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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 [75/97](#), provides an update on Israeli settlement activities in the occupied West Bank, including East Jerusalem, and the occupied Syrian Golan, from 1 June 2020 to 31 May 2021, and highlights their impact on human rights.

* The present report was submitted after the deadline in order to reflect the most recent information.



I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 75/97, provides an update on the implementation of the resolution from 1 June 2020 to 31 May 2021. It is based on direct monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory and on information provided by other United Nations entities in the Occupied Palestinian Territory and non-governmental organizations (NGOs). The report should be read in conjunction with recent related reports of the Secretary-General and of the High Commissioner submitted to the Assembly and to the Human Rights Council.¹ The quarterly reports of the Secretary-General to the Security Council on the implementation of resolution 2334 (2016) concerning the same period² also provide relevant information.

2. The report contains an update on settlement advancement and its impact on the human rights of Palestinian people. Section IV focuses in particular on the combined impact of Israeli-declared military firing zones and settler outpost activities near Palestinian communities. It also contains an update on Israeli settlements in the occupied Syrian Golan.

3. During the reporting period, Israeli settlement activities continued in the occupied West Bank, including East Jerusalem and the occupied Syrian Golan. Demolitions of Palestinian property and settler violence reached the highest levels since the United Nations began systematic recording.³ In most settler violence incidents monitored, Israeli security forces failed to protect the Palestinian population, and in many cases used force against Palestinians. Widespread impunity for this violence remained a serious concern. These developments further exacerbated the coercive environment in many Palestinian communities described in previous reports and increased the risk of forcible transfer.⁴

II. Legal background

4. International human rights law and international humanitarian law are concurrently applicable in the Occupied Palestinian Territory, namely, Gaza and the West Bank, including East Jerusalem and the occupied Syrian Golan. This includes the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), which is binding upon Israel as the occupying Power. A detailed analysis of the legal framework applicable in the Occupied Palestinian Territory and the occupied Syrian Golan can be found in previous reports of the Secretary-General.⁵

¹ A/HRC/46/65, A/HRC/46/63, A/HRC/46/22, A/75/376 and A/75/336.

² See Security Council briefings, available at <https://unsco.unmissions.org/security-council-briefings-0>.

³ According to data extracted from Office for the Coordination of Humanitarian Affairs databases systematically recording demolitions and settler violence incidents since 2009 and 2017 respectively.

⁴ A/HRC/46/22, para. 4; A/75/376, para. 26; A/HRC/34/38, para. 48; and A/HRC/40/43, para. 14.

⁵ A/HRC/34/38 and A/HRC/34/39.

III. Activities related to settlements

A. Settlement expansion

Land designation, planning and tenders

5. Advancement of plans for settlement construction slowed, with plans for some 6,800 housing units in the West Bank, including East Jerusalem, advanced or approved by the Israeli authorities, compared with 11,700 housing units in the West Bank and 1,500 in East Jerusalem during the previous reporting period. This included 6,200 units in Area C and 600 in East Jerusalem. Of them, about 2,700 in Area C and 540 in East Jerusalem had reached the final stages of approval by 31 May 2021.⁶

6. Israeli authorities issued tenders for 1,900 units in Area C settlements and 200 in East Jerusalem, compared with 1,700 and 1,500, respectively, during the previous reporting period.

7. Official data on settlement construction starts in Area C indicates an increase from 1,301 units in the previous reporting period to 1,506⁷ units.

8. On 17 and 18 January, Israeli authorities advanced plans for some 800 housing units and tendered some 1,900 units in Area C settlements, many deep inside the West Bank. On 20 January, winning bids for tenders for some 1,200 units in Giv'at Hamatos were announced.⁸ On 20 May, the Jerusalem District Planning Committee approved with conditions⁹ the Har Homa E plan for 540 housing units in occupied East Jerusalem. These plans, if further advanced, would isolate occupied East Jerusalem from the rest of the West Bank and significantly undermine the possibility of a contiguous Palestinian State.¹⁰

9. Settlers established 12 new outposts,¹¹ continuing a decade-long trend of increase.¹² Nine of them were agricultural farms, which have a devastating impact on surrounding Palestinian communities.¹³ On 3 May, settlers re-established and rapidly built "Evyatar" outpost on lands of Palestinian villages of Bayta, Qabalan and Yatma. By 31 May it included some 40 structures housing over 200 settlers.¹⁴

10. On 4 September, the Israeli Civil Administration issued expropriation orders for two archaeological sites on privately owned Palestinian property in Dayr Sim'an and Dayr Qal'ah.¹⁵ Under international humanitarian law, private property must be

⁶ Office of the Special Coordinator for the Middle East Peace Process.

⁷ Ibid.

⁸ See Tor Wennesland, Special Coordinator for the Middle East Peace Process, statement during a Security Council briefing on the situation in the Middle East, 25 March 2021. Available at https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_25_march_2021_2334.pdf.

⁹ Ir Amim, "Tender published for infrastructure works on Givat Hamatos and approval of Har Homa E plan issued in the public record", 1 June 2021 (available at <https://mailchi.mp/ir-amim/tender-published-for-infrastructure-works-on-givat-hamatos-approval-of-har-homa-e-plan-issued-in-the-public-record?e=f7e1245427>) and "District Committee conditionally approves Har Homa E plan for 540 HU", 5 May 2021.

¹⁰ Ibid.; and [S/2021/584](#).

¹¹ Peace Now, on file.

¹² [A/75/376](#), para. 10.

¹³ Sect. IV below; [A/75/376](#), para. 10; and [A/HRC/40/42](#), para. 39.

¹⁴ See www.haaretz.com/israel-news/.premium-in-just-a-month-illegal-settler-outpost-sprouts-up-on-palestinian-lands-1.9882850.

¹⁵ See <https://alt-arch.org/en/expropriation-orders-west-bank>.

respected and cannot be confiscated, unless the seizure is required by imperative military necessity.¹⁶ All seizure of historic monuments is prohibited.¹⁷

11. The Secretary-General recalls that the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, have no legal validity and are flagrant violations of international law. Outposts are also considered illegal under Israeli domestic law.¹⁸

B. Consolidation of settlements

12. Despite an agreement within the governing coalition in Israel to present to the Knesset a proposal to annex parts of the occupied West Bank starting 1 July, on 13 August, Israel, the United Arab Emirates and the United States of America jointly announced that “Israel will suspend declaring sovereignty” over the West Bank, as part of the normalization agreement with the United Arab Emirates.¹⁹

13. In November, the Knesset “Subcommittee for Judea and Samaria” recommended the possibility of renewing the settlement of land titles in the West Bank.²⁰ Settlement of titles constitutes an irreversible act of sovereignty by a permanent regime, and so subverts the principle that occupation is inherently temporary.²¹ In occupied East Jerusalem, land registration procedures began in the Umm Harun section of Shaykh Jarrah. Palestinian families concerned were not notified, thus seriously undermining their ability to legally defend their property rights.²²

Legislative developments, including regularization of outposts

14. On 9 June, the Israeli High Court of Justice struck down as unconstitutional a 2017 law enabling the wide-scale expropriation of private Palestinian land and the retroactive regularization, under Israeli law, of thousands of housing units in settlements and unauthorized outposts. The Court ruled that the law violated the rights of Palestinians in the West Bank to property and equality.²³ Despite this decision, serious concerns remain in relation to existing alternative legal mechanisms available to retroactively legalize, under Israeli law, outposts and unauthorized structures in settlements.²⁴

15. On 29 November, the High Court of Justice legalized the declaration as State land of 224 dunums in the settlement of Kokhav Ya‘aqov, built on private and

¹⁶ Regulations annexed to the Hague Convention IV of 1907 (Hague Regulations), art. 46. See also International Committee of the Red Cross (ICRC), “Rule 40: respect for cultural property”, and “Rule 51: public and private property in occupied territory”, Customary International Humanitarian Law database. Available at <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>.

¹⁷ Hague Regulations, art. 56.

¹⁸ Israel, Ministry of Foreign Affairs, “Summary of the opinion concerning unauthorized outposts”, Talya Sason, advocate, 10 March 2005; and A/72/564, para. 62.

¹⁹ See <https://il.usembassy.gov/joint-statement-of-the-united-states-the-state-of-israel-and-the-united-arab-emirates>.

²⁰ See Shlomy Zachary, “Renewing settlement of title in Area C in the West Bank: a breach of international law and violation of Palestinians’ rights”, April 2021. Available at https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/Renewing+settlement+of+title+report+2021/Renewing+settlement+of+title_ENG.pdf.

²¹ Hague Regulations, arts. 43 and 55.

²² See <https://mailchi.mp/ir-amim/in-a-first-since-1967-israel-underhandedly-initiates-land-registration-procedures-in-sheikh-jarrah-to-advance-jewish-settlement?e=5dfcd834de>.

²³ Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, statement during a Security Council briefing on the situation in the Middle East, 24 June 2020. Available at https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_24_june_2020_2334_0.pdf.

²⁴ A/HRC/46/65, paras. 16 and 17; and www.haaretz.com/israel-news/.premium-gantz-nissenkorn-tell-staff-to-find-way-to-legalize-buildings-on-palestinian-land-1.8917013.

traditional village lands of the Palestinian town of Kafr Aqab, Ramallah.²⁵ The ruling may lead to further declarations of State land concerning two outposts and buildings in more than 20 settlements.²⁶

16. Five plans retroactively regularizing outposts were advanced. On 16 December and 10 May, the Knesset advanced, in a preliminary vote, bills aimed at legalizing approximately 65 outposts and mandating that they should be treated as authorized settlements in the interim, with their residents receiving all municipal services.²⁷ On 26 August, the High Court of Justice ordered the evacuation of approximately 40 structures in the unauthorized settlement outpost of Mitzpe Kramim.²⁸ Israeli authorities demolished structures and dismantled or prevented construction in at least four outposts.²⁹

C. Impact of settlements on human rights

Settlement-related violence

17. Settler violence against Palestinians intensified, with 430 incidents of settler violence resulting in deaths, injury and/or property damage,³⁰ compared with 337 in the previous reporting period, continuing the increase since 2017. The severity of the violence also intensified. Four Palestinians were killed and 145 injured by settlers,³¹ including 8 with live ammunition. Two more Palestinians, including a woman, were killed in circumstances where it was not possible to determine whether the perpetrator was Israeli security forces or settlers. Two Israelis known or believed to be settlers were killed and, according to Israeli sources, 99 were injured by Palestinians.³² Incidents of damage to Palestinian property increased to 327, with 9,477 trees and 199 vehicles vandalized.³³

18. Additionally, Israeli security forces intervened with force, which in many cases monitored by OHCHR may have been unnecessary and/or disproportionate, against Palestinians in the aftermath of settler attacks or when they demonstrated against settlement expansion and outposts.³⁴ During this period, settlers killed two Palestinians, and Israeli security forces killed 23 Palestinians, including six children, in the context of demonstrations and clashes related to settlement expansion, and some 6,313 were injured.³⁵

²⁵ See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\17\260\054\r42&fileName=17054260.R42&type=4> (Hebrew).

²⁶ See www.haaretz.com/israel-news/.premium-israeli-high-court-rejects-petition-against-declaring-west-bank-area-state-land-1.9338816.

²⁷ Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, statement during a Security Council briefing on the situation in the Middle East, 21 December 2020 (available at https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_21_december_2020_2334.pdf); and <https://main.knesset.gov.il> (Hebrew).

²⁸ See www.jpost.com/israel-news/court-orders-evacuation-of-homes-in-mitzpe-kramim-outpost-640240.

²⁹ Office of the Special Coordinator for the Middle East Peace Process. After the end of the reporting period, on 9 June, Israel declared the area of “Evyatar” a closed military zone and ordered the outpost evacuated.

³⁰ United Nations, Office for the Coordination of Humanitarian Affairs, on file.

³¹ Compared with none killed and 116 injured in the previous reporting period.

³² Compared with 1 killed and 21 injured in the previous reporting period. United Nations, Office for the Coordination of Humanitarian Affairs, based on information provided by Israeli authorities. The Office for the Coordination of Humanitarian Affairs counts as injured people treated at a medical facility or on site by paramedic personnel.

³³ Compared with 266 incidents, including 8,591 trees vandalized in the previous reporting period.

³⁴ A/76/333, paras. 11 and 12.

³⁵ United Nations, Office for the Coordination of Humanitarian Affairs.

19. As in previous reporting periods, settler violence appeared designed to terrorize Palestinians and take over land. Severe violence occurred in the vicinity of settlements and outposts, targeting the homes and livelihoods of rural Palestinians and intimidating Palestinians from accessing their land. While consolidating the presence and expansion of Israeli settlements, settler violence contributed to making the daily lives of Palestinians in their homes and communities untenable. Systematic and increasingly severe settler violence contributes to the creation and worsening of the coercive environment, which is pressuring Palestinians to stay away from areas that they have traditionally used for their livelihoods or move from their places of usual residence.³⁶

20. Settler violence increased during the olive harvest. The Office for the Coordination of Humanitarian Affairs recorded 40 incidents of settler violence against farmers across the West Bank, with 26 Palestinians injured, including 16 injured by Israeli security forces intervening following a settler attack.³⁷ At least 1,700 trees were vandalized and considerable quantities of olives stolen, predominantly in Nablus and Ramallah Governorates.³⁸ Sixteen incidents took place on agricultural lands in the vicinity of settlements, which are only accessible to Palestinian landowners and farmers with prior Israeli security forces coordination. Palestinian farmers also had difficulties in obtaining Israeli authorization to access their land in restricted areas behind the Wall. While the enhanced presence of Israeli security forces was a welcome and positive step, long-standing gaps in the enforcement of the rule of law on violent settlers remained of major concern.³⁹

21. In December, settler violence surged across the West Bank following the murder of a settler woman by a Palestinian on 21 December and the death of a 16-year-old Israeli boy in a car crash while fleeing Israeli police after allegedly stoning Palestinian cars on 22 December. There were 46 incidents of settler violence in December 2020, compared with 11 in December 2019.⁴⁰ Continuing well into January, settlers carried out daily stone-throwing attacks, blockades and demonstrations along Road 60, attacks on Palestinian vehicles and homes, including armed and violent confrontations, and Palestinians held at gunpoint. On 17 January, approximately 20 Israeli settlers entered from the direction of Yitzhar settlement to the Palestinian village of Madama and attacked a house in the outskirts where a woman was at home with four children including an infant. The group of settlers, with their faces covered, threw large stones at the 6- and 11-year-old girls in the yard of the house. As the mother came outside, she was pelted with stones, as was the house, where they retreated. The 11-year-old girl was hospitalized with injuries to her face, the mother and the 6-year-old had light injuries and the windows of the house were broken. The family did not file a complaint, out of fear of losing work permits to Israel. No information is available regarding any investigation into the attack. Israeli political and security authorities managed to calm the tension and violence in February following concerted efforts, which included a meeting of the Central Command chief of the Israeli security forces and the Head of the Israeli Civil Administration with settler groups.⁴¹

22. There was a further serious surge in ideological and nationalistically motivated violence starting in April. The threat of significant evictions in Shaykh Jarrah and

³⁶ A/HRC/43/67, paras. 57 and 58.

³⁷ See www.ochaopt.org/content/2020-olive-harvest-season-low-yield-amidst-access-restrictions-and-settler-violence#ftn1.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ United Nations, Office for the Coordination of Humanitarian Affairs.

⁴¹ See www.haaretz.com/israel-news/.premium-in-attempt-to-stem-violence-israeli-army-brass-meet-with-radical-settlers-1.9560600.

Silwan for the benefit of settler organizations, Israeli movement restrictions in and around the Old City of East Jerusalem during Ramadan, and nationalistically motivated incitement and violence by Palestinians and Israelis contributed to the rising tension. These confrontations resulted in a serious escalation that spread to other East Jerusalem neighbourhoods and, in the course of May, to the entire Occupied Palestinian Territory, triggering the largest escalation between Israel and Palestinian armed groups in Gaza since 2014, and widespread protests and violence between the Jewish and Palestinian communities also inside Israel.⁴²

23. In May, 86 settler violence incidents against Palestinians in the West Bank, including East Jerusalem, occurred.⁴³ Two Palestinians were killed by settlers and another two Palestinians were killed in circumstances where settlers and Israeli security forces shot live ammunition towards Palestinians simultaneously. Another 35 Palestinians, including three children, were injured by settlers, five of them with live ammunition. In the same period, there was one Israeli settler killed, and ten, including one child, injured by Palestinians.⁴⁴ On 3 May, a Palestinian killed an Israeli man and injured two others in a drive-by shooting attack at Za'tarah checkpoint, south of Nablus.

24. On 14 May, Israeli settlers reportedly arriving from Hagai settlement overlooking Rihyah village, south of Hebron, set fire to 500 dunums of cultivated land. As the Palestinian landowners ran to the location, a group of armed settlers shot a 26-year-old Palestinian man in the head with live ammunition. The man fell, injured, and, according to eyewitnesses, was subsequently beaten by the settlers, who also fired live ammunition towards other Palestinians who attempted to approach. When Israeli security forces arrived, they used tear gas, rubber-coated metal bullets and live ammunition to disperse the Palestinians, but did not apprehend any of the settlers. An ambulance evacuated the injured man to hospital, where he was pronounced dead. Israeli security forces had not opened an investigation into the killing as at 31 May.⁴⁵ On 16 May, a dozen Israelis believed to be settlers, of whom at least five carrying firearms, drove in four vehicles around Bayt Hanina and Shu'fat neighbourhoods in East Jerusalem. They set up an armed checkpoint and aimed at and fired towards cars and people passing by. Palestinian youths gathered and threw stones towards them. The settlers fired live ammunition towards the Palestinians and seriously injured two Palestinian men. Israeli police started investigating, and arrested seven suspects, one of whom was indicted.

25. As the occupying Power, Israel has the obligation to take all the measures in its power to restore and ensure, as far as possible, public order and life in the Occupied Palestinian Territory and, in all circumstances, to protect the Palestinian population against all acts or threats of violence.⁴⁶ Israel also has the obligation to respect and ensure the human rights of the Palestinian population, including their rights to life and security of person.⁴⁷

⁴² See [A/76/333](#).

⁴³ United Nations, Office for the Coordination of Humanitarian Affairs.

⁴⁴ Ibid.

⁴⁵ See www.haaretz.com/israel-news/.premium-two-weeks-on-police-haven-t-begun-probing-alleged-settler-killing-of-palestinian-1.9931965.

⁴⁶ Hague Regulations, arts. 43 and 46; and Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), art. 27.

⁴⁷ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004. See also [A/HRC/34/38](#), paras. 6–9 (with full references).

Accountability for settler violence

26. The Secretary-General and the United Nations High Commissioner for Human Rights have repeatedly reported on the prevailing climate of impunity with regard to settler violence and takeover of private Palestinian land.⁴⁸ This overall climate persisted, despite the increased severity of settler violence on the one hand, and some reported steps taken by the Israeli authorities on the other. Of added concern were the monitored cases in this reporting period where Israeli security forces were witnessed and recorded attacking Palestinians side by side with the settlers, including with firearms.

27. In the latest available (August 2020) report, the Ministry of Justice of Israel listed 93 investigations into alleged “ideologically-based offences” by settlers for the period between January 2019 and July 2020. Two indictments were filed for crimes committed against Palestinians, including for cases opened in previous years, and five defendants were convicted, all for incidents that had taken place in 2014 and 2015.⁴⁹ The Ministry of Justice did not provide information on the number of complaints submitted by Palestinians; therefore the number of investigations opened cannot be compared with the number of complaints. In this same period, the Office for the Coordination of Humanitarian Affairs recorded 341 incidents of settler attacks against Palestinians, including two killings and 113 injuries.⁵⁰

28. In May 2021, the Israeli human rights organization Yesh Din published its research into accountability for ideologically motivated offences⁵¹ committed by Israeli settlers in Palestinian towns and villages in Area B of the West Bank from 2017 to 2020. Of the 63 incidents documented by the organization, mostly alleged property incidents (41) and stone throwing offences (14). Israeli police had opened investigations into 38 incidents, and no indictments had been filed.⁵²

29. In September, Lod District Court sentenced two perpetrators of the Duma arson attack in 2015, for which they had been convicted in May 2020.⁵³ On 23 February, Israeli authorities indicted a 17-year-old Israeli boy accused of throwing stun grenades into Palestinian homes in Sartah.⁵⁴ On 6 September, an Israeli man was indicted on charges of aggravated assault after he allegedly shot and injured two Palestinians near Bidya.⁵⁵ In November, three Israelis, including two children, were indicted for attacking Palestinians harvesting their olives a month earlier.⁵⁶ On

⁴⁸ A/74/357, para. 27; A/70/351, para. 23; A/HRC/25/38, paras. 42–47; A/HRC/43/67, paras. 26–29; A/HRC/31/43, para. 37; and A/HRC/34/39, para. 18.

⁴⁹ Israel, Ministry of Justice, “Investigation and prosecution of ideologically motivated offences against Palestinians in the West Bank”, August 2020. Available at <https://www.justice.gov.il/Units/YeutzVehakika/InternationalLaw/MainDocs1/InvestigationandProsecutionofOffencesAgainstPalestinians.pdf>.

⁵⁰ United Nations, Office for the Coordination of Humanitarian Affairs.

⁵¹ Yesh Din, “Settler crime and violence inside Palestinian communities, 2017–2020”, May 2021, p. 6. Available at <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org>.

⁵² Ibid. See also Yesh Din, “Law enforcement on Israeli civilians in the West Bank: Yesh Din figures 2005–2019” (December 2019). Available at <http://din-online.info/per42e.html>.

⁵³ A/HRC/46/65, para. 28.

⁵⁴ Wennesland, statement during a Security Council briefing on the situation in the Middle East, 25 March 2021 (see footnote 8). See also www.timesofisrael.com/israeli-17-indicted-for-stun-grenade-attack-on-palestinians-vandalism/.

⁵⁵ See www.timesofisrael.com/israeli-man-indicted-for-shooting-injuring-2-palestinians-in-west-bank-brawl/.

⁵⁶ See www.haaretz.com/israel-news/.premium-israeli-settler-two-teens-indicted-for-attacking-palestinian-olive-farmers-1.9324925.

29 December, the State Attorney's Office filed an indictment against two individuals, one of them a minor, in relation to planning a "price tag" operation.⁵⁷

30. Regarding fatal settler violence in this period, there was no information publicly available on any investigation into the killing on 5 January of a 25-year-old resident of Bayt Ummar, after reportedly attempting to throw a knife at Israeli security forces personnel, by a settlement guard in Gush Etzion the killing of a 26-year-old Palestinian by a settler in Urif on 14 May, or the killings of a man in Salfit on 14 May and a 37-year-old woman near Qiryat Arba' on 19 May in circumstances where it has not been possible to ascertain whether the perpetrator was a settler or a member of the Israeli security forces. Regarding the killing on 5 February of a 32-year-old Palestinian man from Ras Karkar, who entered a settlement outpost at night and reportedly attempted to break into a house, unarmed, and was shot by settlers, an Israeli security forces spokesperson stated that since the Israeli security forces had ruled the incident an attempted terror attack, no criminal investigation had been launched. Reportedly, one of the suspects had previously been indicted for aggravated assault in September 2020 and had had his gun confiscated in July 2020.⁵⁸ Regarding the Palestinian man killed by settlers in Rihyah on 14 May, Israeli authorities have not announced the opening of an investigation and, in response to a question from media, Israeli Police stated that "no complaint was filed with the police and the details of the incident as stated are not known to us".⁵⁹

31. Failure to protect Palestinians and deficiencies in the justice system to hold settlers accountable for violence against Palestinians include: the application of different legal systems to settlers and Palestinians;⁶⁰ the persistent and prevailing lack of thorough and impartial investigations;⁶¹ the very low rate of indictments and convictions; frequently delayed processes; and lenient charges. Few complaints were submitted by Palestinians owing to distrust of the Israeli legal system and fear of reprisals.⁶² While efforts have been made by the Israeli authorities in recent years to prevent, investigate and prosecute particular incidents of settler violence, overall, these deficiencies sustain a climate of impunity for settler violence, encouraging attacks to continue. Additionally, documented cases in this reporting period, of attacks against Palestinians by settlers shooting side by side with the Israeli security forces, add to this climate.

Demolitions, forced evictions and displacement

32. Demolitions and forced evictions as referred to below entail numerous human rights violations, exacerbate the coercive environment and raise concerns about the risk of forcible transfer. They also continue to raise concern about compliance with international humanitarian law provisions that are binding on the occupying Power, including the prohibition of the destruction of property and institutions dedicated to education.⁶³

⁵⁷ See www.srugim.co.il/?p=521119 (Hebrew). For the definition of "price tag operations", see A/HRC/40/42, para. 30.

⁵⁸ See www.timesofisrael.com/man-said-to-have-shot-infiltrator-dead-already-on-trial-for-shooting-palestinian.

⁵⁹ See www.972mag.com/ismail-tubasi-settler-violence-west-bank/. See also www.haaretz.co.il/news/politics/.premium-1.9930536?utm_source=mailchimp&utm_medium=email&utm_content=author-alert&utm_campaign=%D7%94%D7%92%D7%A8%20%D7%A9%D7%99%D7%96%D7%A3&utm_term=20210623-05:54 (Hebrew).

⁶⁰ A/HRC/43/67, para. 29; and A/68/513, para. 12.

⁶¹ A/HRC/40/42, para. 55; A/71/355, para. 50; A/HRC/34/38, para. 38; and A/HRC/37/43, para. 23.

⁶² A/75/376, para. 33.

⁶³ Fourth Geneva Convention, arts. 49 and 147; and Hague Regulations, arts. 46 and 56. See also A/HRC/34/38, paras. 21 and 33.

33. Demolitions and confiscations spiked in the reporting period, despite the coronavirus disease (COVID-19) pandemic. Representing the highest number since the Office for the Coordination of Humanitarian Affairs started recording demolitions,⁶⁴ Israeli authorities demolished 964 structures in the West Bank, including East Jerusalem, displacing 1,241 Palestinians, including 655 children, and affecting another 5,789.⁶⁵ East Jerusalem (162), and in Area C, Tubas (195) and Hebron Governorates (192) were most affected.⁶⁶ Among the structures demolished were 216 donor-funded structures provided as humanitarian aid, and – amid the COVID-19 pandemic – 95 water, sanitation and hygiene for all (WASH) structures. Five schools received stop-work or demolition orders in Area C and East Jerusalem.⁶⁷

34. In occupied East Jerusalem, Palestinians were increasingly being forced to demolish their own structures following demolition orders, to avoid higher fines and bearing the costs of the demolition.⁶⁸ Self-demolitions accounted for 74 demolitions, compared with 52 in the previous period, displacing 224 Palestinians, including 116 children, in this period.⁶⁹ In February, the Jerusalem Municipality rejected a master plan by the Bustan neighbourhood community, submitted as part of ongoing negotiations to create a housing solution for the residents.⁷⁰ The Municipality also opposed a request with the Local Affairs Court to extend a demolition freeze to 68 homes. In March, the Court decided to grant extensions to 52 demolition cases pending the planning process with the municipality. In total, 100 inhabited houses in Bustan neighbourhood, home to 1,550 Palestinians, remained under threat of forced eviction.

35. In addition, at least 218 Palestinian households in East Jerusalem, comprising 970 persons, including 424 children, are at risk of forced eviction owing to cases filed in Israeli courts, primarily by Israeli settler organizations.⁷¹ From September to February, Israeli courts ordered the eviction of 13 Palestinian families and upheld rulings to evict a total of 10 Palestinian families from their homes in Batn al-Hawa, Silwan, for the benefit of settler organizations.⁷² Appeals are pending either with the District Court or the Supreme Court.⁷³ On 10 February and 2 March, the Jerusalem District Court rejected appeals against evictions from 13 Palestinian households in Sheikh Jarrah.⁷⁴ The families' request for permission to appeal to the Supreme Court was pending consideration at the end of the reporting period.⁷⁵ The threat of evictions

⁶⁴ According to data extracted from Office for the Coordination of Humanitarian Affairs databases systematically recording demolitions since 2009.

⁶⁵ Demolished, seized or forced to demolish by owners. United Nations, Office for the Coordination of Humanitarian Affairs.

⁶⁶ Ibid.

⁶⁷ United Nations Children's Fund (UNICEF), on file: 8 in East Jerusalem and 45 in Area C.

⁶⁸ A/75/376, para. 48.

⁶⁹ United Nations, Office for the Coordination of Humanitarian Affairs.

⁷⁰ Ir Amim, "Reignited plan for 'King's Garden' park threatens to displace over 1,000 Palestinians from Al Bustan, Silwan", 25 March 2021; and Norwegian Refugee Council, on file.

⁷¹ United Nations, Office for the Coordination of Humanitarian Affairs, household survey 2020; A/75/367, paras. 40–56.

⁷² See Ir Amim, "Court rules to uphold eviction order of 8 families from Batan al-Hawa", 24 November 2020; <https://peacenow.org.il/en/district-court-rejects-the-appeal-of-8-families-from-batan-al-hawa-ordering-their-eviction>; Ir Amim, "Magistrate Court rules to evict four more families from Batan al-Hawa, Silwan", 31 December 2020; and Ir Amim, "Old City Basin watch: Israeli courts rule to evict 11 Palestinian families from Sheikh Jarrah and Batan al-Hawa", 17 February 2021.

⁷³ Leave to appeal to Supreme Court of Israel No. 8694/20 and No. 8858/20.

⁷⁴ The Ja'uni, Askafi, Al-Kurd and Abu Hasna families and Hamad family. See Peace Now, "The District Court rejects the appeal of 31 people ordering them to evict their homes in Shiekh Jarrah in favor of settlers", 4 March 2021.

⁷⁵ A/76/333.

gave rise to significant protests by Palestinians and solidarity movements, counter-protests and provocations by settlers and significant use of force, including against entirely peaceful protesters by Israeli security forces in April and May 2021.⁷⁶

36. Pursuant to international humanitarian law, private property in occupied territory must be respected and cannot be confiscated by the occupying Power.⁷⁷ The eviction proceedings in these and other similar cases are based on the application of two Israeli laws, the Absentee Property Law and the Legal and Administrative Matters Law, which is seemingly inconsistent with this obligation.⁷⁸ Therefore, evictions, if ordered and implemented, would be contrary to the obligations of Israel under international law.

Palestinian communities at risk of forcible transfer

37. Palestinian communities across Area C, in East Jerusalem and in the H2 zone of Hebron, remain at risk of forcible transfer as a result of a coercive environment.⁷⁹ At particular risk are Bedouin and herder communities, including 18 communities in and around East Jerusalem, among them Khan al-Ahmar/Abu al-Helu⁸⁰ and communities in the Jordan Valley and those located in lands designated by Israel as closed military zones, examined below.

IV. Coercive environment: Palestinian herding communities located between a firing zone and an outpost in Area C

38. Since the 1970s, approximately 18 per cent of the West Bank, nearly 30 per cent of Area C, has been designated by Israel as closed “military firing zones” for the purpose of military training.⁸¹ Those areas are also home to some 6,200 Palestinians in 38 mostly Bedouin or herding communities. The communities are among the most vulnerable in the West Bank and their rights to an adequate standard of living and health, including water and sanitation, have been gravely restricted.⁸² Palestinian presence in the firing zones is formally prohibited without prior coordination with the Israeli authorities, which is rarely granted, and Israel prohibits Palestinian residential and infrastructure construction.⁸³ Residents face restrictions on grazing livestock inside firing zones, and Israeli authorities frequently carry out demolitions and confiscate Palestinian-owned property and livestock. During the reporting period, 276 Palestinian-owned structures in firing zones, including 141 that were donor-funded, were demolished, displacing 500 Palestinians, including 284 children and 108 women.⁸⁴

39. In November and February, in the largest single demolition ever recorded by the United Nations, Israeli authorities demolished or seized a total of 165 structures in Humsa Al Bqai’a, located in firing zone 903, displacing 311 Palestinians, including

⁷⁶ Ibid.

⁷⁷ Hague Regulations, art. 46.

⁷⁸ [A/75/376](#), paras. 40–56.

⁷⁹ [A/72/564](#), paras. 36–58; and [A/HRC/34/39](#), para. 44. Regarding Khan al-Ahmar/Abu al-Helu, see [A/74/357](#), paras. 12 and 36.

⁸⁰ [A/73/410](#), para. 22; [A/74/357](#), para. 36; [A/HRC/37/43](#), paras. 24 and 25; and [A/HRC/43/67](#), para. 33.

⁸¹ [A/73/410](#), para. 26, 28, 44, 45; and [A/72/564](#), paras. 41–48.

⁸² United Nations, Office for the Coordination of Humanitarian Affairs, “Palestinian communities at risk of forcible transfer: the case of eastern Nablus ‘firing zone’”, 9 August 2018.

⁸³ United Nations, Office for the Coordination of Humanitarian Affairs; Noga Kadman, *Acting the Landlord: Israel’s Policy in Area C, the West Bank* (Jerusalem, B’Tselem, 2013); and Nir Shalev and Alon Cohen-Lifshitz, *The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C* (Bimkom, 2008).

⁸⁴ United Nations, Office for the Coordination of Humanitarian Affairs.

63 women and 179 children. Among the demolished or seized structures, 94 were donor-funded, including structures that had been provided as humanitarian aid in response to previous demolitions.⁸⁵ Homes, water, sanitation and hygiene facilities and livelihood structures were demolished, and tents, food, water tanks and fodder for the community's livestock were confiscated, despite repeated calls by the international community for such actions to stop in accordance with international law.⁸⁶ In February, Israeli authorities confiscated all water tanks, leaving the community with no drinking water or water for its livestock. Israel claims that the community settled in the area "illegally" in 2010 long after it was designated a firing zone in 1972 and that its presence there endangers its members. The community disputes that claim and states that the village existed on the location prior to the occupation of the area in 1967. Decade-long petitions and appeals by the community against the demolitions ended without a final verdict from the High Court of Justice, after the military commander for the West Bank rejected in October 2020 the community's request for the area to be excluded from the firing zone, in an attempt to legalize the structures. There was no time for any further legal action on behalf of the community before it was verbally ordered to leave the area in early November and the demolitions and confiscations were carried out. The community has repeatedly rejected proposals to be moved to another location, stating its wish to remain. Such actions by Israel placed the community under extreme pressure to move and are therefore a key factor in a coercive environment, raising an imminent risk of forcible transfer. Forcible transfer is a grave breach of the Fourth Geneva Convention and thus amounts to a war crime.⁸⁷

40. In some firing zones, such as Masafer Yatta 918, the lives of Palestinians were further affected during military drills and communities were sometimes temporarily evacuated from their homes. Shelling has taken place near homes and military tanks have caused damage to Palestinian property, land and crops.⁸⁸ For example, from 1 to 3 February, Israeli security forces held a training operation in Jinba in which military tanks damaged water tanks, electricity cables and solar panels supplying electricity to a school and a clinic.⁸⁹ In other firing zones, such as Nablus 904 A, military drills were not conducted during the reporting period. In fact, almost 80 per cent of the firing zone land designated for training was not used for such purposes.⁹⁰ Palestinians nevertheless continue to be subjected to the Israeli regulations and policies pertaining to firing zones, increasing the pressure to move and the risk of forcible transfer.⁹¹

41. The aforementioned communities have also been affected by the settlement expansion and outposts in their vicinity. Israeli authorities have ratified declarations of "State land" within the firing zones. The ratifications, by a body known as the Blue Line team, were performed in order to allocate land for settlement expansion or to

⁸⁵ Ibid.; and United Nations, Office for the Coordination of Humanitarian Affairs, "West Bank demolitions and displacement: an overview", February 2021.

⁸⁶ Ibid.; and United Nations, Office for the Coordination of Humanitarian Affairs, "United Nations reiterates its call for demolitions to end and for international law to be respected", 5 February 2021; Lynn Hastings, Humanitarian Coordinator for the Occupied Palestinian Territory, statement on the demolition at Humsa – Al Bqai'a, 9 July 2021; and Peter Stano, Spokesperson for Foreign Affairs and Security Policy of the European Union, statement on the Israeli demolition of Palestinian structures, Brussels, 5 November 2020.

⁸⁷ Fourth Geneva Convention, arts. 49 (1) and 147; and Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

⁸⁸ Monitoring by the Office of the United Nations High Commissioner for Human Rights (OHCHR). See also Land Research Centre, "Palestinian crops vandalized, people terrified and houses shackled by Israeli Military Trainings in Masafer Yatta, south east Hebron governorate", 3 February 2021.

⁸⁹ Ibid.

⁹⁰ Kerem Navot, *A Locked Garden: Declaration of Closed Areas in the West Bank* (2015).

⁹¹ See A/72/564, paras. 41 and 47.

retroactively “legalize” unauthorized outposts and farms.⁹² Military documents obtained by Israeli media from the Israeli security forces during the reporting period further demonstrate how Israeli soldiers, in a discriminatory practice, have expelled Palestinian shepherds from the firing zones while allowing settlers to remain and even build outposts and infrastructure, despite lack of official approval by the Israeli security forces.⁹³

42. Israel continued to facilitate and provide incentives for illegal outpost activity, such as agricultural farms, including near and even in firing zones. On 16 December, Israeli media disclosed that in 2018 and 2019, 1.6 million shekels (\$490,000) of public Israeli State funds had been transferred to the Amana settlement movement for the development of unauthorized outposts.⁹⁴ On 11 February, the former Israeli Minister of Settlement Affairs stated to Israeli media that in “Area C we aspire to apply Israeli sovereignty. The purpose of the agricultural farms is to keep that option open for us”.⁹⁵ He noted that the settler farms “are meant to help us keep our finger on the pulse throughout the area ... that Jewish shepherd won’t be able to prevent Palestinian construction, but he can report it”.⁹⁶

43. The outpost farms are often strategically placed either as extensions of existing settlements, along key roads and junctures restricting Palestinian access and movement,⁹⁷ or along the edges of firing zones often on hilltops, hemming in Palestinian land.⁹⁸ The unauthorized farms in the firing zones all have pending demolition orders against them, but the orders are rarely executed.⁹⁹ Some unauthorized outposts have infrastructure services, including water and electricity.¹⁰⁰ Documented cases of discriminatory law enforcement between the Palestinian communities and settler farms in the firing zones suggest that Israel is enforcing the firing zones as a means of taking over Palestinian land for the benefit of settlement expansion and that the settler farms further facilitate that aim.¹⁰¹

44. The outposts are also a source of settler violence and intimidation of Palestinians. Cases monitored by OHCHR in the firing zones included physical violence, shooting with live ammunition, torching of fields and livestock, theft and vandalization of property, trees and crops, stone-throwing and tenacious intimidation of herders and their families. In several documented cases, Israeli security forces stood idly by and took no action to prevent the violence; instead, they responded to settler-related violence by ordering Palestinians to leave the area, including Palestinian-owned land, or even actively supported the settlers. In addition, Israeli security forces are a further source of tension and violence, including when Palestinians protest against settlement expansion and new outposts (see para. 49 below).

⁹² United Nations, Office for the Coordination of Humanitarian Affairs. See also [A/72/564](#), para. 47; and Kerem Navot, *Blue and White Make Black: The Blue Line Team in the West Bank* (2016).

⁹³ Hagar Shezaf, “Israeli soldiers expel Palestinians while letting settlers stay, military documents reveal”, *Haaretz*, 8 February 2021; and Amira Hass, “Analysis: six lies about Israel’s wild West settlement outposts”, *Haaretz*, 15 February 2021.

⁹⁴ Hagar Shezaf, “Israeli settler group funneled half a million dollars in public money to illegal settlements”, *Haaretz*, 16 December 2020.

⁹⁵ Oded Shalom and Elisha Ben-Kimon, “The Hague price”, *Ynet News*, 11 February 2021. Available at www.yediot.co.il/articles/0,7340,L-5885532,00.html.

⁹⁶ *Ibid.*

⁹⁷ Kerem Navot and B’Tselem, *This Is Ours – And This, Too: Israel’s Settlement Policy in the West Bank* (2021).

⁹⁸ Hass, “Analysis: six lies about Israel’s wild West settlement outposts”.

⁹⁹ United Nations, Office for the Coordination of Humanitarian Affairs and Kerem Navot, on file.

¹⁰⁰ United Nations, Office for the Coordination of Humanitarian Affairs, “Palestinian communities at risk of forcible transfer: the case of eastern Nablus ‘firing zone’”.

¹⁰¹ Shezaf, “Israeli soldiers expel Palestinians while letting settlers stay”; and Hass, “Analysis: six lies about Israel’s wild West settlement outposts”.

A. Case study: firing zone 904 A and its vicinity

45. Firing zone 904 A in Nablus Governorate covers some 14,000 dunums with a population of 310 Palestinians in four communities, all considered at risk of forcible transfer.¹⁰² Israeli authorities have demolished 515 structures in the communities since the Office for the Coordination of Humanitarian Affairs began recording demolitions in 2009. Several Palestinian families have left since Israel declared the area a firing zone in 1967. For example, after all its residents were displaced, Ad Dawa community no longer exists.¹⁰³ A total of 10 settler outposts are located inside and along the boundaries of the firing zone, with at least 755 dunums of land inside the firing zone being used for agricultural purposes.¹⁰⁴ While Israel prohibits Palestinian residential and infrastructure construction, settlers have constructed dirt roads across the firing zone linking the Itamar outposts with the “Allon Road” in the Jordan Valley.¹⁰⁵ Israeli security forces have also installed a road gate on the eastern edge, next to Afjam, further disrupting access by herders and farmers.¹⁰⁶

46. The most affected community in the firing zone is Khirbat Tana, with some 170 residents. The community has experienced 398 demolitions since the Office for the Coordination of Humanitarian Affairs began recording in 2009, the highest number of demolished structures of any community in the West Bank. On 17 March, Israeli authorities demolished eight structures, displacing 18 Palestinians, including nine children. A total of 95.8 per cent of the of the community’s remaining structures have pending demolition or stop-work orders.¹⁰⁷ The Israeli Civil Administration does not recognize Khirbat Tana as a village because of its location within the firing zone and therefore will not consider it for master planning and also prohibits Palestinian construction in the area.¹⁰⁸ In 2016, the Ministry of Defence of Israel claimed, in response to mass demolitions in Khirbat Tana, that residing in structures located inside the firing zone posed a danger to the lives of Palestinian residents.¹⁰⁹ Yet, no military training has been conducted in firing zone 904 A since June 2019.¹¹⁰

47. Many Palestinians in surrounding communities own agricultural land within the firing zone. Access to their lands requires prior coordination with the Israeli authorities and permits are rarely granted. For example, the community of Yanun is restricted by firing zone 904 A to the west and encircled by outposts on three other sides, restricting the grazing land and cutting off access to services in Nablus. The population of Yanun declined from 30 families in 2001 to six families as at 31 May 2021.¹¹¹

48. Most settler violence in firing zone 904 A is related directly to property damage and land takeover. For example, on 11 January, in Tell al Khashaba, eight Israeli settlers ploughed Palestinian-owned lands with a tractor, claiming to own the lands. Israeli security forces arrived and a settler brought forth a map with plans for building in the area, including a road from the settlement of Gitit. In response to ensuing

¹⁰² Khirbat Tana, Al Ja’waneh, Tell al Khashabeh and Afjam; United Nations, Office for the Coordination of Humanitarian Affairs.

¹⁰³ United Nations, Office for the Coordination of Humanitarian Affairs, on file.

¹⁰⁴ [A/72/564](#), para. 48 and according to Kerem Navot, on file.

¹⁰⁵ Ibid.

¹⁰⁶ United Nations, Office for the Coordination of Humanitarian Affairs, “Palestinian communities at risk of forcible transfer: the case of eastern Nablus ‘firing zone’”.

¹⁰⁷ United Nations, Office for the Coordination of Humanitarian Affairs, on file.

¹⁰⁸ [A/72/564](#), para. 43.

¹⁰⁹ United Nations, Office for the Coordination of Humanitarian Affairs, “Third large-scale demolition in Khirbat Tana in 2016”, 21 March 2016.

¹¹⁰ United Nations, Office for the Coordination of Humanitarian Affairs.

¹¹¹ Ibid.

clashes between settlers and Palestinians, Israeli security forces arrested one Palestinian, who was detained for 14 days and released on bail. Israeli police fined four Palestinians, but none of the settlers, for non-compliance with the COVID-19 measure of wearing masks, and Israeli security forces expelled the Palestinians from the area, whereas the settlers remained. The local community filed a complaint with the Binyamin police. Israeli authorities subsequently arrived in the village with a land surveyor and informed the community that a plan to expand Gitit settlement had been authorized in 1997. On 13 January, 15 settlers returned to the land with a bulldozer and two tractors, accompanied by a settlement guard from Gitit. During ensuing clashes between settlers and the landowners, Palestine TV captured on video¹¹² two Israeli settlers brutally beating an elderly man and his 47-year-old son with a wooden stick. The victims were taken to hospital with injuries. Israeli security forces responded by firing live ammunition in the air and striking Palestinians with rubber-coated metal bullets, tear gas and pepper spray and subsequently escorted the settlers away. When the Israeli surveyor returned to the area, he marked off 1,200 dunums of land and settlers placed iron bars to mark the plot. Since 13 January, Israeli security forces have prevented any Palestinian, including the landowners, from entering the lands. According to the village council, the livelihoods of at least 50 families were affected.

49. In addition to failing to protect Palestinians from settlers, in some instances, Israeli security forces were a further source of tension and violence, including when Palestinians protested the illegal settler activity on their land. For example, on 19 March, Israeli security forces shot in the head and killed a 46-year-old Palestinian man during a demonstration in Beit Dajan, just west of firing zone 904 A, where some 250 Palestinians were protesting against a new outpost farm established on Palestinian-owned land. When clashes erupted between Palestinians and Israeli security forces, the victim, who had a slingshot, was seen moving uphill towards one of the soldiers. The soldier shot him in the forehead from a distance of approximately 30 metres and, according to eyewitnesses, continued firing live bullets towards Palestinians attempting to help. The victim was pronounced dead while being transported to hospital.

B. Case study: firing zone 918 and its vicinity

50. Firing zone 918 in Masafer Yatta, Hebron Governorate, covers some 30,000 dunums with a Palestinian population of some 1,300 in 14 villages.¹¹³ Since the declaration of the closed military zone in the 1980s, residents have been at risk of forced eviction, demolition and forced displacement. After all its residents were displaced, two villages, Khirbet Sarura and Kharoubah, no longer exist.¹¹⁴ The herder communities in Masafer Yatta rely on livestock for their livelihood. Most residents live in tents or caves in extremely poor conditions, none are connected to water or electricity networks and, currently, all rely on food assistance.¹¹⁵ Nine outposts and settler farms are located in and near the firing zone¹¹⁶ and have been a constant source of violence, intimidation and “land grabs”.¹¹⁷

51. In 1999, Israeli authorities issued eviction orders against approximately 700 Palestinian residents for “illegally living in a firing zone”, in contradiction of an existing Israeli military order stipulating that the restrictions regarding the firing zone

¹¹² See www.youtube.com/watch?app=desktop&v=Itv19MCfp4Q.

¹¹³ Norwegian Refugee Council, 2021, on file.

¹¹⁴ Ibid.

¹¹⁵ United Nations, Office for the Coordination of Humanitarian Affairs.

¹¹⁶ Kerem Navot, on file.

¹¹⁷ OHCHR monitoring.

would not be applied to existing residents of the area.¹¹⁸ In 2000, the Association for Civil Rights in Israel filed petitions to the Israeli High Court of Justice on behalf of 200 families and the High Court of Justice issued an interim injunction permitting the villagers to return to their homes. In 2012, Israel declared its intention to demolish eight of the communities, which were home to more than 1,000 Palestinians.¹¹⁹ At a hearing in August 2020, the State argued that the Palestinian communities had not been permanent residents of the area when it was declared a firing zone and therefore did not have the right to continue living in their homes.¹²⁰ In July 2020, the Association for Civil Rights in Israel submitted to the Court a transcript of a 1981 hearing in which the then Minister of Agriculture instructed Israeli security forces to create training zones in the area to displace the Palestinian residents.¹²¹ As at 31 May, a ruling in the case was pending. In parallel, communities in Masafer Yatta have been subject to several waves of demolitions and demolition orders since 1999, including against villages outside the firing zone. The Norwegian Refugee Council provided legal representation to the families with pending demolition orders and on 24 December secured an interim injunction for 60 days, following the ruling of the High Court of Justice in the eviction case.

52. During the reporting period, 54 Palestinian structures were demolished in firing zone 918,¹²² displacing 100 Palestinians, including 55 children and 26 women, and affecting some 1,911 others. On 25 November, the Civil Administration demolished the homes of 44 Palestinians, 22 of whom were minors, and cut off entire communities from the water supply.¹²³

53. On 1 January, Israeli security forces shot a 24-year-old unarmed Palestinian man in the neck with live ammunition while he attempted to retrieve an electricity generator seized by Israeli security forces in the community of Ar Rakeez on the edge of the firing zone. The generator was the family's only source of electricity. The victim was paralysed from the neck down and, at the end of the reporting period, remained in critical condition. An initial internal probe by the Israeli security forces found that the shooting was accidental, an account disputed by Palestinian eyewitnesses. The Israeli security forces have opened a further inquiry into the incident.¹²⁴

54. During the reporting period, the Office for the Coordination of Humanitarian Affairs recorded 103 incidents of settler violence in firing zone 918 and its vicinity, resulting in the injury of 85 Palestinians and the vandalization of at least 1,589 Palestinian-owned trees. On 19 December, dozens of settlers, some masked and with firearms, trespassed on Palestinian-owned farmland in Suseya. Settlers physically attacked Palestinians, injuring an 82-year-old Palestinian man with kicks in the abdomen. When Israeli security forces arrived, they forcibly dispersed the Palestinians and did not arrest anyone. Yesh Din – Volunteers for Human Rights filed a complaint on behalf of the family but no information was available at the end of the reporting period as to whether an investigation had been opened. On 20 December, approximately 30 settlers, some armed and masked, attacked 12 Palestinians on the

¹¹⁸ A/HRC/24/30, para. 28.

¹¹⁹ Ibid.

¹²⁰ B'Tselem, "Masafer Yatta communities whose land was declared a 'firing zone'", 13 September 2020.

¹²¹ Akevot, "Document exposed by Akevot: Ariel Sharon instructed IDF to create training zone to displace Palestinians", 9 August 2020; and Ofer Aderet, "Document reveals Ariel Sharon's plan to expel 1,000 Palestinians", *Haaretz*, 9 August 2020.

¹²² United Nations, Office for the Coordination of Humanitarian Affairs.

¹²³ B'Tselem, "Wave of demolitions in West Bank: Masafer Yatta, South Hebron Hills, 25 November 2020", 26 November 2020.

¹²⁴ Hagar Shezaf, "Funding Issues Delay Rehabilitation for Palestinian Man Paralyzed by Israeli Army Gunfire", 24 February 2021.

same land, injuring several of them. Israeli security forces intervened by ordering the Palestinians to leave the area.

Conclusions from case studies

55. As the occupying Power, Israel cannot use the territory under occupation for military activity without ample justification.¹²⁵ Israeli firing zones serve the primary purpose of military training and, in the absence of active hostilities in the occupied West Bank, do not meet the threshold of imperative military reasons or absolute necessity for military operations that may justify any evacuation of the population or seizure or destruction of private property. Some firing zones are rarely even used for military purposes.

56. Israel continued to demolish and seize Palestinian structures in and near military firing zones, including internationally funded humanitarian projects. Under international humanitarian law, private property in occupied territory must be respected and cannot be confiscated by the occupying Power.¹²⁶ The destruction or seizure of private property can be justified under international humanitarian law only where rendered absolutely necessary by military operations; and the forcible removal of the civilian population under occupation from a given area can be justified only if the security of the population or imperative military reasons so demand and, even then, only for temporary periods of time until hostilities in the area in question have ceased.¹²⁷ Furthermore, Israel executes a planning policy that does not permit residents to build their homes legally or connect to basic, vital infrastructure. Closed military zones further limit Palestinian privately owned pastureland and impose severe restrictions on Palestinian movement and livelihoods, raising concerns of violations of human rights.¹²⁸

57. In the light of the above, the Israeli regulations, policies and practices affecting Palestinians in Israeli-declared firing zones or their vicinity exacerbate the coercive environment¹²⁹ that places these communities under extreme pressure to move, raising an imminent risk of forcible transfer. Documented cases of transfers of land from firing zones to settlements exacerbate those concerns.¹³⁰

V. Settlements in the occupied Syrian Golan

58. Settlement expansion and Israeli commercial activity in the occupied Syrian Golan continue to raise concerns regarding the impact on the health, environment and agriculture of Syrian citizens in the area. During the reporting period, Syrians in the occupied Golan continued to voice their concerns about the impact of a large-scale wind-turbine project on Syrian farming lands and quality of life. On 7 December 2020, a group of 300 Syrians in the occupied Syrian Golan protested against access restrictions regarding their lands in preparation for the instalment of the wind turbines. Israeli police reacted to the protests by using force, including rubber bullets

¹²⁵ Hague Regulation, arts. 46 and 52; and Fourth Geneva Convention, art. 53.

¹²⁶ Hague Regulation, art. 46.

¹²⁷ Fourth Geneva Convention, arts. 53 and 49.

¹²⁸ International Covenant on Civil and Political Rights, art. 12; and International Covenant on Economic, Social and Cultural Rights, art. 11.

¹²⁹ [A/HRC/24/30](#), paras. 28–29.

¹³⁰ [A/73/410](#), para. 28.

and tear gas, and arrested eight Syrians.¹³¹ Work on the turbines started in January 2021 despite objections by the Syrian population and human rights organizations.¹³²

VI. Conclusions and recommendations

59. The establishment and expansion of Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territory it occupies, which is prohibited under international humanitarian law,¹³³ as consistently confirmed by the competent United Nations organs, including the International Court of Justice, the General Assembly, the Security Council and the Human Rights Council.¹³⁴

60. Settlements have significant adverse effects on the rights of Palestinians, including their rights to life and security of person, freedom of movement, privacy, family life, an adequate standard of living, work and education, and on the exercise of their right to self-determination.

61. Israel has failed to uphold its obligation as the occupying Power to ensure, as far as possible, public order and life and to protect the Palestinian population against all acts or threats of violence. A climate of impunity has continued to prevail owing to persisting deficiencies in the justice system with respect to holding settlers accountable for violence against Palestinians and damage to their property.

62. Forced evictions resulting from demolitions in the Occupied Palestinian Territory are a key factor in the creation of a coercive environment. They have a negative impact on a wide range of human rights and increase the risk of forcible transfer.

63. The application of the Absentee Property Law and the Legal and Administrative Matters Law is seemingly inconsistent with international humanitarian law.¹³⁵ The measures taken¹³⁶ in East Jerusalem to facilitate the transfer by the occupying Power of its population into parts of the Occupied Palestinian Territory are prohibited under international humanitarian law and may amount to a war crime.¹³⁷

64. The Secretary-General recalls Security Council resolution 497 (1981), in which the Council decided that the decision of Israel to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.

65. On the basis of the present report, the Secretary-General recommends that Israel:

¹³¹ Al-Marsad, "Israeli police fired rubber bullets and tear gas against Syrian civilians in the occupied Golan", 10 December 2020; and Middle East Eye, "Syrians in occupied Golan Heights protest over Israel wind farm project", 7 December 2020.

¹³² Sara Toth Stub, "Renewable project stirs concern over local rights in the Golan Heights", US News, 17 February 2021.

¹³³ Fourth Geneva Convention, art. 49.

¹³⁴ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, I.C.J. Reports 2004, p. 136; Security Council resolutions 465 (1980) and 2334 (2016); General Assembly resolutions 71/97 and 72/86; and Human Rights Council resolution 31/36.

¹³⁵ A/75/376, paras. 51–55.

¹³⁶ See paras. 31–33.

¹³⁷ Fourth Geneva Convention, art. 49 (6); Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii); and A/75/376, paras. 54–55.

- (a) Immediately and completely cease all settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in compliance with international law, including relevant United Nations resolutions, such as Security Council resolution 2334 (2016);
 - (b) Immediately halt demolitions and forced evictions and cease any activity that would further contribute to a coercive environment and/or lead to a risk of forcible transfer;
 - (c) Review the application of planning laws and policies, as well as the Absentee Property Law and the Legal and Administrative Matters Law, to ensure that they are in accordance with the obligations of Israel under international humanitarian law and international human rights law;
 - (d) Review the regulations, policies and practices pertaining to Israeli-declared military firing zones in the Occupied Palestinian Territory and ensure that they are in accordance with international humanitarian law and international human rights law;
 - (e) Take all measures to ensure the protection of Palestinians and their property from settler violence in the Occupied Palestinian Territory, including East Jerusalem, including through the issuance and enforcement of clear orders to the Israeli security forces to protect the Palestinian population;
 - (f) Ensure that all incidents of violence by settlers and Israeli security forces against Palestinians and damage to their property are promptly, effectively, thoroughly and transparently investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are provided with effective remedies, including adequate compensation, in accordance with international standards;
 - (g) Immediately cease and reverse all settlement development and related activities in the occupied Syrian Golan and end discriminatory land, housing and development policies, in compliance with relevant United Nations resolutions;
 - (h) Immediately remove all mines and minefields in the occupied Syrian Golan, which pose a risk to the local population.
-