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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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

Report of the Secretary-General*

Summary

The present report, prepared pursuant to General Assembly resolution [73/98](#), provides an update on Israeli settlement activities and their impact on human rights in the West Bank, including East Jerusalem, and the occupied Syrian Golan. The report covers the period from 1 June 2018 to 31 May 2019.

* The present report was submitted after the deadline so as to include the most recent information.



I. Introduction

1. The present report, submitted pursuant to General Assembly resolution [73/98](#), provides an update on the implementation of the resolution from 1 June 2018 to 31 May 2019. It is based on direct monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory and on information provided by other United Nations entities in the Occupied Palestinian Territory and by non-governmental organizations. The report should be read in conjunction with recent related reports of the Secretary-General and of the High Commissioner submitted to the Assembly ([A/73/410](#) and [A/73/420](#)) and to the Human Rights Council ([A/HRC/40/39](#), [A/HRC/40/42](#) and [A/HRC/40/43](#)). The quarterly updates of the Secretary-General presented to the Security Council on the implementation of Council resolution [2334 \(2016\)](#) concerning the same period¹ also provide relevant information.

2. During the period under review, Israeli settlement activities increased in the occupied West Bank, including East Jerusalem. Significant legal developments and conditions and acts contributed to a coercive environment, including demolitions, forced evictions and acts of settler violence. Settler violence continued at a high level, while injuries to Palestinians and the severity of attacks increased; related developments in Nablus and the H2 zone in Hebron are examined in the present report. On 28 January 2019, the Government of Israel announced its decision not to renew the mandate of the Temporary International Presence in Hebron as of 30 January 2019. The report also contains an update on Israeli settlements in the occupied Syrian Golan.

II. Legal background

3. International human rights law and international humanitarian law are concurrently applicable in the Occupied Palestinian Territory, namely, Gaza and the West Bank, including East Jerusalem. This includes the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), which is binding upon Israel as an occupying Power. A detailed analysis of the legal framework applicable in the Occupied Palestinian Territory and the occupied Syrian Golan can be found in recent reports of the Secretary-General ([A/HRC/34/38](#) and [A/HRC/34/39](#)).

III. Activities related to settlements

4. The reporting period was marked by an increase in settlement plan advancements, tenders and construction starts of settlement housing. The demolition of Palestinian structures in the West Bank, including in East Jerusalem, increased by 50 per cent compared with the previous reporting period. Furthermore, settler violence continued to increase, and, in the majority of incidents monitored, Israeli security forces failed to protect the Palestinian population.

¹ See <https://unsco.unmissions.org/security-council-briefings-0>.

A. Settlement expansion

Land designation, planning and tenders

5. The advancement of plans for settlement construction continued at a higher rate than during the previous reporting period, with plans for some 10,900 housing units in the West Bank advanced or approved by the Israeli authorities, compared with 9,800 in the previous reporting period. Of those, 8,700 were located in Area C and about 1,800 had reached the final stage of approval by 31 May 2019. In East Jerusalem, plans were advanced for some 2,200 housing units, about 200 of which had reached the final stage of approval.²

6. Israeli authorities issued tenders for 2,400 units in Area C settlements, compared with 2,100 during the previous period. In East Jerusalem, the first tender in over two years was issued, for 600 units in Ramat Shlomo.³

7. Official data on settlement construction starts in Area C indicate an increase from 1,546 units during the previous reporting period to 2,395 units.

8. On 26 December 2018, the Government of Israel informed the High Court of Justice of Israel that it intended to permit the Ministry of Construction and Housing to initiate planning procedures for Givat Eitam, a new settlement, in a large area of 1,182 dunums south of Bethlehem. The area was originally declared State land in 2004, and the Court issued its final decision on the matter in 2016.⁴ In April 2019, 300 dunums were declared State land in the South Hebron Hills.⁵

9. On 14 October 2018, the Government of Israel allocated \$6 million for work required ahead of the construction of 31 already approved settlement units in the H2 zone in Hebron (A/HRC/40/42, para. 9). This is the first time in 16 years that settlement units are to be built in the H2 zone.

10. According to Peace Now, 11 new outposts were established during the reporting period,⁶ compared with 5 during the previous period.⁷ In addition, an outpost structure was established some 100 m from Khan al-Ahmar/Abu al-Helu, a Bedouin community that remains at risk of imminent demolition and forcible transfer.⁸

11. In a public statement made on 13 December 2018, the Prime Minister of Israel announced a series of measures intended as deterrence in response to Palestinian attacks against Israelis in the West Bank.⁹ The measures included the retroactive legalization of 2,000 housing units in settlements built on private Palestinian land, advancing the construction of 82 new housing units in the Ofra settlement and two new industrial zones in the Avnei Hefetz and Betar Illit settlements, and other

² Office of the United Nations Special Coordinator for the Middle East Peace Process.

³ Ibid.

⁴ Peace Now, "Government allocates land for new settlement in E2", 31 December 2018; see also <http://peacenow.org.il/wp-content/uploads/2018/12/State-update-e2-allocation-261218.pdf> for the text of the decision.

⁵ Documentation on file. Peace Now filed a petition against the declaration.

⁶ Pnei Hever South, Kokhav HaShahar East, Mishol Hamaayan Farm, Ras Karkar Farm, Givat Eitam, Gadi Base, Kida East, Asa'el West, Tkoa E, Nofei Prat South and Suseya East.

⁷ Peace Now, data on file.

⁸ See also para. 37 below; and Yotam Berger, "Israeli who sought evacuation of contested West Bank Bedouin village builds illegal outpost nearby", *Haaretz*, 1 May 2019.

⁹ Noa Landau and others, "Netanyahu warns Hamas that Israel won't have Gaza truce alongside West Bank terror, senior official says", *Haaretz*, 14 December 2018.

measures that may amount to collective punishment.¹⁰ During the reporting period, Israeli authorities demolished structures at six outposts.¹¹

B. Consolidation of settlements

12. During campaigns ahead of the elections in Israel in April 2019, several politicians declared intentions to expand settlements and annex all or parts of the occupied West Bank. On 6 April 2019, the Prime Minister stated: “I will extend [Israeli] sovereignty but I don’t distinguish between the settlement blocs and the isolated ones ... I will make sure we control the territory west of Jordan.” He also vowed to demolish Khan al-Ahmar/Abu al-Helu.¹²

13. In April and May 2019, the Minister of Defence of Israel and the Israeli Civil Administration approved the construction of two roads bypassing Palestinian towns in the West Bank.¹³ The Civil Administration issued orders to confiscate hundreds of dunums of private Palestinian land for the construction of the roads.¹⁴ In April 2019, the Ministry of Tourism of Israel announced that it would make monetary grants available for the construction of hotels in the settlements.

Legislative developments, including the regularization of outposts

14. During the reporting period, the Government of Israel promoted an amendment that would give the Settlements Division of the World Zionist Organization, a non-governmental entity functioning under the auspices of the Ministry of Agriculture and Rural Development, the authority to manage declared State land in the West Bank. The amendment passed the first reading by the Constitution, Law and Justice Committee of the Knesset on 29 October 2018. The long-standing practice of the Settlements Division of managing State land in the West Bank has been criticized for a lack of transparency and governmental supervision. In the past, the Settlements Division has allocated private Palestinian land as State land for use by settlers, including in the Mitzpeh Kramim settlement.¹⁵

15. On 1 August 2018, the Israeli Civil Administration stated its intention to triple the size of the jurisdiction of the new Amihai settlement¹⁶ to include the Adei Ad outpost as a means to achieve retroactive regularization.¹⁷ One of the settlement plans advanced in April 2019 would retroactively regularize the Haresha outpost by incorporating it into the existing Talmon settlement.¹⁸

16. On 28 August 2018, the District Court of Jerusalem applied Military Order No. 59 (1967) to regularize, under Israeli law, the Mitzpeh Kramim outpost, which

¹⁰ Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, briefing to the Security Council on the situation in the Middle East: report on Security Council resolution [2334 \(2016\)](#), 18 December 2018.

¹¹ Netiv Ha’avot, Tappuah West, Geulat Zion, Bat Ayin B, Amona and Maoz Ester.

¹² “Netanyahu says will begin annexing West Bank if he wins Israel election”, *Haaretz*, 7 April 2019; see also Noa Landau and Yotam Berger, “Israel won’t uproot any more settlements, Netanyahu says in visit to West Bank”, *Haaretz*, 28 January 2019.

¹³ Peace Now, “Construction permits approved for two bypass roads near Nablus and Bethlehem”, 2 May 2019.

¹⁴ Confiscation orders on file.

¹⁵ Peace Now, “Preliminary approval for settlement division bill”, 13 June 2018.

¹⁶ Amihai was established for settlers evacuated from the Amona outpost in the northern West Bank ([A/HRC/40/42](#), paras. 11 and 32).

¹⁷ Rosemary DiCarlo, Under-Secretary-General for Political and Peacebuilding Affairs, briefing to the Security Council on the situation in the Middle East, 22 August 2018.

¹⁸ Rosemary DiCarlo, Under-Secretary-General for Political and Peacebuilding Affairs, briefing to the Security Council on the situation in the Middle East, 29 April 2019.

was built on private Palestinian land, on the basis of the alleged good faith assumption that it was located on State land. The decision is the first use of the Military Order and, if upheld by the Supreme Court of Israel, could serve as a precedent to regularize more than 1,000 illegal housing units within outposts and settlements. At the time of writing, an appeal against the decision was pending before the Supreme Court.

17. In mid-December 2018, the Government of Israel established a team to fast-track the legalization of outposts and housing units in settlements built illegally according to Israeli law. The move followed an opinion issued by the Attorney General on 13 December allowing the Government to initiate steps to retroactively legalize settlement units built “in good faith”, including on private Palestinian property that, at the time of construction, was mistakenly believed to be State land under Israeli law. According to the Office of the Attorney General, some 2,000 settlement units throughout the West Bank could be retroactively legalized using this legal and administrative tool, referred to as the “market regulation” principle (S/2019/251, para. 6). In May 2019, the District Court of Jerusalem accepted the position of the Government that the “market regulation” principle could be used to retroactively legalize structures built in part on private Palestinian land in the settlement of Alei Zahav, allowing the State to use this tool for the first time.¹⁹

18. In November 2018, the Knesset passed legislation enabling, under certain conditions, planning for residential purposes in areas declared national parks located within municipal boundaries. The amendment could facilitate the construction of additional settlement units in the East Jerusalem neighbourhood of Silwan.²⁰

C. Impact of settlements on human rights

Settlement-related violence

19. During the reporting period, incidents of settler violence continued at a high level, while injuries to Palestinians and the severity of attacks increased. Four Palestinians were killed by settlers in the West Bank. Five Israeli civilians were killed by Palestinians in the West Bank, compared with seven in the previous reporting period. The number of Palestinians injured by settlers increased from 84 during the previous reporting period to 133.²¹ A total of 37 Israeli civilians were injured, compared with 43 in the previous reporting period. There were also 246 incidents of property damage by settlers, including the vandalization of more than 8,300 fruit trees, compared with nearly 5,800 in the previous reporting period. According to the Office for the Coordination of Humanitarian Affairs, the number of incidents of settler violence reached its highest level since 2014, with 321 incidents during the reporting period, compared with 191 incidents in the previous reporting period and 75 in the period before that.

20. In an alarming indication of the severity of settler violence, at least 11 Palestinians were injured as a result of the use by settlers of live ammunition, compared with 4 during the previous reporting period.²² Such developments were

¹⁹ Yotam Berger, “Israeli court ruling could end up legalizing 2,000 settlement homes”, *Haaretz*, 30 June 2019.

²⁰ Ir Amim, “National parks bill enabling settler group’s penetration into Silwan advances”, 13 November 2018. Available at www.altro.co.il/newsletters/show/11210?key=d7b7765151ed%20526253af292a8cac3478&value=e821eb584ad5f7c51923b071f60f258329b7ed91:1320432.

²¹ The term “injured” in the present report refers to people who were physically hurt and treated at a medical facility or on site by paramedic personnel, see www.ochaopt.org/data/casualties.

²² Ibid.

particularly marked in the H2 zone in Hebron and around Nablus (see paras. 39–69 below).

21. Attempts by settlers to enter and/or attack Palestinian communities also continued to cause friction between Israeli security forces and Palestinians, leading to clashes that resulted in 4 Palestinians killed and 295 injured.²³

22. On 26 January 2019, a 38-year-old Palestinian man was shot and killed and nine others were injured during a settler attack on Mughayyir village, east of Ramallah. In clashes that erupted after a group of up to 30 settlers from the nearby Adei Ad outpost attacked Palestinian farmers in their fields and then in the village, the settlers shot at the inhabitants and their houses. There was a heavy presence of Israeli security forces near the village, and Israeli authorities had been immediately alerted of the attack. Witnesses reported that the Israeli security forces were late to intervene and, when they did, the focus of their action appeared to have been to disperse the Palestinians using crowd dispersal means and live ammunition.²⁴ It is unclear whether any settlers were also injured. Given that the settlers implicated in the shooting were civilian security coordinators, the military has initiated an investigation.²⁵ As at 31 May 2019, there was no further information regarding the investigation.²⁶

23. In May 2019, Israeli security forces and civilian security coordinators beat and seemingly arbitrarily arrested and detained two Palestinian farmers from Kifil Haris village, in the northern West Bank. After coordination with Israeli authorities regarding access to the land, the farmers were tending to their land, which had been included within the boundary of the adjacent Ari'el settlement. Soldiers claimed that a group of farmers was violating the coordination time and told the farmers that they wanted to punish them by temporarily detaining them at the location. After an argument ensued, a group of soldiers and civilian security coordinators beat two of the farmers, one of whom was handcuffed. The two farmers were then arrested after the soldiers claimed that one of them had tried to take his gun. Witness accounts and video recordings suggest that no attempt was made to take the gun. The farmers were released on bail after 10 days of detention. As at the end of the reporting period, the victims had not been presented with an indictment or informed as to whether investigations had been opened into the conduct of the Israeli security forces and civilian security coordinators. OHCHR has followed the restrictions on access to agricultural land due to settler violence and had documented an attack in June 2018 by a civilian security coordinator on the same farmers while they were trying to access their land ([A/HRC/40/42](#), para. 38).

24. Surges in settler violence against Palestinians occurred after the killing of settlers and soldiers by Palestinians or the removal of outpost structures by Israeli authorities.²⁷ On 9 and 13 December 2018, Palestinian gunmen killed two Israeli soldiers and injured another soldier and eight Israeli civilians in the West Bank. The

²³ See e.g. B'Tselem, "Border police escorting settlers invading al-Mazra'ah al-Qibliyah land fire at residents who clashed with them, killing two and wounding seven", 6 December 2018.

²⁴ Rupert Colville, Spokesperson for the United Nations High Commissioner for Human Rights, "Human Rights Commissioner concerned about attack on Palestinians in the West Bank village of Al Mughayyir", press briefing, 29 January 2019.

²⁵ Yotam Berger and Jack Khoury, "No settlers questioned after Palestinian shot dead in the West Bank", *Haaretz*, 28 January 2019. Civilian security coordinators are usually residents of settlements and outposts trained and armed by the army and funded by the Ministry of Defence to guard settlements and outposts ([A/HRC/40/42](#), para. 37).

²⁶ OHCHR has previously reported on how settler violence around Adei Ad has contributed to human rights violations and to Palestinians being driven from the area ([A/HRC/40/42](#), paras. 32–33).

²⁷ For example, there was a peak in settler violence after a Palestinian attack in March 2019, see B'Tselem, "Predictable, violent settler rampage after a Palestinian attacks Israelis; Israeli security forces do nothing", 18 April 2019.

attacks triggered violence across the West Bank, with settlers protesting along main roads and attacking Palestinian cars with stones.²⁸ On 13 December 2018, a Palestinian bus driver was attacked and injured by settlers in the Modi'in Ilit settlement and an ambulance of the Palestine Red Crescent Society was attacked by settlers near Bani Na'im village in the southern West Bank.

25. In February 2019, flyers were posted in Palestinian villages near the Gush Etzion settlement block warning Palestinian labourers that they would be banned from working in nearby settlements if they cooperated with Israeli human rights activists. The activists were providing a protective presence in areas subject to settler violence.²⁹

26. As the occupying Power, Israel has the obligation to take all the measures in its power to restore and ensure, as far as possible, public order and life in the Occupied Palestinian Territory and to protect the Palestinian population from all acts or threats of violence, in all circumstances.³⁰ Israel also has the obligation to respect, protect and fulfil the human rights of the Palestinian population, including their right to life and security of person ([A/HRC/34/38](#), paras. 13 and 36–37).

27. While efforts have been made by the Israeli authorities in recent years to prevent, investigate and prosecute particular incidents of settler violence, overall there continues to be a prevailing climate of impunity enjoyed by violent settlers and those taking over private Palestinian land ([A/HRC/31/43](#), para. 37, and [A/HRC/34/39](#), para. 18). In one of the cases of settler violence to reach trial, Israeli prosecutors reached a plea bargain with one of the Israeli suspects in the 2015 arson attack that killed the Dawabsheh family in Duma, near Nablus ([A/71/355](#), para. 18). The prosecutors agreed to seek a sentence of five and a half years for the less serious crime of “conspiracy to commit a crime motivated by a racist motive”.³¹ The trial of another suspect was ongoing at the time of writing the present report. In another case, an Israeli minor suspected of killing a Palestinian woman in October 2018 was indicted for manslaughter.

Impact of settlements on Palestinian communities at risk of forcible transfer

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

29. During the reporting period, Israeli authorities demolished 511 structures in the West Bank, including East Jerusalem, displacing 641 people, including 310 children and 184 women. In the previous reporting period, they had demolished 343 structures, displacing 408 people.³³

²⁸ See also paras. 44–45 below; and B'Tselem, “‘Price tag’, November–December 2018: settlers continue to wreak havoc in Palestinian communities, shielded by military and police”, Eyes Wide Open, blog, January 2019.

²⁹ Aryeh Savir, “Israeli employers to Arabs: want to work for us? Don’t work with anarchists”, Jewish Press, 3 February 2019; and Edo Konrad, “Settlers to Palestinian laborers: ‘work with human rights groups and lose your job’”, +972 Magazine, 4 February 2019.

³⁰ Hague Regulations annexed to the Hague Convention IV of 1907 (Hague Regulations), arts. 43 and 46; and Fourth Geneva Convention, art. 27.

³¹ Amended indictment, on file.

³² Fourth Geneva Convention, art. 53, as noted in [A/HRC/34/38](#), para. 21; and Hague Regulations, art. 56.

³³ See www.ochaopt.org/data/demolition.

30. In addition to those displaced, the demolitions affected over 28,021 people, many of whom were affected because of the destruction of water connections and wells, which, in some cases, had been funded by donors.³⁴ In February 2019 alone, five incidents of destruction of water connections and wells were recorded. On 17 February 2019, the Israeli authorities destroyed a 750-m-long water pipeline, affecting an estimated 18,000 residents of the villages of Bayt Furik and Bayt Dajan in Nablus.³⁵

31. In East Jerusalem, demolitions almost doubled, from 131 structures in the previous reporting period to 219. In April 2019 alone, 60 homes and other structures were demolished, the highest number of demolitions in one month since the Office for the Coordination of Humanitarian Affairs started recording such acts in 2009. Consequently, 318 people were displaced in East Jerusalem during the reporting period.³⁶ Of those demolitions, 27 per cent were self-demolitions.³⁷ Self-demolitions have increased dramatically, with 52 incidents, compared with 19 in the previous reporting period. The increase may be linked to changes in Israeli legislation that allow expedited demolitions and increased fines for violating the permit scheme.³⁸ At least one third of all Palestinian homes in East Jerusalem lack an Israeli-issued building permit, which is almost impossible to obtain, potentially placing over 100,000 residents at risk of having their homes demolished and of being forcibly transferred.

32. On 17 and 30 April 2019, Israeli authorities demolished six structures in Wadi Yasul, displacing 11 Palestinians, including 7 children. Israeli security forces appeared to use excessive force during the demolition, including beating residents and shooting at them with sponge-tipped bullets at close range. Nearly all structures in the East Jerusalem neighbourhood of Wadi Yasul face a heightened risk of demolition following the near complete exhaustion of legal efforts to protect homes in the area. More than 550 Palestinians are consequently at imminent risk of having their homes demolished.

33. Israeli authorities also demolished or confiscated 13 school-related structures, while 50 schools (42 in Area C and 8 in East Jerusalem) were under “stop work” or demolition orders as at 31 May 2019.³⁹ On 19 March 2019, in the Shu’fat refugee camp, Israeli authorities demolished a school building under construction on the grounds of a lack of an Israeli-issued permit, reportedly affecting 485 new students who were registered to start at the school. The area is located within the Israeli-defined Jerusalem municipal boundary east of the wall separating Jerusalem from the West Bank. During the demolition, Israeli security forces entered the school, causing panic among students and necessitating the evacuation of about 1,000 students. As

³⁴ The term “affected” refers to those people whose livelihood has been affected by the demolition without being displaced, see www.ochaopt.org/data/demolition.

³⁵ United Nations, Office for the Coordination of Humanitarian Affairs, “Demolitions in West Bank undermine access to water”, Humanitarian Bulletin: Occupied Palestinian Territory, March 2019.

³⁶ See www.ochaopt.org/data/demolition; and United Nations, Office for the Coordination of Humanitarian Affairs, “United Nations officials call for an immediate halt to demolitions in East Jerusalem and respect for international law amidst rise”, 3 May 2019.

³⁷ Self-demolitions are carried out by owners to avoid further fines and the cost of the demolition conducted by the municipality that they will be forced to pay.

³⁸ See www.ochaopt.org/data/demolition; United Nations, Office for the Coordination of Humanitarian Affairs, “Record number of demolitions, including self-demolitions, in East Jerusalem in April 2019”, Humanitarian Bulletin: Occupied Palestinian Territory, April 2019; and Global International Humanitarian Law Centre of Diakonia, “Demolishing the future: continued property destruction in the Occupied Palestinian Territory”, June 2019, p. 6.

³⁹ Office for the Coordination of Humanitarian Affairs.

previously reported, the Jerusalem communities east of the wall are severely underserved, including in terms of education (A/HRC/37/43, para. 59).

34. A total of 21 Palestinian residents of three houses in East Jerusalem, including 7 women and 10 children, were evicted following Israeli court decisions recognizing settlers' claim of ownership. On 17 February 2019, Israeli security forces forcibly evicted the eight members of the Abu Assab family from their house in the Muslim Quarter of the Old City of Jerusalem following a court decision based on the Legal and Administrative Matters Law of 1970, facilitating its handing over to a settler organization claiming to represent previous owners. In 1948, the family members had fled their property in West Jerusalem, but, unlike Jewish owners, they cannot reclaim their right to their property from that time (ibid., para. 40). The family members reported that the eviction has had serious psychological effects on them.

35. About 200 Palestinian households in East Jerusalem, comprising over 860 Palestinians, including nearly 390 children, face a similar risk of forced eviction as a result of cases filed in Israeli courts, primarily by Israeli settler organizations. Forced evictions frequently violate the right to adequate housing and the right to privacy, as well as other human rights. Forced evictions form part of a coercive environment that may lead to forcible transfer, which is a grave breach of the Fourth Geneva Convention (A/73/410, paras. 25 and 38). In a positive development, in April 2019, the Magistrate's Court of Jerusalem ordered the evacuation of a Palestinian house in the H2 zone in Hebron that had been taken over by settlers through forged documents in the early 2000s. The Court ruled that the settlers had to provide the family a compensation of \$161,000.⁴⁰ The settlers have appealed the decision.

36. The 190 residents of the Khan al-Ahmar/Abu al-Helu Bedouin community continue to face the risk of imminent demolition, which may lead to forcible transfer. Following the approval by the High Court of Justice of the demolition of the community in May 2018,⁴¹ the execution was temporarily delayed after three petitions were submitted against the verdict. On 5 September 2018, the Court rejected the petitions in a final ruling. The time frame for the demolition remained unspecified, leaving it to the discretion of the Israeli military commander.⁴² The ruling sets a precedent that may put dozens of other Bedouin communities at risk of forcible transfer across the West Bank.

37. On 30 April 2019, the High Court of Justice dismissed petitions submitted by Palestinian and Israeli non-governmental organizations and Palestinian communities against Military Order No. 1797 of 17 April 2018 regarding the removal of new structures (A/73/410, para. 24).⁴³ The Order expands the authority of the Israeli Civil Administration to remove, within 96 hours following the delivery of a demolition order, contingent upon the approval of the head of the Civil Administration or the head's delegated representative, any structure that has not been completed or was completed within six months from the issuance of the demolition order. In the case of residential structures, the Order gives authority to remove any structure that is still

⁴⁰ Yotam Berger, "Court orders settlers evicted from Palestinian home purchased with forged documents", *Haaretz*, 22 April 2019.

⁴¹ A/73/410, para. 22; see also Fatou Bensouda, Prosecutor of the International Criminal Court, statement regarding the situation in Palestine, 17 October 2018.

⁴² On 17 June, the demolition was postponed until the formation of a new Government. See Revital Hovel and Nir Hasson, "Israel postpones eviction of West Bank Bedouin village of Khan al-Ahmar until December", *Haaretz*, 17 June 2019.

⁴³ See also High Court of Justice, *Society of St. Yves, the Catholic Centre for Human Rights v. The Military Commander in the West Bank*, Case No. 4588/18, Judgment, 30 April 2019. Available at <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\18\880\045\10&fileName=18045880.N10&type=2>.

uninhabited or whose occupancy began within no more than 30 days.⁴⁴ The Order supplements other recently issued military orders allowing authorities to seize “mobile structures” without notice.⁴⁵ There is serious concern that these orders will expedite demolitions based on the discriminatory Israeli zoning and planning regime and further limit opportunities for legal recourse. The reported and continuing practice of Israeli authorities of leaving demolition or stop-work orders on or near structures without ensuring that the order was received by the owner and with the risk of the order being lost further hinders procedural guarantees and legal protection.⁴⁶

IV. Impact of settlements: case studies from Nablus Governorate and the H2 zone in Hebron

38. Settler violence adversely affects the rights of Palestinian people, including the rights to security of person, freedom of movement, privacy, family life, an adequate standard of living, work and education (A/HRC/40/42, para. 24). Combined with the failure of the Israeli authorities to protect the Palestinian population and to hold perpetrators of violence accountable, settler violence is an important factor of the coercive environment that may leave some Palestinians no other choice than to leave their places of residence. Involuntary moves of this nature could amount to forcible transfer, a grave breach of the Fourth Geneva Convention and a war crime.⁴⁷ During the reporting period, Nablus Governorate and the H2 zone in Hebron continued to be the areas most affected by settler violence.

A. Nablus

39. The majority of all settler violence incidents in the West Bank occurred within the 25 km² constituting the area surrounding the Yitzhar settlement and its adjacent outposts.⁴⁸ The Yitzhar settlement has been expanded by unofficial means through the construction of eight outposts that tripled the built-up area of the settlement.⁴⁹ However, the actual land takeover is far more extensive, enforced through persistent settler violence in all directions towards lands and surrounding six Palestinian villages.

Settler violence and the failure of Israeli security forces to protect and investigate

40. In the reporting period, 115 incidents of settler violence were reported in Nablus Governorate. Two Palestinians were killed in the incidents, while 39 were injured, including 3 women and 6 children. Some of the peaks of settler violence followed

⁴⁴ Haqel, press release, 1 May 2019 (on file).

⁴⁵ United Nations, Office for the Coordination of Humanitarian Affairs, “Record number of demolitions”; and Global International Humanitarian Law Centre of Diakonia, “Demolishing the future”, p. 6.

⁴⁶ See e.g. Jerusalem Legal and Human Rights Centre, *Concealed Intentions: Israel's Human Rights Violations through the Manipulation of Zoning and Planning Laws in “Area C”* (May 2011), p. 21, available at www.jlac.ps/userfiles/file/Publications/Concealed%20Intentions-%20JLAC.pdf.

⁴⁷ Fourth Geneva Convention, art. 147; and Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

⁴⁸ United Nations, Office for the Coordination of Humanitarian Affairs, “High level of violence by Israeli settlers; rise in Israeli fatalities”, Humanitarian Bulletin: Occupied Palestinian Territory, October 2018.

⁴⁹ Yonatan Kanonich, “Yitzhar: a case study – settler violence as a vehicle for taking over Palestinian land with State and military backing”, Yesh Din, August 2018, p. 11.

security incidents in the West Bank, for example within days of the killing of settlers by Palestinians or the removals of outposts. Palestinians living near hotspots in the Nablus area reported that they would prepare for attacks as soon as they heard about security incidents somewhere in the West Bank.

41. In the Nablus area, 83 per cent of those injured as a result of settler violence were men and boys, as were 89 per cent of those injured by Israeli security forces in cases involving settler attacks.⁵⁰ Men are more directly exposed to settler violence, as they are more often working the land or herding in exposed areas outside the house, where settlers may target them (A/HRC/40/42, para. 49). In accordance with traditional gender roles, men assume the responsibility as the protectors of the family and the village, and it is therefore most often men who respond to settler attacks by being present or throwing stones, thereby being exposed to violence by settlers and Israeli security forces.

42. Women were directly exposed to violence by settlers and Israeli security forces close to their homes, including during house raids and tear gas exposure during clashes, and indirectly by witnessing family members being attacked by settlers and arrested or ill treated by Israeli security forces. OHCHR monitoring shows that settler violence and related coping mechanisms reinforce negative aspects of traditional gender roles.⁵¹

43. One of the areas heavily affected by settler violence is along Road 60 in the Nablus area, a main traffic artery for both settlers and Palestinians and a hotspot for Israeli-Palestinian violence. On 9 and 13 December 2018, Palestinian gunmen opened fire at Israeli security forces and settlers on Road 60, near the Ofra settlement and the Giv'at Asaf settlement, killing two soldiers and injuring one soldier and eight settlers, including four children and a pregnant woman whose baby was delivered prematurely and later passed away. Subsequently, settlers attacked Palestinians across the West Bank, especially along Road 60 in the Nablus area, where settlers congregated to attack Palestinian drivers and shops, impairing Palestinian movement.

44. On 13 December 2018, a large crowd of settlers gathered at the junction on Road 60 leading to Yitzhar and attacked and damaged several Palestinian houses, shops and cars, injuring two Palestinians with stones. Two Palestinians reported that, on 3 May 2019, on Road 60 near the junction, settlers stopped the traffic and attacked cars with stones until Israeli security forces dispersed the settlers by shooting in the air. The junction was a frequent hotspot during the reporting period, where hundreds of settlers would gather and attack Palestinians and their property, often following actions against settlers, including by Israeli authorities. According to video footage and as reported to OHCHR by a family living near the junction, Israeli security forces were most often present but rarely controlled the large crowds of settlers.

45. On 12 October 2018, a Palestinian woman, Aisha Rabi, was killed after being hit in the head by a large stone as she was driving with her husband and child near the Za'tarah checkpoint, on Road 60. Five Israeli suspects were arrested in relation to the killing, and, in January 2019, one minor was charged with manslaughter in the context of a terrorist act. In May 2019, the minor was released and placed on house arrest while on trial.⁵²

⁵⁰ Corresponding roughly to the rest of the West Bank, Office for the Coordination of Humanitarian Affairs.

⁵¹ OHCHR interviewed women in Asirah al-Qibliya, Urif and Huwwarah, all villages exposed to frequent violence by settlers from the Yitzhar settlement.

⁵² Yaniv Kubovich and Yotam Berger, "Israel arrests five Jewish minors over murder of Palestinian woman", *Haaretz*, 6 January 2019; and Jacob Magid, "Israeli teen charged with killing Palestinian woman to be freed to house arrest", *Times of Israel*, 7 May 2019.

46. On 3 April 2019, two settlers shot and killed a 23-year-old Palestinian man on Road 60, south of Nablus, and injured another. The 23-year-old Palestinian was standing at the side of Road 60 near Bayta junction, throwing stones at passing Israeli vehicles. A settler shot twice from his vehicle, got out of the car and shot again at the man, who was reportedly attempting to hide. Another settler got out of his car and also fired at the victim. Both men then approached the victim, who was lying wounded on the ground, and fired several more shots at him, killing him. As at the end of the reporting period, no investigation had been launched into the incident by the Israeli authorities. On 15 April, the Head of the municipal Council of Settlements in the north West Bank awarded a civilian medal of valour to the two shooters. The incident raises serious concerns of failure by the State to investigate the killing.

47. Nablus, in particular the villages near the settlements of Har Bracha and Yitzhar and nearby outposts, was the area most affected by the use of force by Israeli security forces in cases involving settler attacks or trespassing in the West Bank, accounting for 71 per cent of Palestinian injuries in such cases. In particular, families in houses on the edge of the villages facing Yitzhar reported a heavy presence of the security forces and the use of force on a weekly basis. Many residents reported live fire and intense and frequent exposure to tear gas as they were caught in their houses during attacks or clashes. Residents also believed that settlers and soldiers targeted them when they were seen filming.

48. Israeli security forces repeatedly failed to prevent settler attacks and protect Palestinians when attacks occurred in their presence in the hotspots in the Nablus area (see also [A/HRC/40/42](#), paras. 53–54). In the villages around Yitzhar, residents reported that the Israeli security forces were frequently present during settler attacks but often in small numbers, and noted that the security forces were often unwilling to attempt to control the settlers.⁵³ There were, however, several reported incidents of violent clashes between the security forces and settlers in Yitzhar in the context of law enforcement operations in the area. In Asirah al-Qibliya, in an area where a military watchtower overlooks the hills from which the settlers frequently attack the village, residents reported that the army would consistently appear after settlers had reached and attacked the village.

49. As previously reported, in some cases, settlers serving in the army engaged in violence against Palestinians while off duty ([A/73/410](#), para. 18). On 17 May 2019, settlers were filmed torching Palestinian lands in two locations near Burin and Asirah al-Qibliya;⁵⁴ one of the perpetrators was an off-duty soldier who was arrested 18 days later as part of the police investigation.⁵⁵

50. The above-mentioned cases raise serious concern that the occupying Power failed to protect the Palestinian population against all acts of violence or threats. In several villages in Nablus Governorate, the degree to which settler violence has become almost a norm of daily life for Palestinians is an indicator of this failure. Of added concern is that it remained common, as previously documented, for the Israeli security forces not to prevent attacks or to fail to react to attacks occurring in their presence ([A/72/564](#), paras. 20–22, and [A/73/410](#), para. 18). Furthermore, there are serious concerns of failure by the State to effectively, promptly and independently investigate and prosecute the perpetrators of settler violence.

⁵³ See also the video footage in B'Tselem, "Predictable, violent settler rampage after a Palestinian attacks Israelis".

⁵⁴ B'Tselem, "Settlers torch fields in Burin and 'Asirah al-Qibliyah", 22 May 2019.

⁵⁵ Yotam Berger, "Israeli soldier filmed setting fire to field near Palestinian village arrested", *Haaretz*, 4 June 2019.

Impact of settler violence on access to land and livelihoods

51. In February 2019, an elderly herder was attacked and injured by settlers using stones and clubs while his herd grazed on lands in Burqa village, near the evicted settlement, Homesh. Despite the eviction of the inhabitants of Homesh in 2005, a combination of military orders and settler attacks has prevented the registered landowners and herders from accessing their land ever since.⁵⁶ Settlers still routinely accessed the area without enforcement by Israeli authorities.⁵⁷ Efforts by settlers to re-establish the Homesh outpost have been funded by an online crowdfunding page set up by an Israeli association that claims that a religious school has operated at Homesh for the past 12 years.⁵⁸

52. The Palestinian households affected by frequent settler attacks are also affected economically. Men and women reported that their capability to work was affected. For example, a man and his sons in Asirah al-Qibliya reported that they would always leave their worksite whenever they were alerted of settler attacks near their house. Furthermore, some families with agricultural land near settlements reported that they would be chased off by settlers, even when their access had been coordinated with Israeli authorities in advance ([A/HRC/40/42](#), paras. 35–36).

Impact of settler violence on the rights to privacy, family life and health

53. In cases where men are at work, the tasks of women in the home have expanded to include alerting community and family members of attacks and keeping the house and children secure during attacks. Along with the unsafe environment, this additional responsibility has increasingly confined them to the house, resulting in social isolation, as they no longer receive or make social visits, for example. Such isolation, in turn, affects their right to family life. Some women reported that the frequent or permanent presence of settlers, soldiers or male residents around the house affected their privacy and freedom of movement. Furthermore, some evoked the need to always be ready to escape, obliged to always dress in a way that is appropriate outside. Women also reported feeling the pressure of supporting their children in traumatic circumstances and keeping an appearance of normality. Women and children were visibly traumatized while recounting the incidents of violence by settlers or Israeli security forces that they experienced. Several women and children reported that they were afraid that they would be burned like the victims in the Dawabsheh case, in which three Palestinians, including a baby, were killed by a firebomb used by settlers ([A/71/355](#), para. 18).

B. H2 zone in Hebron

54. The Office for the Coordination of Humanitarian Affairs reported 39 incidents of settler violence in the H2 zone during the reporting period, with 48 Palestinians injured, including 14 children. After the end of the mandate of the Temporary International Presence in Hebron, on 31 January 2019, the number of incidents of settler violence doubled between February and May 2019 compared with the previous four-month period, while the number of injured remained similar. Several incidents

⁵⁶ See e.g. [A/HRC/37/43](#), para. 21; see also Yesh Din, “Landowners from Burka petitioned the High Court of Justice to allow them to access their land where the settlement of Homesh was located”, 18 April 2019; and Gideon Levy and Alex Levac, “A violent gang of young settlers haunts a Palestinian village”, *Haaretz*, 21 February 2019.

⁵⁷ In April 2019, Yesh Din filed a petition to ensure access for landowners, see Yesh Din, “Landowners from Burka petitioned the High Court of Justice”.

⁵⁸ Yotam Berger, “Education Ministry gave millions to NGO that funds illegal outpost”, *Haaretz*, 21 March 2019.

occurred in the presence of Israeli security forces, at times with their direct participation, or were followed by an operation conducted by the security forces. The use of pepper spray by settlers continued at the increased level reported in 2018 (A/HRC/40/42, para. 29). Although settler violence has been a serious long-standing issue in the H2 zone (A/71/355, paras. 46–49, and A/HRC/40/42, para. 29), the recent increase in the number of incidents is of concern and could be related to the reduced international presence in the zone. The end of the mandate of the Temporary International Presence in Hebron led to the removal of over 60 international monitors from the zone after more than 20 years. Moreover, the operations of the three non-governmental organizations providing protective presence in the zone have been hampered by settler violence and restrictions imposed by Israeli security forces throughout the reporting period.

Settler violence in the presence of Israeli security forces

55. On 12 February 2019, two settlers and four Israeli soldiers entered a Palestinian family's house adjacent to the Abraham Avino settlement. According to the father, the settlers threatened to kill his children and to take over the house. On the following days, 25 settlers reportedly shouted death threats at the family from the adjacent settlement, and Israeli soldiers arrested a 14-year-old boy of the family for alleged stone throwing. Israeli security forces interrogated him without the presence of a lawyer or parent, and he was released two days later. The boy reported that he had been handcuffed and blindfolded in a military base for six hours without water or food. This case exemplifies a number of human rights violations that make up the coercive environment that households experience in the H2 zone.

56. On 20 April 2019, between 20 and 30 settlers, accompanied by 2 soldiers, threw stones at a house in the Tall al-Rumaydah neighbourhood, adjacent to the Ramat Yishay settlement. When the residents, including children, gathered at the house entrance, a soldier threw a stun grenade among them. Shortly after, a settler sprayed pepper spray into the eyes of a 35-year-old woman from a short distance. Israeli soldiers did not interfere. The woman had to be treated in hospital.

57. The above-mentioned cases raise serious concern that the Israeli security forces failed to protect the Palestinian population against all acts of violence or threats, as required by the obligations of the occupying Power. Moreover, in some cases, Israeli security forces appeared to aid settlers in carrying out attacks. Furthermore, as mentioned in paragraph 50 above, there are serious concerns of failure by the State to effectively, promptly and independently investigate and prosecute the perpetrators of settler violence.

Attacks and harassment against human rights defenders

58. Palestinian human rights defenders have been affected by settler violence and by interference by the Israeli security forces in their attempts to document incidents. They, and in some cases their family members, have also faced arrests.

59. On 24 December 2018, approximately 30 settlers entered premises belonging to the Palestinian organization Youth against Settlements, with a large contingent of at least 50 soldiers from the Israeli security forces following them. Witnesses reported that the settlers hit those inside with batons and sticks and kicked, punched and bit them. Many officers of the Israeli security forces reportedly pushed and kicked the Palestinians. Three Palestinians were admitted to a hospital and four others were treated for less serious injuries at the location. A complaint was filed with the Israeli police, but no updates on progress had been reported as at 31 May 2019. There is serious concern that the Israeli security forces failed in their obligation to protect the Palestinian population and appeared to participate in a violent attack.

60. International non-governmental organizations providing a protective presence in the H2 zone were targeted by means of seemingly systematic harassment by a small number of settler leaders. The harassment included threats, intimidation, physical attacks and taking photographs and videos at close range, including of identification documents, with the help of Israeli security forces. Since the withdrawal of the Temporary International Presence in Hebron, Israeli security forces have arrested five volunteers of the organizations and banned some of the volunteers from entering the H2 zone for 15 to 30 days. For example, on 2 May 2019, Israeli soldiers detained for five hours a volunteer of the International Solidarity Movement, which provides protective presence, for taking a photograph. OHCHR documented several other instances of Israeli security forces restricting the movement of members of such organizations by declaring areas around schools as closed military zones and refusing entry through checkpoints.

Access for emergency services

61. The Secretary-General has previously reported on Israeli security forces delaying access for ambulances at checkpoints ([A/71/355](#), para. 57), and the High Commissioner for Human Rights has reported on a series of settler attacks on ambulances in the H2 zone ([A/HRC/40/42](#), para. 43). During the reporting period, the Palestine Red Crescent Society reported three incidents of settler attacks against their ambulances in the H2 zone, in the presence of Israeli security forces. For example, on 18 November 2018, an ambulance of the Society was attacked near the Avraham Avinu settlement by 15 to 20 settlers who smashed the rear windows with stones. Israeli soldiers near the scene did not intervene to stop the attack, and they forced the ambulance to turn back, claiming that they could not ensure its security. The pattern of attacks on Palestinian ambulances, in particular in the presence of Israeli security forces, raises concerns of failure by the occupying Power to respect its obligations under international humanitarian law to ensure medical services and allow medical personnel to carry out their duties.

62. Moreover, in some instances, Israeli security forces failed to guarantee access for emergency services at checkpoints in the H2 zone ([A/71/355](#), para. 57, and [A/HRC/40/42](#), paras. 42–43). The Palestine Red Crescent Society reported nine incidents of Israeli security forces seriously delaying ambulances, for a period of between 15 and 90 minutes, and three incidents of the security forces preventing access. Palestinian ambulances are required to have coordinated in advance with the Israeli District Civil Liaison Office, through the International Committee of the Red Cross, for access to restricted areas near settlements in the H2 zone. Considering the process for access clearance, any delay of coordinated emergency services by Israeli security forces at checkpoints raises serious concerns of a violation of the right to health and failure to ensure medical services to the population under occupation.⁵⁹

63. On 5 March 2019, three children died from their injuries as a result of Israeli security forces delaying access for the firefighters and the ambulance. A fire broke out in the Salaymah neighbourhood in the H2 zone, in a house where three children between 1 and 5 years old were sleeping. The ambulance that intervened, usually stationed within the zone, had been denied entry the day before and was therefore delayed. Israeli security forces further delayed the ambulance for 24 minutes and the firefighters for at least 20 minutes at Givat Havot checkpoint. A firefighting vehicle was dispatched on an alternative, longer route, where Israeli security forces delayed the vehicle for two minutes. The deliberate limitation by Israeli security forces of access for Palestinian ambulances and firefighters to the area may amount to a violation of the rights to health and life.

⁵⁹ Fourth Geneva Convention, art. 56.

Impact on children and the right to education

64. There were 29 incidents involving the use of tear gas or stun grenades by Israeli security forces against schools in the H2 zone in the reporting period.⁶⁰ The Office for the Coordination of Humanitarian Affairs reported that the use of tear gas in or near schools increased by 45 per cent and the number of injured schoolchildren by 138 per cent in the four months following the removal of the Temporary International Presence in Hebron compared with the previous four months.

65. On 13 September 2018, the Israeli security forces raided Al-Khalil Elementary School, using tear gas canisters and stun grenades in the schoolyard and attempting to arrest children for allegedly throwing stones at their elements. Some 30 boys suffered tear gas inhalation. In two similar incidents at the same school, on 17 and 20 September 2018, 10 boys and 1 teacher were exposed to tear gas inhalation and were consequently admitted to a hospital.

66. On 4 and 5 December 2018, in two separate incidents, dozens of Israeli soldiers fired tear gas and stun grenades near Al-Hajiriyah Primary School for Boys and briefly arrested six students between 9 and 12 years old. Israeli security forces interrogated the children individually at a nearby checkpoint for a few hours, accusing them of throwing stones, without their parents or lawyers present. The children were released without charges.

67. On 16 April 2019, a large group of Israeli security forces launched dozens of tear gas canisters near three schools. At least two canisters landed inside the Dhu Nurayn Primary School for Girls and Al-Hajiriyah Primary School for Boys. School staff kept hundreds of children inside the three schools for two hours during the incident. A total of 50 girls between 7 and 10 years old and 80 boys between 12 and 15 years old were treated for tear gas inhalation. Schoolchildren were panicked, and several vomited after inhaling tear gas.

68. The recurrent use by Israeli security forces of crowd control means against children inside and near schools close to settlements is of grave concern. Pursuant to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, law enforcement officials shall, as far as possible, apply non-violent means before resorting to the use of force, which may be used only if other means remain ineffective or are without promise of achieving the intended result. All the above-mentioned cases raise serious concerns of unwarranted use of force and violations of the right to physical and mental integrity. Furthermore, in accordance with article 37 (b) of the Convention on the Rights of the Child, children must be detained only as a last resort and for the shortest time possible.

Possible excessive use of force by Israeli security forces

69. Israeli security forces killed three Palestinians in the H2 zone during the reporting period, all of them near settlements. In all cases, the Israel Defense Forces alleged that the killings were in response to Palestinian stabbing attacks against soldiers. On 12 March 2019, for example, Israeli soldiers shot and killed a Palestinian man in the Wadi al-Husayn neighbourhood, outside a house occupied by settlers, alleging that he was trying to carry out a stabbing attack. The man was working, delivering notices on behalf of the Palestinian magistrates' court when, according to witnesses, he was called to the entrance of the building by the soldiers. While no witnesses saw the actual killing, there was no indication that the victim posed an immediate threat. The case therefore raises concerns of possible excessive use of force.

⁶⁰ Data from the education cluster of the United Nations country team.

V. Settlements in the occupied Syrian Golan

70. On 25 March 2019, the President of the United States of America proclaimed that the country “recognizes that the Golan Heights are part of the State of Israel”.⁶¹ Some members of the Security Council and other States expressed regret about or condemned the announcement. Some States raised concerns about the broader consequences of recognizing illegal annexation, including the possible impact on the region (see [S/PV.8493](#)). The Secretary-General reaffirms the continuing validity of Security Council resolution [497 \(1981\)](#), by which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.

71. Soon after the announcement of the United States, an Israeli media outlet reported on a government plan to expand settlements in the occupied Syrian Golan and to increase the settler population in the area to 250,000 by 2048. The plan reportedly envisions the construction of 30,000 new housing units and two new settlements.⁶² At present, almost 50,000 people live in the occupied Syrian Golan, about half of whom are Israeli settlers living in 34 illegal settlements. The Syrian population of nearly 27,000 lives in five villages that form approximately 5 per cent of the territory of the occupied Syrian Golan. Moreover, they face significant discriminatory building restrictions imposed by Israel, which leads to strained infrastructure and overcrowded conditions.

72. A local human rights organization from the occupied Syrian Golan recently raised concerns about plans by a renewable energy company for a wind energy project that would involve the building of numerous wind turbines on rented farmland available to the Syrian Arab population.⁶³ The project is reportedly being considered for approval by the Government of Israel, and the energy produced by the project would be sold exclusively to the Israel Electric Corporation.⁶⁴

73. On 30 October 2018, for the first time, the Government of Israel held municipal elections in the occupied Syrian Golan, following a petition to the High Court of Justice of Israel by a group of Syrian Druze residents of the occupied Syrian Golan demanding that elections be held in place of the long-standing practice of the Government of directly appointing municipal officials in their communities. Syrian residents were given the right to vote, but only those holding Israeli nationality were eligible to run for office. The elections created some controversy, with protests involving hundreds of residents of Majdal Shams held on polling day. Protesters were reportedly dispersed by the police, including with tear gas.⁶⁵ A local human rights organization reported that the elections had been almost entirely rejected by the Syrian population and raised questions about their legality under international law.⁶⁶

⁶¹ “Proclamation on recognizing the Golan Heights as part of the State of Israel”, 25 March 2019.

⁶² Al-Marsad – The Arab Centre for Human Rights in the Golan Heights, “Al-Marsad rejects new illegal settlement plan for the occupied Syrian Golan”, 3 April 2019.

⁶³ Al-Marsad – The Arab Centre for Human Rights in the Golan Heights, “Al-Marsad, ACRI and Bimkom host community meeting on wind farm project”, 14 May 2019.

⁶⁴ Aaron Southlea and Nazeh Brik, “Windfall: the exploitation of wind energy in the occupied Syrian Golan”, Al-Marsad – The Arab Centre for Human Rights in the Golan Heights, January 2019, p. 12.

⁶⁵ Stephen Farrell and Suleiman al-Khalidi, “Druze on Golan Heights protest against Israeli municipal election”, Reuters, 30 October 2018; and Reuters, Jack Khoury and Noa Shpigel, “Hundreds of Druze protest municipal elections in Israel’s Golan Heights”, *Haaretz*, 30 October 2018.

⁶⁶ Al-Marsad – The Arab Centre for Human Rights in the Golan Heights, “More shadows than lights: local elections in the occupied Syrian Golan”, 20 April 2019.

VI. Conclusions and recommendations

74. The establishment and expansion of Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territory it occupies, which is prohibited under international humanitarian law,⁶⁷ as consistently confirmed by the competent United Nations organs, including the International Court of Justice, the General Assembly, the Security Council and the Human Rights Council.

75. Plans for further housing units in settlements increased or accelerated, as did the announcement of tenders and the rate of construction starts of settlement housing. Incidents of settler violence continued at a high level, while injuries to Palestinians and the severity of attacks increased, confirming an upward trend since 2016, without decisive action by Israeli authorities to protect the Palestinian population in accordance with their obligations as the occupying Power. Cases in which Israeli security forces appeared to have used force against the protected population instead of protecting it are of utmost concern.

76. Settlements expose Palestinian communities to violence, with further adverse effects on their rights, including the rights to life, freedom of movement, privacy, family life, an adequate standard of living, work and education.

77. Forced evictions resulting from demolitions in the context of a discriminatory planning regime are a key factor in the creation of a coercive environment. They have a negative impact on a wide range of human rights and increase the risk of forcible transfer (A/HRC/34/39, paras. 40–57).

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

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

(a) Immediately and completely cease all settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in compliance with relevant United Nations resolutions, including Security Council resolution 2334 (2016);

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

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

(d) Take all measures to ensure the protection of the Palestinians and their property from settler violence in the Occupied Palestinian Territory, including East Jerusalem;

(e) Ensure that violence by settlers and Israeli security forces against Palestinians and their property is investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are

⁶⁷ Fourth Geneva Convention, art. 49, sixth paragraph.

provided with effective remedies, including adequate compensation, in accordance with international standards;

(f) Immediately cease and reverse all settlement development and related activities in the occupied Syrian Golan, in compliance with relevant United Nations resolutions;

(g) Immediately remove all mines and minefields in the occupied Syrian Golan, which pose a risk to the local population.
