to regularize 70 additional outposts.<sup>38</sup>

19. These regularization procedures apply only to Israeli construction in the West Bank. No similar endeavours have been undertaken by the Israeli authorities to legalize Palestinian construction lacking Israeli-issued permits, which are, as a practical matter, almost impossible for Palestinians to obtain because of restrictions placed by Israeli policies. Those restrictions lead to discrimination against Palestinians in land allocation and planning procedures.

20. Israeli authorities have taken actions, including changes to legislation, that paved the way to the legalization of the Homesh outpost and the re-establishment of a settlement that had been evacuated in 2005. In March, the Knesset partially repealed the 2005 Disengagement Law, effectively ending the ban on Israelis entering and residing in Homesh and three other evacuated settlements located deep north in the West Bank. Despite the ban, settlers had built a yeshiva outpost on private Palestinian land.<sup>39</sup> For years, the Palestinian landowners waited for the outpost to be evacuated so that they could gain to access their lands.<sup>40</sup> However, on 2 January, the State reversed commitments that it made previously to evacuate the outpost and announced that it would amend existing laws and regularize the outpost. Settlers living in the outpost have continued to regularly engage in violence and intimidation against Palestinians from the adjacent village of Burqah.<sup>41</sup> In May, the Israeli military signed two military orders, one lifting the ban under military law on entering the outpost and another granting the Samaria Regional Council, a settlement body, jurisdiction over several plots of State land near Homesh. Overnight on 29 May, settlers relocated the yeshiva to designated State land.<sup>42</sup> In so doing, they removed one legal argument against a potential bid to regularize the outpost, namely, that it had been built on private Palestinian land. The moving of the outpost will require further seizure of privately owned Palestinian land to pave a road for settlers to reach the settlement at the new site.<sup>43</sup>

## B. Consolidation of settlements

### Settlement of land title

21. In occupied East Jerusalem, Israeli authorities further advanced the process of settlement of land title, with a view to establishing land ownership registration in a final manner. According to Israeli NGOs that monitor this process, as at 31 May, the process had been initiated in some 199 blocks, each of which includes several plots

<sup>36</sup> See [S/PV.9263](#).

<sup>37</sup> Yesh Din, "The age of regularization", p. 23. For example, see Peace Now, "The Israeli Government established a new settlement by approving 189 housing units in the remote outpost of Zayit Raanan", 18 April 2023.

<sup>38</sup> Carrie Keller-Lynn, "New department in Negev and Galilee ministry to bolster illegal West Bank outposts", *Times of Israel*, 7 February 2023; and [www.israelhayom.co.il/magazine/hashavua/article/13980509](http://www.israelhayom.co.il/magazine/hashavua/article/13980509) (Hebrew).

<sup>39</sup> Hagar Shezaf and Jonathan Lis, "Top court stalls Israeli government plan to repeal disengagement law over West Bank outpost", *Haaretz*, 2 January 2023.

<sup>40</sup> *Ibid.*

<sup>41</sup> [A/77/493](#), para. 8.

<sup>42</sup> Peace Now, "The road to the reestablishment of the outpost of Homesh, 30 May 2023.

<sup>43</sup> Yesh Din, "A world turned upside-down: the residents of Burqa's struggle to return to their land where the evacuated Israeli settlement Homesh once stood", September 2020.

of land, advanced in 44 blocks and finalized in 22 blocks, including 13 that were finalized during the reporting period.<sup>44</sup>

22. The settlement of land title appears to be used to increase Israeli control over additional territory in occupied East Jerusalem. In particular, it appears to be aimed at areas slated for settlement expansion or new settlement construction (such as Atarot along the northern flank of East Jerusalem, Givat Hamatos and Givat Shaked in the southern part of East Jerusalem); areas where Jewish ownership claims have been advanced over Palestinian land; and areas where the process could lead to the declaration of Palestinian property as “absentee” based on the Absentee Property Law and handed over to the Custodian of Absentee Property. For example, in the Wadi Hulwah area of Silwan, a Palestinian neighbourhood next to the Old City of Jerusalem that has been targeted for settlement expansion, settlement of title was initiated in 13 blocks covering some 95 per cent of buildings or sites taken over by settlers.<sup>45</sup>

23. The finalization of this process would have enormous implications, placing thousands of Palestinians at risk of forced eviction and forcible transfer.

### Infrastructure development

24. Israeli authorities continued to expand roads and infrastructure connecting and suburbanizing settlements in the West Bank, including East Jerusalem, a practice that entrenches control over occupied Palestinian land and promotes settlement expansion.<sup>46</sup>

25. According to a media report, the Israeli Government allocated 25 per cent of the budget of the Ministry of Transport for 2023–2024, amounting to 3.5 billion new Israeli shekels (some \$972 million), to a five-year development plan to build new roads and upgrade existing ones serving settlements in the West Bank.<sup>47</sup> The plan continues the pursuit of three long-standing strategic goals: strengthening “lateral corridors”, which connect Israeli cities and settlements east-west and fragment north-south Palestinian contiguity; completing bypass roads that allow settlers to commute more easily while avoiding passing through Palestinian towns; and developing and annexing the settlement of Ma’ale Adummim.<sup>48</sup>

26. Under The plan, 30 million new Israeli shekels (more than \$8 million) are allocated for the advancement of the “Fabric of Life” road, to the east of Jerusalem, that is intended to be used exclusively by Palestinians. The road would divert Palestinian traffic between the southern and central West Bank away from the road connecting the Ma’ale Adummim settlement and Jerusalem and lead, through an underpass, to the “Eastern Ring Road”, where Israeli and Palestinian traffic is already separated by a wall. The project would allow the checkpoint controlling access to Jerusalem from the east to be moved further into the West Bank and make the Ma’ale Adummim settlement contiguous with Israel.<sup>49</sup> The land for the planned road,

<sup>44</sup> Data from Ir Amim and Bimkom.

<sup>45</sup> Ir Amim and Bimkom, “The grand land theft”, June 2023.

<sup>46</sup> Breaking the Silence, “Highway to annexation: Israeli road and transportation infrastructure development in the West Bank”, December 2020.

<sup>47</sup> Jeremy Sharon, “Budget dedicated billions for West Bank roads, settlements and illegal outposts”, 25 May 2023; [www.gov.il/he/Departments/news/09-08-2023](http://www.gov.il/he/Departments/news/09-08-2023) (Hebrew); and [www.gov.il/he/departments/news/mot\\_budget\\_23-24](http://www.gov.il/he/departments/news/mot_budget_23-24) (Hebrew).

<sup>48</sup> Breaking the Silence, “Highway to annexation”.

<sup>49</sup> Hagar Shazaf, “Road for Palestinians in strategic West Bank area”, *Haaretz*, 2 May 2023.



including significant portions located in Area B, was requisitioned in December 2016 for “military needs”.<sup>50</sup>

27. Nearly 2 billion new Israeli shekels were allocated to upgrade and reroute Road 60, the main north-south traffic artery, including finalization of a section bypassing the Palestinian town of Huwwarah, in the area of Nablus (see para. 58 below). While all Israeli settlements along Road 60 have direct access to the road, the population of many Palestinian localities must use long detours in order to use it.

28. The construction of roads designed to connect and serve settlements requires extensive confiscation of Palestinian land, uprooting of trees and crops, and changes to the local geography and economy that violate the human rights of Palestinians, such as the right to property and adequate standard of living, including by damaging or destroying their livelihoods. Such roads limit the possibilities for Palestinian communities to grow and often make travel between Palestinian communities more onerous.<sup>51</sup>

#### **IV. Impact of settlements on human rights**

29. More than 56 years of Israeli military occupation of the Occupied Palestinian Territory – the West Bank, including East Jerusalem, and Gaza – and continued expansion of settlements over Palestinian land have severely affected a wide range of the Palestinian people’s rights, including the right to self-determination.<sup>52</sup>

##### **A. Housing, land and property rights**

30. In parallel with the expansion of settlements and infrastructure for settlers, Israel implements extremely restrictive and discriminatory planning policies aimed at containing Palestinians in Areas A and B of the West Bank and in East Jerusalem.

31. Israeli demolition of Palestinian properties sharply increased during the reporting period. The year 2022 saw the greatest number of homes demolished since 2016.<sup>53</sup> The Israeli authorities, citing lack of building permits, which are almost impossible to obtain, demolished, confiscated or sealed 1,000 Palestinian-owned structures, including 145 donor-funded structures, across the occupied West Bank, including East Jerusalem, resulting in the forcible eviction and displacement of 1,020 Palestinians (263 men, 235 women and 520 children), and loss of livelihood and services for tens of thousands of others.<sup>54</sup> The greatest numbers of structures demolished were in Area C (815) and in East Jerusalem (181, including 78 structures self-demolished by their owners to avoid paying fines and charges).<sup>55</sup>

##### **Area C**

32. Area C represents 60 per cent of the occupied West Bank, including most of its resources, and remains under full Israeli control. Data gathered by Bimkom, an Israeli

<sup>50</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Tightening of coercive environment on Bedouin communities around Ma’ale Adumim settlement”, Humanitarian Bulletin: Occupied Palestinian Territory, February 2017.

<sup>51</sup> Judea and Samaria Roads Network, Full Judea and Samaria Masterplan 2050 (on file with Office of the United Nations High Commissioner for Human Rights (OHCHR)). See also, Breaking the Silence, “Highway to annexation”, pp. 4–5 and 13.

<sup>52</sup> A/75/376, paras. 13, 40 and 62; and A/HRC/52/75, para. 2.

<sup>53</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “West Bank demolitions and displacement: an overview”, December 2022.

<sup>54</sup> Data from United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>55</sup> Ibid.

NGO, through a freedom of information request indicates that, as of 2022, based on Israeli zoning, Palestinians could apply for building permits in only 22,000 dunums of land (0.6 per cent) in Area C, while 530,000 dunums are available for settlement development.<sup>56</sup> Moreover, less than 1 per cent of requests for permits submitted by Palestinians between 2016 and 2021 were approved.<sup>57</sup>

33. At least 39 structures in Area C were demolished based on Military Order 1797,<sup>58</sup> which provides only a 96-hour notice and extremely limited legal grounds to challenge the demolition orders. This order, in principle, allows the demolition of both Palestinian and Israeli structures deemed as “new”. Since the order came into force in 2019 and until the first half of 2020, five times more demolition orders were issued for Palestinian structures than Israeli ones. Considering the extensive unlicensed construction in settlements and outposts, the figures indicate discriminatory application of the order against Palestinians.<sup>59</sup>

34. Israeli authorities demolished two schools in Area C.<sup>60</sup> On 7 May, the Civil Administration of Israel demolished, for the second time, a school serving 40 students in Jubbit al-Dhib, east of Bethlehem, following a petition by the settler organization Regavim. An Israeli court ordered the demolition of the school on the grounds that it was built without permit and unsafe for students. Reportedly, Israeli authorities had previously rejected a planning scheme for the village under which the renovation of the school would have been allowed.<sup>61</sup> As at 31 May, at least 50 Palestinian schools in Area C and 8 in East Jerusalem, serving around 6,500 students, were at risk of impending demolition.<sup>62</sup>

35. In May, the Ministry of Settlements and National Missions of Israel announced that it would double budget allocations for the “land departments” of settlement councils to hire additional patrol units and purchase such equipment as drones in order to monitor and report unauthorized Palestinian construction to the Civil Administration.<sup>63</sup> According to a media report, when funding for these efforts began in 2022, an Israeli minister stated they were aimed at countering “the takeover” of Area C by Palestinians, an argument often used not to allow Palestinian construction.<sup>64</sup>

### **Hebron (H2 area)**

36. Israeli settlers and the Civil Administration increased activities to strengthen control over sensitive locations in the old city of Hebron (H2 area) that have been declared “closed military areas” since the late 1990s. On 6 July 2022 and 18 April 2023, unknown persons used bulldozers to demolish two buildings hosting 12 Palestinian shops in the old vegetable market. The Palestinian owners reportedly complained to the Israeli police, but there was no follow-up. The area is off-limits to Palestinians and heavily monitored by Israeli security forces. According to the

<sup>56</sup> Bimkom, “Destructive planning policies West Bank, 2018–2022” (n.d.).

<sup>57</sup> Ibid.

<sup>58</sup> Data from United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>59</sup> Bimkom, “Destructive planning policies West Bank”.

<sup>60</sup> Data from United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>61</sup> Peace Now, “Demolition of Palestinian school at Jubbet Adh Dib carried out after district court ruling”, 8 May 2023.

<sup>62</sup> Data from Education Cluster.

<sup>63</sup> See [www.gov.il/BlobFolder/rfp/supportprocedurehityashvut2/he/response180423.pdf](http://www.gov.il/BlobFolder/rfp/supportprocedurehityashvut2/he/response180423.pdf), p. 2, para. 4 (Hebrew); and Hagar Shezaf, “Israel set to double funds for settlers monitoring Palestinian construction in West Bank”, *Haaretz*, 4 April 2023.

<sup>64</sup> *Times of Israel*, “Government to fund settler efforts to monitor illegal Palestinian construction”, 2 January 2021.

Hebron Rehabilitation Committee, settlers demolished the buildings with the acquiescence of Israeli security forces, as shown in a video recording.

37. Between 3 and 10 May, the Civil Administration delivered eviction orders for three Palestinian properties in the area of the old municipality headquarters, claiming them as “State land”. According to Israeli media, the Government of Israel had announced plans to transfer ownership of some 70 buildings in H2 to settlers.<sup>65</sup>

### East Jerusalem

38. After Palestinians fatally shot Israeli civilians in East Jerusalem in January 2023, the Minister of National Security of Israel ordered the police to expedite demolitions and “bring back order” in the city.<sup>66</sup> February saw the highest number of demolitions in East Jerusalem in a single month since 2019,<sup>67</sup> raising concerns of collective punishment. At least a third of all Palestinian homes in East Jerusalem lack Israeli-issued building permits and are therefore at risk of demolition.<sup>68</sup> Collective punishment is expressly prohibited by international humanitarian law<sup>69</sup> and is incompatible with several human rights obligations.<sup>70</sup> The Committee against Torture considers that the policy of punitive house demolitions violates article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>71</sup>

39. On 17 May, Israeli authorities demolished two buildings comprising three homes each in the Wadi Qaddum area of Silwan and forcibly evicted 39 Palestinians (7 men, 10 women and 22 children), citing lack of a building permit.

40. Nearly 1,000 Palestinians in East Jerusalem face the threat of forced eviction following claims initiated mostly by settler organizations<sup>72</sup> to take over Palestinian property, in particular in the Old City and surrounding areas. On 11 May, After a 45-year legal battle, the Israeli authorities notified Nora Gaith (67 years old) and Mustafa Sub Laban (72 years old) that, at any time after 11 June 2023, they would be forcibly evicted from their home in the Old City, the home in which Ms. Gaith was born in 1955, if they did not leave voluntarily. Eviction proceedings were initiated by the Galetzia Trust, which is associated with the settler organization Atara Leyoshna, claiming ownership of the property on the basis of the 1970 Legal and Administrative Matters Law, which is inherently discriminatory against Palestinians in relation to restitution rights for property allegedly owned before 1948.<sup>73</sup>

41. Under the discriminatory planning regime of Israel, demolitions and resulting forced evictions entail numerous violations of human rights,<sup>74</sup> including the right to

<sup>65</sup> Hagar Shezaf, “Netanyahu government pledges to advance transfer of swaths of West Bank lands to pre-1948 Jewish owners”, *Haaretz*, 12 January 2023.

<sup>66</sup> Para. 49; Josh Breiner, “Ben-Gvir, Israel’s police chief spar over expediency of East Jerusalem home demolitions”, *Haaretz*, 14 February 2023; <https://twitter.com/itamarbengvir/status/1619671180998504451?s=46>; and <https://twitter.com/itamarbengvir/status/1619967010292768770?s=46>.

<sup>67</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “West Bank demolitions and displacement: an overview”, January–March 2023.

<sup>68</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “High numbers of demolitions: the ongoing threats of demolition for Palestinian residents of East Jerusalem”, Humanitarian Bulletin: Occupied Palestinian Territory, January 2018.

<sup>69</sup> Fourth Geneva Convention, art. 33; and Hague Regulations, art. 50.

<sup>70</sup> International Covenant on Civil and Political Rights, arts. 2 and 14; International Covenant on Economic, Social and Cultural Rights, arts. 6 and 11; and A/76/333, para. 35.

<sup>71</sup> CAT/C/ISR/CO/5, para. 41.

<sup>72</sup> A/76/336, para. 35.

<sup>73</sup> A/72/564, para. 30.

<sup>74</sup> *Ibid.*, para. 25.

adequate housing,<sup>75</sup> and are contrary to international humanitarian law. They also affect Palestinian women and girls disproportionately, violating their privacy and access to hygiene and health services,<sup>76</sup> and making them more vulnerable to gender-based violence.<sup>77</sup> In addition, they violate the obligations of Israel as the occupying Power<sup>78</sup> and further exacerbate the coercive environment, increasing the risk of forcible transfer. Forcible transfer and the extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly may constitute grave breaches of the Fourth Geneva Convention and thus amount to war crimes.<sup>79</sup>

### **Coercive environment and forcible transfer**

42. Since the High Court of Justice of Israel approved their eviction in May 2022,<sup>80</sup> pressure has mounted on some 1,150 Palestinian residents of 12 Palestinian herding communities to leave the Israeli-designated Firing Zone 918 in Masafer Yatta. The Israeli authorities demolished or confiscated 33 structures,<sup>81</sup> including a donor-funded school in Isfay al-Fawqa, carried out military drills and set up checkpoints, severely restricting access to water, education and humanitarian assistance. After the High Court of Justice handed down its judgement, which is inconsistent with international law,<sup>82</sup> the Office of the United Nations High Commissioner for Human Rights (OHCHR) has documented that settlers continued to live in and operate farms in the area, thereby helping to negatively affect essential living conditions for Palestinian herders. From 2 to 5 May, settlers from a newly established outpost overlooking the hamlet of Maghayir al-Abid blocked Palestinians' access to their grazing lands and water cisterns and attacked Palestinians. On 4 May, settlers physically attacked a Palestinian shepherd and killed two of his sheep. As Palestinians gathered to protest, Israeli security forces arrested and detained the shepherd for five days.<sup>83</sup> In February, the Israeli authorities announced that they would retroactively legalize the Avigail outpost,<sup>84</sup> although it is located partially in Firing Zone 918, which is the reason that Israel has used to justify the eviction of the Palestinian community. In the light of the data presented above on enforcement of the rules related to illegal construction, this case appears to illustrate the differentiated treatment that Israeli authorities give to settlers with regard to the enforcement of restrictions on construction in the firing zone, to the detriment of Palestinians.<sup>85</sup>

43. Several herding communities near Ramallah were forced to leave their homes under similar coercive conditions, raising concerns that they may have been forcibly transferred.<sup>86</sup> In February, six families consisting of 37 persons, including 21 children, left their community of Wadi al-Siq, north-east of Ramallah, following the arrival of a group of settlers with some 200 sheep. The Settlers set up a tent 1 km away, took control of water sources and grazing land, and started harassing the

<sup>75</sup> International Covenant on Civil and Political Rights, art. 11.

<sup>76</sup> [A/77/493](#), para. 66.

<sup>77</sup> [A/HRC/43/64](#), para. 44.

<sup>78</sup> Fourth Geneva Convention, art. 53; and Hague Regulations, arts. 46 and 55–56.

<sup>79</sup> Fourth Geneva Convention, arts. 49, 53 and 147; Hague Regulations, arts. 46 and 56; and [A/HRC/52/76](#), para. 26.

<sup>80</sup> [A/HRC/52/76](#), para. 52; and [A/77/493](#), para. 19.

<sup>81</sup> Data from the United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>82</sup> [A/HRC/52/76](#), para. 52; [A/77/493](#), para. 19; and OHCHR, "UN experts alarmed by Israel high court ruling on Masafer Yatta and risk of imminent forcible transfer of Palestinians", 16 May 2022.

<sup>83</sup> Data from the United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>84</sup> See para. 17 and note 37 above.

<sup>85</sup> See also, [A/76/336](#), paras. 55–57.

<sup>86</sup> [A/HRC/49/85](#), para. 29.

community daily. On 22 May, the Bedouin herding community of Ayn Samiyah, east of Ramallah, consisting of 26 families and 132 residents (27 men, 37 women and 68 children) dismantled their homes and left after settlers tried to take their sheep.<sup>87</sup> By 31 May, they had resettled in different locations in Area B. The community had been living under the pressure of settler violence, reduced grazing land and repeated demolitions. Previously, in July 2022, about 100 people had been forced to leave their community of Ra's al-Tin.<sup>88</sup> More than 1,000 herders have been displaced in similar circumstances since the beginning of 2022. Settler violence and the failure to hold perpetrators accountable, together with Palestinians' inability to obtain approvals to build, demolitions, evictions, movement restrictions and ongoing settlement expansion have created a coercive environment that contributes to displacement that may amount to forcible transfer, which is a grave breach of the Fourth Geneva Convention.

44. On 7 May, the High Court of Justice rejected a petition from the settler organization Regavim demanding the immediate eviction of 190 Palestinians from the Bedouin community of Khan al-Ahmar and accepted that the Government would decide when to carry out the eviction based on reasons of "national security and foreign relations".<sup>89</sup> The community remains at risk of forcible transfer.<sup>90</sup> The Additional Minister in the Ministry of Defence responsible for settlement policy stated that the inhabitants would be evicted not because of the site's illegality, but because it was located in "the area that will decide if ... there will be territorial contiguity that will connect Bethlehem with Nablus and Ramallah".<sup>91</sup>

## B. Settlement-related violence

45. Settler violence against Palestinians almost doubled, with 1,003 incidents resulting in Palestinian deaths, injuries and/or property damage. Settlers killed 6 Palestinian men and injured 368 other Palestinians (289 men, 39 women and 40 children). In addition, two Palestinians (one man and one boy) were killed either by Israeli security forces or settlers. A total of 2,109 Palestinians were injured and at least 6 were killed by Israeli security forces in settler-related incidents. Settlers vandalized more than 16,740 Palestinian-owned trees and saplings and 943 vehicles, damaged homes and crops, and killed or stole livestock.

46. Attacks by Palestinians against Israelis also spiked. In the West Bank, Palestinians killed 24 Israelis (16 men, 4 women, 3 boys and 1 girl), of whom three were members of the Israeli security forces, and injured at least 136 Israelis, according to Israeli sources.<sup>92</sup>

47. Settler attacks further escalated in gravity, with increased use of live ammunition and increased incidents of arson of Palestinian houses and vehicles by mobs of settlers. On 26 February, hundreds of settlers terrorized Huwwarah and nearby communities after two settlers were killed by Palestinians. Senior Israeli

<sup>87</sup> Yvonne Helle, Acting Humanitarian Coordinator for the Occupied Palestinian Territory, "Palestinian community compelled to relocate amid Israeli settlement practices", statement made, 25 May 2023.

<sup>88</sup> A/HRC/52/76, para. 51; and United Nations, Office for the Coordination of Humanitarian Affairs, "Factsheet: displacement of Palestinian herders amid increasing settler violence", September 2023.

<sup>89</sup> See ["פסק-דין בתיק בג 2387/19 ז" \(court.gov.il\)](https://www.court.gov.il).

<sup>90</sup> A/HRC/49/85, para. 28.

<sup>91</sup> Hagar, Shezaf, "Smotrich admits Israel must demolish unrecognized Palestinian village due to its strategic location", *Haaretz*, 1 May 2023.

<sup>92</sup> Unlike Palestinian injuries documented by the United Nations, these were not confirmed by medical sources.

officials made public statements<sup>93</sup> that appeared to provide political backing to settler attacks. Article 20 of the International Covenant on Civil and Political Rights states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

48. Citing self-defence, settlers commonly carry firearms and are encouraged by political leaders at the highest level, such as the Minister of National Security, to use them against “terrorists”,<sup>94</sup> without facing significant restrictions or accountability. On 6 April, During Ramadan, an Israeli settler living in an outpost in the Old City of Jerusalem shot, for no apparent reason, at a 14-year-old Palestinian boy from a distance of 1 m. The boy had returned home shortly after midnight to find the gate to his home barred by the settler. After a brief verbal altercation, the settler shot the boy in the neck and then in the arm. The Israeli police arrested the settler on the same day and released him on house arrest shortly thereafter. On 27 January, a Palestinian man killed six Israelis (four men, one woman and one boy) and one Ukrainian woman in the settlement of Neve Ya’aqov, in occupied East Jerusalem. Later in the evening, a settler driving by the entrance of Bayta on Road 60 rolled down the car window and shot repeatedly at Palestinians gathered in the street who were seemingly celebrating the attack against the Israelis. The settler injured five Palestinian men with live ammunition and drove off.

49. Significant settler violence continued to emanate from settler outposts. Settler attacks and daily harassment from outposts appeared to be designed to terrorize Palestinians, make the lives unbearable and take over their land.<sup>95</sup>

50. Kisan, a village of 600 people south of Bethlehem, has been increasingly targeted by settlers from surrounding outposts and settlements. Nine attacks against the village were recorded,<sup>96</sup> mostly from the settlement of Ma’ale Amos and the outpost of Ibei HaNahal, resulting in damage or injuries. For instance, on 19 October, a Palestinian couple was accompanied by Israeli and international activists to harvest their olive trees near Ma’ale Amos. They passed by a tent that had been set up by settlers on their land a week earlier and found most of their more than 300 olive trees already harvested and sprayed with chemicals. Shortly afterwards, 30 masked settlers armed with clubs and stones arrived and beat up and injured the couple and at least three women activists, including a 70-year-old Israeli woman who lost consciousness during the attack. The couple told OHCHR they did not report the attack to the police because they feared that the Israeli authorities would revoke the man’s medical permit for cancer treatment in Jerusalem in reprisal. Herders in the village stated that, owing to settler violence and daily harassment, they were resorting to buying fodder for their animals instead of grazing them in lands near settlements and outposts, resulting in financial loss.

51. OHCHR documented an increasing number of cases where Israeli security forces actively supported or joined settler attacks. In one case, on 21 October, a settlement security guard wearing the uniform of the Israeli security forces was caught on camera handing a teargas grenade to a settler attacking Palestinians in Burin, near Nablus, during the olive harvest.<sup>97</sup>

52. Data gathered by Yesh Din, an Israeli NGO, over the 18-year-period from 2005 to 2022 show that from a sample of 1,597 cases documented and monitored by the

<sup>93</sup> See para. 66 below.

<sup>94</sup> See <https://twitter.com/itamarbengvir/status/1619388472393093122>; <https://x.com/itamarbengvir/status/1652676894758785024?s=48>; and <https://x.com/itamarbengvir/status/1652676896901963776?s=48>.

<sup>95</sup> A/77/493, para. 48; and A/76/336, para. 19.

<sup>96</sup> Data from United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>97</sup> A/HRC/52/76, para. 40. Regarding settlements security guards, see A/77/493, para. 40.

organization, only 7 per cent of investigations into settler violence led to an indictment. Convictions were secured in only 3 per cent of those cases. In 81.5 per cent of cases, the Israeli police closed the investigation primarily on the grounds that the offender was “unknown” (64 per cent) or for “insufficient evidence” (21 per cent), indicating a failure in the investigation.<sup>98</sup> In stark contrast, between 2018 and 2021, 96 per cent of cases opened by military prosecutors against Palestinians ended in conviction, clearly indicating discriminatory law enforcement.<sup>99</sup> In 38 per cent of the cases, Palestinians chose not to file a complaint, owing to lack of trust in the Israeli authorities or fearing retaliation.<sup>100</sup> Of additional concern, out of all the indictments issued against settlers, 26 per cent included Israeli children as offenders.<sup>101</sup>

53. Settler violence has not been adequately prevented and there is a lack of effective investigation into such violence resulting in widespread impunity for those responsible, including members of the Israeli Security Forces who participate in settler attacks. Under international humanitarian law, the occupying power must protect the protected population against all acts or threats of violence.

### Case study

#### State-backed settler violence in Huwwarah, Nablus Governorate

54. Huwwarah, Burin, Aynabus, Urif, Madama and Asirah al-Qibliyah are Palestinian towns at the bottom of Jabal Salman mountain, south of Nablus, with a total population of around 21,000 inhabitants. Traditionally, these communities relied on farming and herding for their livelihood. Pursuant to the Oslo Accords, the built-up areas of the towns were designated as being part of Area B and most surrounding lands as being part of Area C. In 1983, the settlement of Yitzhar was built on top of the mountain, on land belonging to the six villages. As additional settlements and outposts were built, the Palestinian communities progressively lost access to their lands and were subjected to settler violence.

55. Huwwarah is located on Road 60, the main artery connecting the West Bank from north to south. The town became an important trading centre because of its location and the fact that farmland became increasingly off-limits to Palestinians. By 2022, it had 8,000 inhabitants and 400 establishments, including restaurants, grocery shops, car showrooms and repair centres.

56. In 2017, Israeli authorities reportedly approved the construction of a highway to connect Jerusalem to settlements south of Nablus,<sup>102</sup> bypassing Huwwarah to the east. Set to open in 2024, the road will be 5.5 km long, have four lanes, four bridges and several crossings.<sup>103</sup> Its construction required extensive expropriation of Palestinian land, including 406 dunums of private land<sup>104</sup> confiscated by the Civil Authority from Palestinians primarily from the towns Huwwarah, Bayta and Awarta. In addition to that land, a further 1,100 dunums were seized for the building of the road. According to the Israeli authorities, the road will resolve traffic congestion and also benefit Palestinians. However, the road, the construction of which has already required the destruction of trees in Palestinian lands, as well as properties and

<sup>98</sup> Yesh Din, “Data sheet, December 2022: law enforcement on Israeli civilians in the West Bank (settler violence) 2005–2022”, 1 February 2023.

<sup>99</sup> A/78/502, para. 43.

<sup>100</sup> Yesh Din, “Data sheet, December 2022”.

<sup>101</sup> Data from Yesh Din (on file with the Secretariat).

<sup>102</sup> Mainly Yitzhar, Itamar, Har Bracha and Alon Moreh. See Peace Now, “800 million Shekel plan for bypass roads in the West Bank approved by Netanyahu”, 26 October 2017.

<sup>103</sup> Peace Now, “Construction permits approved for two bypass roads near Nablus and Bethlehem”, 2 May 2019.

<sup>104</sup> Ibid.

businesses, appears to be designed to serve settlers. for example, it will connect settlements to Israel, but there are no plans for access roads to connect it with Palestinian towns along its route.

57. Settler harassment and attacks in Huwwarah and surrounding towns have steadily increased. The number of attacks increased during the reporting period to 70, compared with 12 attacks in 2020 and 14 attacks in 2021.

58. On 26 February, approximately 400 settlers from Yitzhar and other nearby settlements gathered and attacked Palestinians with stones, batons and Molotov cocktails, and set fire to homes, shops and vehicles in Huwwarah and nearby towns. The rampage occurred several hours after an armed Palestinian man had shot and killed two settlers (aged 19 and 21) from the settlement Har Brakha as they were driving through Huwwarah, and a few days after Israeli security forces had killed 12 Palestinians, including one child, in an operation that was conducted in broad daylight in the old city of Nablus.<sup>105</sup>

59. During multiple and simultaneous settler attacks that lasted for hours, one Palestinian man was killed by either Israeli security forces or settlers (see para. 66 below) and 387 other Palestinian were injured (161 men, 137 women, 46 boys and 43 girls) in the towns of Huwwarah, Za'tarah, Burin and Bayta, of whom 378 were injured by Israeli security forces and 9 by settlers. According to the Israeli security forces, one soldier was injured by settlers. Settlers caused extensive property damage, estimated at \$5 million by the municipality of Huwwarah. at least 37 homes were set on fire or vandalized, resulting in the displacement of 78 Palestinians. In addition, at least eight commercial structures were burned down and 55 Palestinian privately owned vehicles and 1,200 scrapped vehicles were torched.<sup>106</sup>

60. Given their traditional caregiver role, women were mostly at home with children at the time of the attack, in many cases without husbands and fathers. They accounted for most of the Palestinians who were injured as settlers attempted to torch buildings. A 29-year-old mother of three told OHCHR that, from her window, she saw about 200 settlers, accompanied by several Israeli soldiers, approaching Yitzhar junction. The Settlers threw stones at Palestinian homes. They then approached the car park of her husband's business and set fire to some 100 vehicles parked there. The smoke around the house became so intense, the woman and children feared that they would be burned alive. The woman, looking for breathable air, took her children, including a two-year-old, to the roof of the building. She stayed there with another neighbour and her three children, in the dark, until 2330 hours. The family business sustained 1 million new Israeli shekels (\$250,000) in damage. The woman described several members of the Israeli security forces moving "back and forth" as the arson was occurring, without acting to stop the settlers. Illustrating the strong psychological impact that the event had had on Palestinian residents, several families told OHCHR that children refused to sleep in their houses for days after the rampage, fearing further attacks.

61. Settler-related violence negatively affects women's mobility, further reinforcing negative aspects of traditional gender roles. In one case documented by OHCHR, a Palestinian woman reported that her husband had not allowed her to go out of the house alone, not even for grocery shopping, since the attacks and following the deployment of Israeli security forces snipers on a floor of their building to protect settlers.

<sup>105</sup> A/78/502, para. 16.

<sup>106</sup> United Nations, Office for the Coordination of Humanitarian Affairs, "Protection of civilians: Occupied Palestinian Territory", 14–27 February 2023.



62. In the hours preceding the rampage, settlers reportedly had been organizing on social media, with calls made on dozens of WhatsApp groups to concentrate in Huwwarah and attack Palestinians.<sup>107</sup> Although the Israeli Defense Forces central command responsible for army troops in the West Bank called the attacks a “pogrom” and “terror”, it stated that Israeli security forces were caught off guard by the number of attackers and the scale and intensity of violence.<sup>108</sup>

63. Yesh Din stated that, in most of the cases that it documented, the victims refused to file a criminal complaint because they did not trust the Israeli authorities, given that Israeli security forces were present during the rampage. Multiple videos and testimony taken by OHCHR, other organizations and the media all indicate that many settlers were masked and carried out the attacks as groups of Israeli security forces stood by them, but without intervening. OHCHR documented cases where Israeli security forces fired tear gas canisters, rubber-coated metal bullets and live bullets at Palestinians who attempted to defend themselves by throwing stones at settlers.

64. At 2000 hours, approximately 20 to 30 settlers coming from Huwwarah approached the village of Za‘tarah and started throwing stones. A larger number of Palestinians gathered and responded by also throwing stones, forcing the settlers to withdraw. At about 2015 hours, some 60 settlers returned with a settlement security guard and three Israeli army jeeps. The settlers again threw stones at Palestinians. When Palestinians responded in a similar fashion, Israeli soldiers and civilians fired live ammunition at them. One shot hit Sameh Aqtash in the abdomen; he died shortly afterwards from his wounds. Another Palestinian man was injured by live ammunition. As at 31 May, there was no information publicly available on any investigation by Israeli security forces.

65. Far from being isolated, this case fits into a well-established pattern of discriminatory law enforcement in the West Bank, including East Jerusalem. Settler and Israeli security forces activities and use of firearms are increasingly interwoven, with their distinction becoming increasingly difficult to discern as these events, including the killings, show.<sup>109</sup>

66. Some Israeli leaders from extreme right-wing political parties that are in power praised the 26 February violence and incited further violence against Huwwarah, which is perceived as associated with Palestinian attackers. Those statements have included calls for the “erasure” of Huwwarah. A Member of the Knesset from the coalition stated “a closed, burnt Huwwarah, that is what I want to see”.<sup>110</sup> A few days later, the Additional Minister in the Ministry of Defence, speaking on radio, said that Israel should “wipe out” Huwwarah.<sup>111</sup> Although other Israeli officials condemned the statement and the Additional Minister partially retracted his words, a campaign to “erase” the town continued and became viral on social media.<sup>112</sup> The Attorney General of Israel has reportedly opened an investigation for incitement against the Member of Knesset.<sup>113</sup>

<sup>107</sup> Gianluca Mezzofiore and others, “Israel’s military called the settler attack on this Palestinian town a ‘pogrom’. Videos show soldiers did little to stop it”, CNN, 15 June 2023.

<sup>108</sup> Joshua Davidovich, “Settler extremists sowing terror, Huwara riot was a ‘pogrom’, top general says”, *Times of Israel*, 28 February 2023.

<sup>109</sup> A/77/493, para. 36; A/HRC/52/76, paras. 42–43; and A/76/336, paras. 23 and 26.

<sup>110</sup> Michael Bachner, “‘We need burning villages’: coalition lawmaker backs unprecedented settler rampage”, *Times of Israel*, 27 February 2023.

<sup>111</sup> Michael Bachner, “Israel should ‘wipe out’ Palestinian town of Huwara, says senior minister, Smotrich”, *Times of Israel*, 1 March 2023.

<sup>112</sup> 7 Amleh, “An analysis of the Israeli inciteful speech against the village of ‘Huwara’ on Twitter”, 2023, pp. 5–6.

<sup>113</sup> Michael Starr, “A-G to investigate MK Zvika Fogel for Huwara incitement”, *Jerusalem Post*, 1 March 2023.

67. Israeli security forces stated they would thoroughly investigate the incident.<sup>114</sup> Although hundreds were involved in the rampage, the Israeli police only arrested eight settlers on 1 March. The following day, an Israeli court ordered all eight to be released, reportedly because no evidence was presented against them.<sup>115</sup> On the same day, the Minister of Defence issued four-month administrative detention orders against two of those who were released, including a 17-year-old boy suspected of initiating the rampage and attacking Israeli security forces, as well as “previous acts of terror”.<sup>116</sup> The Central District Court of Israel shortened the administrative detention period from four months to two months for the boy, who was released on 2 April, and reduced by one month the detention period for the adult, who was expected to be released on 2 June 2023. There was widespread criticism and outrage among public figures and Israeli politicians, who said that placing the two in administrative detention without charge or trial, a practice extensively used against Palestinians,<sup>117</sup> was “anti-democratic”.<sup>118</sup> On 13 March, two settlers from the outpost of Giv’at Ronen were arrested by the Israeli police on suspicion of involvement in the Huwwarah riots and taken for interrogation by the Israel Security Agency.<sup>119</sup>

68. The Huwwarah rampage demonstrates, in addition to a lack of criminal accountability for the perpetrators, how difficult it is for Palestinians to claim compensation for damages caused by Israeli settlers. According to the organization Legal Aid for Palestinians, which is representing eight Palestinian families that are suing the Israel Defense Forces for damages for failing to protect them, it is difficult, if not impossible, to prove a civil case if no perpetrator is identified by authorities. On the other hand, the Israeli government had made no offer of compensation as at 31 May.

69. Emboldened by political backing and impunity, settlers returned to attack the towns of Huwwarah, Za’tarah, Burin and Qaryut in the following weeks. On 6 March, at night, Israeli settlers were captured on closed-circuit television cameras assaulting a Palestinian family in their car, including a 2-year-old girl, with an axe, stones and pepper spray. A 61-year-old man was injured in the head. In a rare development, on 30 March, an Israeli prosecutor charged two settlers in relation to the attack.<sup>120</sup> On 27 March, groups of Israeli settlers again entered Huwwarah and carried out attacks, injuring six Palestinian men, and burned or vandalized five homes, three shops and 17 vehicles.

70. In response to attacks by Palestinians and settler “price tag” attacks, the Israeli security forces imposed movement and other restrictions on Palestinians only, purportedly to prevent violence. Following the events of 26 February and until 3 March, Israeli security forces closed Huwwarah to Palestinian traffic and forced all shops and business to shut down. The town was shut down again for two days after the 27 March attacks. In subsequent weeks, Israeli security forces also closed the road connecting Bayta to Huwwarah and all side streets leading to the Huwwarah main

<sup>114</sup> Emanuel Fabian, “Suspects in Huwara settler rampage out of custody; IDF vows to probe ‘lawlessness’”, *Times of Israel*, 28 February 2023.

<sup>115</sup> Emanuel Fabian, “Two suspects in Huwara rampage, one a minor, sent to administrative detention”, *Times of Israel*, 28 February 2023.

<sup>116</sup> Elisha Ben Kimon, “Settler officials intervene for teen suspected of setting fire in Huwara”, *Y Net News*, 18 May 2023.

<sup>117</sup> *Ibid.*

<sup>118</sup> [A/78/502](#), para. 37.

<sup>119</sup> Hagar Shezaf, “Two settlers placed in administrative detention over Huwara riot”, *Haaretz*, 13 March 2023.

<sup>120</sup> Emanuel Fabian, “Two settlers charged with terror for attack on Palestinians in Huwara”, *Times of Israel*, 30 March 2023.

road with earth mounds, leaving some families completely isolated for several days. Meanwhile, settlers had free passage through the town.

71. The livelihood and activity of shop owners in the main street of Huwwarah were deeply impacted. As at 31 May, Israeli security forces maintained a significant presence in the town, including a new military post and snipers deployed in residential buildings. According to several shop owners, Israeli security forces have harassed them and their customers by stopping passers-by and checking their identification documents and issuing fines, thereby deterring potential customers. All of them reported that their income has been reduced by half or more since the February attacks.

72. In most cases of settler violence, Israel has repeatedly failed in its responsibility as the occupying Power to protect the Palestinian population.

73. Systematic and increasingly severe settler violence committed with the acquiescence and support of Israeli security forces, including arbitrary use of force, puts at risk Palestinians' rights to life and security of the person.<sup>121</sup>

74. Settler violence, the presences of Israeli security forces and Israeli plans for settlement expansion have, in combination, further exacerbated a coercive environment in the area and increased the risk of forcible transfer.

## V. Settlements in the occupied Syrian Golan

75. Eighteen months have passed since the Government of Israel announced its goal to “double the population of the Golan Heights” in order to “advance the interests of the State of Israel.”<sup>122</sup> According to the government's projected rate of growth, the settler population in the occupied Golan will increase by 23,000 before 2027. As a result, the number of settlers has, for the first time, exceeded the local Syrian population of 28,000.<sup>123</sup>

76. On 20 June 2023, Israel commenced work on 23 wind turbines in orchards near the towns of Majdal Shams and Mas'adah in the occupied Syrian Golan. Israeli police provided on-site protection for works reportedly<sup>124</sup> carried out by Energix, an Israeli company. As a result, clashes erupted between Syrians protesting against the construction of the wind turbines and Israeli police, reportedly resulting in minor injuries to three protesters and three police.

77. Settlement expansion and such commercial activity as the construction of wind turbines, which could potentially have a detrimental effect on the health of the population of the occupied Syrian Golan, further worsen the overall human rights situation and 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, health and adequate housing.

## VI. Conclusions and recommendations

**78. 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**

<sup>121</sup> [A/HRC/49/85](#), para. 19; [A/76/336](#), para. 19.

<sup>122</sup> [A/77/493](#), para. 69.

<sup>123</sup> Supported by information received from NGOs working on the Syrian Golan.

<sup>124</sup> See Adi Hashmonai and Jack Khoury, “Druze protesters clash with police in Golan Heights over wind turbine construction”, *Haaretz*, 20 June 2023.

prohibited under international humanitarian law, as consistently confirmed by the competent United Nations organs, including the International Court of Justice.<sup>125</sup> It may also amount to a war crime.<sup>126</sup>

79. Settlement of titles constitutes an irreversible act of sovereignty by a permanent regime and subverts the principle that occupation is inherently temporary.<sup>127</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 forcible transfer.

80. The transfer of wide administrative powers relating to settlements and land administration from the military to Israeli civilians could facilitate annexation in violation of international law, including the Charter.

81. The alarming increase in violence by settlers, including violence against women, with the acquiescence and support of the Israeli security forces and the continuing widespread 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 to protect the Palestinian population against all acts or threats of violence. In addition, Israeli security forces often apparently used unlawful force, including unnecessary or disproportionate use of such lethal weapons as firearms, against Palestinians during settler attacks. 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, and it is an important component of the coercive environment that may leave some Palestinians no other choice than to leave their places of residence.

82. 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>128</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, including women's rights, and increase the risk of forcible transfer.

83. 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 that prevails with respect to excessive force against Palestinians by Israeli security forces, including in the contexts of settlement.

84. 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.

85. 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 \(2016\)](#);

<sup>125</sup> [A/76/336](#), para. 59.

<sup>126</sup> Fourth Geneva Convention, art. 49(6); and Rome Statute, art. 8(2)(b)(viii).

<sup>127</sup> Hague Regulations, arts. 43 and 55; and [A/77/493](#), para. 72.

<sup>128</sup> Commission on Human Rights resolution 2004/28, para. 1.

(b) **Immediately halt demolitions and forced evictions of the Palestinian population and cease any activity that would further contribute to a coercive environment and/or lead to a risk of possible forcible transfer;**

(c) **In line with its obligations as the occupying Power to protect the Palestinian population, issue clear and unambiguous orders to Israeli security forces to ensure the protection of the Palestinian population against settler violence and hold to account members of the Israeli security forces who fail to comply with such orders;**

(d) **Ensure that all incidents of violence by settlers and Israeli security forces against Palestinians, including violence against women, 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.**

**86. The Secretary-General further recommends that all States take all measures necessary to effectively ensure respect for applicable international humanitarian law, including the Geneva Conventions of 12 August 1949, by all parties to the conflict.**

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