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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 [72/86](#), provides an update on Israeli settlement activities in the West Bank, including East Jerusalem, and the occupied Syrian Golan. The report covers the period from 1 June 2017 to 31 May 2018.

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\* The present report is submitted late owing to a delayed clearance process beyond the control of the drafting entity.



## I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 72/86, provides an update on the implementation of the resolution from 1 June 2017 to 31 May 2018. It is based on monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and on information provided by other United Nations entities in the Occupied Palestinian Territory and by non-governmental organizations. The report should be read in conjunction with recent related reports of the Secretary-General and of the United Nations High Commissioner for Human Rights submitted to the General Assembly and to the Human Rights Council ([A/72/564](#), [A/72/565](#), [A/HRC/37/38](#), [A/HRC/37/42](#) and [A/HRC/37/43](#)). The quarterly updates of the Secretary-General presented to the Security Council on the implementation of resolution 2334 (2016) concerning the same period<sup>1</sup> also provide relevant information.

2. During the period under review, Israeli settlement activities continued unabated in the occupied West Bank, including East Jerusalem, with significant legal developments, as well as in the occupied Syrian Golan. Conditions and acts contributing to a coercive environment, including demolitions, forced evictions and acts of settler violence, remained a serious concern. In the present report, the developments relating to settlement expansion and the coercive environment in the Jordan Valley in the West Bank in particular are examined, and issues relating to Israeli settlements in the occupied Syrian Golan are addressed.

## II. Legal background

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

## III. Activities related to settlements

4. The reporting period witnessed an increase in settlement plan advancement and settler violence, while the announcement of tenders and the rate of construction starts declined. The demolition of Palestinian structures and eviction of Palestinians in Area C continued, although at a slower pace than in the previous reporting period. In May, the High Court of Justice of Israel approved the demolition of the Bedouin village of Khan al-Ahmar–Abu al-Helu, which is home to about 181 Palestinians.

### A. Settlement expansion

5. The spike observed during the previous reporting period in the advancement of plans for settlements in the West Bank, including East Jerusalem, continued, although a decline in tender announcements and construction starts was observed. Some 5,800 housing units were advanced in Area C, compared with fewer than 4,000 units in the previous period, and plans for an additional 1,700 units reached the final stage of

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

approval, compared with 600 units during the previous period. In East Jerusalem, the District Planning Committee advanced plans for approximately 2,300 units, up from 1,500 during the previous reporting period. Tenders were issued for nearly 2,100 units in Area C settlements, compared with 2,800 during the previous period. No new tenders have been issued for housing units in East Jerusalem since July 2016. Official data on settlement construction starts in Area C indicate a decline compared with the previous reporting period.<sup>2</sup> In March 2018, construction began on a new industrial area near Qiryat Arba' settlement, on the outskirts of Hebron.<sup>3</sup>

6. During the reporting period, there were no legalizations of outposts or declarations of State land.<sup>4</sup> Shabtai's Farm outpost was established on around four acres of declared State land in the southern West Bank. According to media reports and the Israeli non-governmental organization (NGO) Ta'ayush, on 25 February settlers took over an empty military base near Aqaba in the northern Jordan Valley and turned it into an outpost. The Office for the Coordination of Humanitarian Affairs has reported subsequent harassment of Palestinians by settlers in the area, triggering protests by Palestinian and Israeli activists, after which the settlers left the outpost on 1 March. In addition, in response to an attack by a Palestinian in the settlement of Hallamish that caused the deaths of three of its residents, several mobile homes were added to the settlement without authorization and two checkpoints were established by the Israeli Defense Forces, which reportedly occasionally restricted travel between Palestinian communities in the area.

## B. Consolidation of settlements

7. On 31 August 2017, the Government of Israel issued military order No. 1789 establishing a "civil services administration" for settlements in the H2 zone in Hebron, further consolidating the settler presence in Hebron (A/HRC/37/43, para. 12).<sup>5</sup> On 21 March 2018, settlers vacated the parts of the Abu Rajab house, located in the H2 zone, that they had taken over in July 2017 (*ibid.*, paras. 14 and 22) after the High Court of Justice ruled they were to leave the premises until the conclusion of the related legal proceedings. On 26 March, some 20 settler families took over al-Zaatari house in the H2 zone, whose ownership is disputed, with a case currently pending in the Israeli courts.<sup>6</sup>

8. Settler organizations continued to exert influence over developments in East Jerusalem. On 11 February 2018, the Government of Israel handed over to the Elad settler organization the operational responsibility for a section of the Davidson Center, a major archaeological site located at the foot of the Temple Mount/Haram al-Sharif, in East Jerusalem.<sup>7</sup> Plans to build a 784-metre cable car line approved by the Government in 2017 were advanced; the line is to connect West Jerusalem to the

<sup>2</sup> Data are available only for the period June 2017–March 2018 (1,249 units) and April 2016–March 2017 (2,758 units).

<sup>3</sup> Peace Now, "New, government-approved settlement founded near Hebron", 6 March 2018. Available at <http://peacenow.org.il/en/new-government-approved-settlement-founded-near-hebron>.

<sup>4</sup> In February 2018, the Government of Israel approved the plan for legalizing the outpost of Netiv Ha'avot; see [www.pmo.gov.il/MediaCenter/SecretaryAnnouncements/Pages/gov\\_mes250218.aspx](http://www.pmo.gov.il/MediaCenter/SecretaryAnnouncements/Pages/gov_mes250218.aspx).

<sup>5</sup> On 2 July 2018, the High Court of Justice issued an order (*nisi*) requesting the State to justify why it had not cancelled the military order following the petition submitted by the Municipality of Hebron, the Hebron Rehabilitation Committee and the Waqf Administration (HCJ 358/18).

<sup>6</sup> Yotam Berger, "Israeli settlers occupy homes in Hebron claimed to be Palestinian", *Haaretz*, 27 March 2018. Available at [www.haaretz.com/israel-news/israeli-settlers-occupy-homes-in-hebron-claimed-to-be-palestinian-1.5954588](http://www.haaretz.com/israel-news/israeli-settlers-occupy-homes-in-hebron-claimed-to-be-palestinian-1.5954588).

<sup>7</sup> The decision is available at [www.gov.il/he/Departments/publications/reports/gov\\_mes110218](http://www.gov.il/he/Departments/publications/reports/gov_mes110218).

Old City through a number of settler-controlled attractions in Silwan (S/2018/614, para. 6). In East Jerusalem, tourism-related developments led by settler organizations have profoundly changed the shape and character of Palestinian neighbourhoods, creating further footholds for settlement expansion (A/HRC/37/43, paras. 41–42).

### Legislative developments

9. On 2 January 2018, the Knesset adopted the proposed amendment to the Basic Law: Jerusalem, Capital of Israel pertaining to the modification of the boundaries of the Municipality of Jerusalem. Amendments require a supermajority of 80 votes in the Knesset for approving territorial concessions in Jerusalem to “a foreign entity”, which would hamper any negotiations regarding the borders in the context of the Middle East peace process. Easing other future changes, the amendment lowers the threshold required for changing Jerusalem’s municipal boundaries (ibid., paras. 10–11). In this regard, it is necessary to recall that, in paragraph 17 of its resolution 72/14, the General Assembly called upon Israel to cease “all unilateral actions in the Occupied Palestinian Territory, including East Jerusalem, that are aimed at altering the character, status and demographic composition of the Territory, including the confiscation and de facto annexation of land”.

10. On 12 February 2018, the Knesset adopted a law that applies the jurisdiction of the Council for Higher Education of Israel to Israeli settlers in the West Bank and retroactively recognizes higher education institutions in settlements previously recognized by the military authorities. On 28 May, a bill providing that petitions relating to the West Bank<sup>8</sup> will be referred to the Administrative Affairs Court of Jerusalem instead of the High Court of Justice passed the first reading in the Knesset.<sup>9</sup> The law would further limit access to justice for Palestinians<sup>10</sup> and, in extending the competence of an Israeli administrative court to the West Bank, would also constitute an additional step towards blurring the distinction between Israel and the Occupied Palestinian Territory.<sup>11</sup>

11. In line with the directive promulgated by the Attorney General on 31 December 2017 at the request of the Minister of Justice of Israel, for all government-sponsored bills brought up for approval in the Ministerial Committee for Legislation their applicability to the settlements in the West Bank must be addressed. The Knesset legal adviser followed suit with guidance requiring all committees to discuss the applicability to Israeli settlements of any new bill being prepared for a vote. In May 2018, the Attorney General’s Office rushed the process of applying a new amendment to the law on municipal elections so that the new provisions of the electoral law could be applied to settlements by military order within two weeks of their adoption.

### Regularization of outposts

12. In February 2017, the Knesset adopted the so-called “Regularization Law”, which allows for the retroactive legalization of outposts built on private Palestinian land and of approximately 3,000 additional housing units built illegally in existing settlements. A petition to the High Court of Justice was submitted by Palestinian

<sup>8</sup> The bill refers to petitions submitted by Palestinians and by settlers relating to freedom of information, planning and building, freedom of movement in the West Bank, and administrative orders.

<sup>9</sup> The Law was adopted on 17 July 2018.

<sup>10</sup> Access to justice for Palestinians will be limited in view of high court fees and less legal protection owing to the lack of legal expertise in terms of laws applicable in the Occupied Palestinian Territory, including international law.

<sup>11</sup> Regulations annexed to the Hague Convention IV of 1907 (Hague Regulations), art. 43; Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 64.

regional councils and human rights organizations,<sup>12</sup> and the Law remains unimplemented pending the ruling of the High Court of Justice on its legality. The Attorney General, while opposing the Law, stated that pre-existing laws already provided for the legalization of Israeli construction on private Palestinian land in the West Bank (A/HRC/37/43, paras. 16–17). In August 2017, in its preliminary response to the petition against the law in the High Court of Justice, the Government of Israel declared that establishing settlements in the West Bank was a natural right of Israeli citizens.<sup>13</sup>

13. On 15 February 2018, the committee on legalizing the issues of land ownership for the Jewish settlements in the West Bank<sup>14</sup> submitted its final report, which includes unprecedented recommendations intended to legalize thousands of unauthorized Israeli structures in the West Bank, including those built on privately owned Palestinian land.<sup>15</sup> Two recommendations are based on the Attorney General's controversial legal opinions in which he identified alternatives to the Regularization Law (A/HRC/37/43, para. 17). Additional recommendations of the Committee included stopping the work of the task force for the survey of State land boundaries, also known as the Blue Line task force, which examines the official boundaries of settlements to ensure that they include only State land. Although criticized as ineffective, the activities of the task force were intended to settle claims of irregularities and remedy violations of the rights of landowners whose lands had been seized unjustly (A/HRC/31/43, paras. 21–23, and A/71/355, para. 13).

## C. Impact of settlements on human rights

### Settlement-related violence

14. In the reporting period, 89 Palestinians were injured and three were killed by settlers in the West Bank; in one case, a Palestinian was killed in the context of an alleged stabbing attack. There were also 127 incidents of property damage, including the vandalizing of 5,782 fruit trees. According to the Office for the Coordination of Humanitarian Affairs, the number of incidents rose from the beginning of 2018, and the monthly average number of incidents reached its highest level since 2015, increasing by 54 and 150 per cent compared with 2017 and 2016, respectively. A large number of the settler attacks continued to occur in the Nablus area, representing approximately one third of the recorded incidents in the West Bank. Six Israelis were killed by Palestinians in the West Bank, compared with 13 killed in the previous reporting period, while 58 Israeli civilians were injured during the period under review.

15. Violence related to settlements remained a serious concern, be it in the form of attacks by settlers against the Palestinian population and property or clashes between Israeli security forces and Palestinians. According to the Office for the Coordination of Humanitarian Affairs, attempts by settlers to enter and/or attack Palestinian

<sup>12</sup> The petition was submitted on 3 March 2017 by the human rights organizations Yesh Din, Peace Now and the Association for Civil Rights in Israel, on behalf of 27 Palestinian local councils, 4 Palestinian landowners and 13 Israeli civil society organizations. An expanded panel of the High Court of Justice heard the petition on 3 June 2018. No decision has been given yet.

<sup>13</sup> The preliminary response of the Government submitted to the High Court of Justice on 21 August 2017 to the petition against the “Regularization Law” is available at <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/חוק+ההסדרה/Government+response+to+regulation+law+petition.pdf>.

<sup>14</sup> The committee was established as part of the government coalition agreements, and after a security cabinet decision on the matter.

<sup>15</sup> See [www.haaretz.co.il/embeds/pdf\\_upload/2018/20180504-102258.pdf](http://www.haaretz.co.il/embeds/pdf_upload/2018/20180504-102258.pdf).

communities in the West Bank, resulting in clashes between Palestinians and the Israeli security forces on several occasions, led to 348 Palestinians injured.

16. According to monitoring by OHCHR and the Office for the Coordination of Humanitarian Affairs, the rural area of Tuwani in the southern West Bank saw a spike in settler violence and harassment during the reporting period, stemming from the Avigayil outpost and the Havat Ma'on settlement.<sup>16</sup> On 30 March 2018, two settlers on a quad bike, armed with a bucket of stones, attacked Palestinians and international NGO workers, harassing them and throwing stones. They intentionally hit a 21-year-old Palestinian man with the quad bike, breaking his leg. A complaint was filed with the police.<sup>17</sup>

17. As the occupying Power, Israel has the obligation to take all the measures in its power to restore and ensure, as far as possible, public order and life in the Occupied Palestinian Territory and to protect the Palestinian population from all acts of violence, in all circumstances.<sup>18</sup> It has the obligation to respect, protect and fulfil the human rights of the Palestinian population ([A/HRC/34/38](#), paras. 13, 36 and 37).

18. The increase in settler violence coincided with the demolition by the Israeli authorities of several outposts and illegal structures, including in Maoz Ester, Havat Ma'on, Geulat Zion and Rosh Yosef, in early 2018.<sup>19</sup> It remained common, as previously documented ([A/72/564](#), paras. 20–22), for the Israeli security forces not to prevent settler attacks or to fail to react to attacks occurring in their presence. The repeated failure by the Israeli authorities to investigate cases of settler violence and to prosecute perpetrators<sup>20</sup> also discourages Palestinian victims of settler violence from filing complaints.<sup>21</sup> Of the 26 cases filed by Palestinian victims regarding offences committed by Israelis in the West Bank, opened in 2017 and monitored by the NGO Yesh Din, two cases led to an indictment. Half of the cases were closed on the grounds of “offender unknown” owing to a failure to locate and identify suspected offenders.<sup>22</sup> In March 2018, however, an Israeli court convicted an Israeli of membership in a terror organization for his participation in “price tag” attacks against Palestinians in 2015. He and two other Israeli perpetrators, who were either children or enlisted in the Israeli Defense Forces at the time, were sentenced to between 32 months and five years of imprisonment.<sup>23</sup>

### **Impact of settlements on Palestinian communities at risk of forcible transfer**

19. According to monitoring carried out by the Office of the United Nations High Commissioner for Human Rights, in early 2018 a family from the H2 zone was forced to move to the H1 zone as a consequence of an increasingly coercive environment. The father, who wished to remain unidentified, reported that his family had been subject to repeated settler violence and harassment and that most aspects of their daily

<sup>16</sup> United Nations, Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin: Occupied Palestinian Territory, May 2018.

<sup>17</sup> According to monitoring carried out by the Office of the United Nations High Commissioner for Human Rights.

<sup>18</sup> Hague Regulations, arts. 43 and 46; Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 27.

<sup>19</sup> According to the Office of the United Nations Special Coordinator for the Middle East Peace Process.

<sup>20</sup> [A/HRC/37/43](#), para. 23, [A/71/355](#), para. 50, and [A/HRC/34/38](#), para. 33.

<sup>21</sup> Yesh Din, “Data sheet, December 2017: law enforcement on Israeli civilians in the West Bank”, 7 January 2018, p. 4.

<sup>22</sup> According to Yesh Din, data on file.

<sup>23</sup> Yotam Berger, “In first, settler who carried out ‘price tag’ attacks convicted of membership in terror group”, *Haaretz*, 29 March 2018. Available at [www.haaretz.com/israel-news/.premium-settler-who-carried-out-price-tag-attack-convicted-of-terror-group-1.5959079](http://www.haaretz.com/israel-news/.premium-settler-who-carried-out-price-tag-attack-convicted-of-terror-group-1.5959079).

life, including the prospect of marriage for their children, had become harder as a result of new checkpoints and other obstacles that had been imposed in the area since October 2017 (A/HRC/37/43, para. 13). The family was determined to stay despite the hardship, but according to their testimony, decided to move after their daughter was harassed by male Israeli soldiers at a checkpoint leading to the H2 zone. The relocation of the family cannot be considered voluntary given the coercive actions by the occupying Power that triggered their decision, and it therefore raises serious concerns about forcible transfer (see paras. 57–58 below). Other families in the area voiced similar concerns, referring to increasing coercive factors, including women being searched by male soldiers at checkpoints, and the impact on children.

20. OHCHR followed the eviction of the Shamasneh family in Shaykh Jarrah, in East Jerusalem, which led to their displacement. On 5 September 2017, they were evicted by order of a court that had accepted settlers' claims of pre-1948 ownership of the property (A/HRC/37/43, para. 43).<sup>24</sup> In October, the family of eight moved to Bayt Naqubah, Israel, about 15 km from their original home. The family's involuntary move caused by its forced eviction and other coercive actions by the occupying Power raises strong concerns about forcible transfer (see paras. 57–58 below).

21. During the reporting period, Israel demolished 343 structures in the West Bank,<sup>25</sup> displacing 408 people, including 189 children, compared with the demolition of 719 structures during the previous reporting period, displacing 1,083 people, including 554 children. According to the Office for the Coordination of Humanitarian Affairs, demolitions in the reporting period included 13 school-related structures, while 45 schools (37 in Area C and 8 in East Jerusalem) were under demolition or "stop work" orders as at 31 May 2018. After reaching a record high in 2016, demolition figures in Area C during the period under review were at their lowest point since the United Nations began recording them in 2009.

22. On 24 May 2018, the High Court of Justice approved the demolition of the Bedouin village of Khan al-Ahmar–Abu al-Helu, including its school (A/HRC/37/43, para. 25, and A/69/348, paras. 12–16). At the time of writing, the 181 Palestinian residents of the village were facing the possibility of imminent forcible transfer. That decision represents a significant negative precedent for other Bedouin communities in the area. In September 2017, the Minister of Defence of Israel announced that plans to demolish structures in the community of Suseya were proceeding (A/HRC/37/43, para. 25). On 1 February 2018, the High Court of Justice rendered a decision allowing the immediate demolition of seven structures in that community.<sup>26</sup>

23. On 2 May 2018, the Israeli Civil Administration carried out several demolitions and confiscations owing to a lack of Israeli construction permits in the Markaz, Halawah, Fakhiet and Jinba communities, located in a firing zone in Masafer Yatta. Ten residential structures, three animal pens and three water systems were demolished, and five solar energy systems were confiscated. Thirty-five Palestinians, including eight children, were left homeless as a result of the demolitions.<sup>27</sup> The

<sup>24</sup> The combination of three laws enacted by Israel since 1948 allows Jews to claim ownership rights to properties on the basis of alleged pre-1948 Jewish ownership. Palestinians who owned land or property in areas before 1948 that are now part of the State of Israel are not, however, granted any reciprocal right (A/HRC/37/43, para. 40).

<sup>25</sup> Of those structures, 131 were located in East Jerusalem.

<sup>26</sup> Haqel, "High Court decision: 7 structures in the village of Susya will be demolished with immediate effect", 1 February 2018. Available at <https://static1.squarespace.com/static/54231cc6e4b0d46e9dc0c8c1/t/5a75022eec212dda58e42b08/1517617711401/High+Court+Decision+February+1st+2018.pdf>.

<sup>27</sup> Office of the United Nations High Commissioner for Human Rights monitoring data; A/HRC/34/39, para. 44.

confiscation of means of producing electricity also affected the ability to refrigerate foodstuffs produced by the community, which are their main source of livelihood.

24. On 17 April 2018, the Israeli authorities issued a military order for the removal of new structures built without permits in Area C,<sup>28</sup> giving the Israeli Civil Administration the power to demolish (within 96 hours) any structure within six months of its construction, including any residential building that has not been inhabited or has been inhabited for less than 30 days.

25. Such demolitions and forced evictions entail numerous human rights violations (A/HRC/37/43, para. 3), exacerbate the coercive environment and raise concerns about the risk of forcible transfer. They also raise concerns about compliance with the relevant provisions of international humanitarian law that are binding on an occupying Power, including the prohibitions on the destruction of property and of institutions dedicated to education.<sup>29</sup>

#### IV. Impact of settlements: a case study of the coercive environment in the Jordan Valley

26. The Jordan Valley and the Dead Sea areas represent approximately 30 per cent of the West Bank and are inhabited by around 64,000 Palestinians and some 8,000 Israeli settlers.<sup>30</sup> The vast and fertile land of the Jordan Valley is largely inaccessible to the Palestinian population; Israeli settlements have direct control of some 15 per cent of the area, and approximately 21 per cent of the Valley has been declared as “nature reserves” in past decades, prohibiting by military order any use of the land. Furthermore, the Israeli army has declared approximately 56 per cent of the Valley to be “closed military zones”, mostly for military training purposes (known as “firing zones”). Palestinians are prohibited from gaining access to closed military areas unless they were living there before the closure. Together, the closed military zones, nature reserves and the land allocated to settlements have rendered 78.3 per cent of the Jordan Valley off limits to its Palestinian inhabitants.<sup>31</sup>

27. The situation leads to a range of possible human rights violations and severely limits the potential for Palestinian economic development.<sup>32</sup> In Area C in the Jordan Valley, which covers 90 per cent of the region, approximately 10,000 Palestinians live in more than 50 Bedouin or herding communities.<sup>33</sup> They are considered some of the most vulnerable communities in the West Bank, with limited access to education,

<sup>28</sup> The military order related to the removal of new buildings (No. 1797-2018) entered into effect on 16 June 2018 for a temporary period of two years, with a possibility of extension. Several organizations submitted petitions against the order to the High Court of Justice. In response to the petitioners’ motion for a temporary order to freeze the implementation of the military order, on 19 June 2018 the State Attorney’s Office notified the Court that the order would be temporarily frozen until the Court gave its decision.

<sup>29</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 53; Hague Regulations, art. 56 (as noted in A/HRC/34/38, paras. 21 and 33).

<sup>30</sup> Peace Now, “The Jordan Valley”, 2017. Available at <http://peacenow.org.il/wp-content/uploads/2017/04/JordanValleyEng.pdf>.

<sup>31</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “West Bank movement and access update”, Special Focus, August 2011. Available at [www.ochaopt.org/sites/default/files/ocha\\_opt\\_movement\\_and\\_access\\_report\\_august\\_2011\\_english.pdf](http://www.ochaopt.org/sites/default/files/ocha_opt_movement_and_access_report_august_2011_english.pdf).

<sup>32</sup> Leila Farsakh, “From domination to destruction: the Palestinian economy under the Israeli occupation”, in Adi Ophir, Michal Givoni and Sari Hanafi, *The Power of Inclusive Exclusion: Anatomy of Israeli Rule in the Occupied Palestinian Territories* (Brooklyn, New York, Zone Books, 2009), pp. 389–390.

<sup>33</sup> See [www.btselem.org/jordan\\_valley](http://www.btselem.org/jordan_valley).



health services, water, sanitation and electricity. They are also at significant risk of forcible transfer owing to coercive factors.<sup>34</sup>

28. The Bedouin or herding communities residing in firing zones face additional vulnerabilities, with high levels of humanitarian need.<sup>35</sup> In the absence of active hostilities, firing zones mainly serve the purpose of military training and hence do not appear to meet the threshold of imperative military reasons or absolute necessity for military operations that may justify any evacuation of the population or destruction of property, respectively,<sup>36</sup> as demonstrated by the fact that land has been transferred from firing zones to settlements (A/72/564, para. 47).

29. In October 2017, the Prime Minister of Israel stated that “the Jordan Valley will always remain a part of Israel”.<sup>37</sup> Constituting nearly 30 per cent of the West Bank, the Jordan Valley contains less than 2 per cent of the settler population and accounts for a small share of the advancement of plans for housing units in settlements. In November 2017, the Minister of Construction declared the intention of the Government to “strengthen the Jordan Valley and double the size of existing settlements”, increasing benefits for Israelis settling in the Jordan Valley.<sup>38</sup> In February 2018, a subcommittee of the Israeli Civil Administration advanced plans to create a tourist site with 120 hotel rooms and various activities in a new compound near the Palestinian village of Fasa’il and the Petza’el settlement.<sup>39</sup> Combined with the construction of a race track in a firing zone near the settlement in early 2017, those plans can be seen as an effort to boost Israeli tourism in the area.<sup>40</sup>

30. Besides State-sanctioned settlements, outposts are exacerbating tensions with nearby Palestinian communities, especially in the northern Jordan Valley (see paras. 39–43 below), where six outposts have been established on Palestinian land,<sup>41</sup> including three since October 2016. In February 2018, settlers temporarily set up an outpost on an abandoned army base (see para. 6 above).

## A. Discriminatory planning and zoning

31. As most of the Jordan Valley is located in Area C, the possibilities are severely limited for Palestinians to register land and obtain construction permits and local

<sup>34</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Four herding communities in the Northern Jordan Valley at imminent risk of forcible transfer”, Humanitarian Bulletin: Occupied Palestinian Territory, October 2017. Available at [www.ochaopt.org/content/four-herding-communities-northern-jordan-valley-imminent-risk-forcible-transfer](http://www.ochaopt.org/content/four-herding-communities-northern-jordan-valley-imminent-risk-forcible-transfer).

<sup>35</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Firing zones and risk of forcible transfer”, Humanitarian Bulletin: Occupied Palestinian Territory, special ed., May–June 2017. Available at [www.ochaopt.org/content/firing-zones-and-risk-forcible-transfer](http://www.ochaopt.org/content/firing-zones-and-risk-forcible-transfer).

<sup>36</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, arts. 49 (2) and 53.

<sup>37</sup> Yotam Berger, “Netanyahu calls region ‘strategic defensive belt for the country’ in the ceremony marking 50 years of Israeli settlement in Jordan Valley”, *Haaretz*, 19 October 2017. Available at [www.haaretz.com/israel-news/1.818231](http://www.haaretz.com/israel-news/1.818231).

<sup>38</sup> David Israel, “Housing Minister: Israel to double Jordan Valley settlements”, Jewish Press, 9 November 2017. Available at [www.jewishpress.com/news/eye-on-palestine/housing-minister-israel-to-double-jordan-valley-settlements/2017/11/09/](http://www.jewishpress.com/news/eye-on-palestine/housing-minister-israel-to-double-jordan-valley-settlements/2017/11/09/).

<sup>39</sup> Peace Now, “The Higher Planning Committee approved three new settlement areas today”, 12 February 2018. Available at <http://peacenow.org.il/en/higher-planning-committee-approved-three-new-settlement-areas-today>.

<sup>40</sup> Edo Konrad, “Settlers building race track inside IDF live-fire training zone”, +972 Magazine, 27 February 2017. Available at <https://972mag.com/settlers-building-race-track-inside-idf-live-fire-training-zone/125476/>.

<sup>41</sup> On land belonging to the villages of al-Aqabah, Hamam al-Malih, Umm al-Jamal, Ein al Hilweh, Tall al-Himmah, Khirbat Samarah and al-Farisiyah.

outline plans.<sup>42</sup> To build legally in Area C, a local outline plan for the area must have been approved by the Israeli authorities, after which a permit must be requested through a lengthy and costly process that often results in rejection (A/72/564, paras. 25 and 35).<sup>43</sup> To enhance the ability of Palestinians to obtain building permits, Palestinian and international stakeholders have since 2011 prepared and submitted to the Israeli Civil Administration 102 local outline plans for communities in the entirety of Area C. However, only five plans have been approved by the Administration, and none of the 11 plans submitted in the Jordan Valley have been approved.<sup>44</sup> For example, Jiftlik, one of the largest communities in the Jordan Valley, with a population of about 5,000, faces problems accommodating the natural increase of its population in the absence of approved master plans. A planning proposal was submitted to the Israeli Civil Administration in 2013 but has since remained pending. Construction without permits in Area C entails a high risk of demolition (see paras. 33–38 below). Currently, Jiftlik faces 217 standing demolition orders for unpermitted construction.<sup>45</sup>

32. As noted previously, the Israeli zoning and planning policy in Area C and East Jerusalem is discriminatory and considered incompatible with requirements under international law, and building permits are almost impossible to obtain (A/HRC/34/38, para. 26). Palestinians have no choice but to build without permits and to expose themselves to the risk of demolitions, which represents a significant coercive environment factor.

## B. Home demolitions and forced evictions or the threat thereof

33. The restrictive building permit regime in Area C and East Jerusalem makes it almost impossible for Palestinians to accommodate increases in family size (A/HRC/37/43, para. 31). OHCHR and the Office for the Coordination of Humanitarian Affairs monitored the case of four houses that were demolished in Jiftlik Ash Shunah (Area C) on 7 November 2017, affecting 20 Palestinians. The houses had been built without Israeli permits. One young mother described how her home had been built to house a new family with three small children. The destruction of the fully furnished home meant that years of savings and construction were lost, and the family was forced to move back to the husband's parents' house.

34. The implementation of the Israeli planning regime is of concern with regard to the right to adequate standards of living, including the right to housing and the prohibition on forced evictions, as well as the prohibition on unlawful or arbitrary interference with privacy, family and home (A/HRC/34/38, para. 26). The impediments to accommodating new and expanding families affect young people in particular and may deter marriages or force them to leave.

35. According to the Office for the Coordination of Humanitarian Affairs, thousands of Palestinian residents in Area C in the Jordan Valley face the risk of home demolition. In October 2017, the High Court of Justice allowed the demolition of more than 200 structures in the Palestinian communities of Makhul, Humsat al-Buqay'ah, al-Farisiyah-Ihmayyer and al-Farisiya-Nabe al-Ghazal, putting an

<sup>42</sup> United Nations Human Settlements Programme (UN-Habitat), *Spatial Planning in Area C of the Israeli Occupied West Bank of the Palestinian Territory*, May 2015, p. 17; A/72/564, para. 33; A/68/513, para. 32.

<sup>43</sup> The average approval rate for applications for building permits by Palestinians in Area C between 2007 and 2016 was less than 4 per cent. See United Nations, Office for the Coordination of Humanitarian Affairs, "Four herding communities in the northern Jordan Valley".

<sup>44</sup> UN-Habitat, *Spatial Planning in Area C of the Israeli Occupied West Bank of the Palestinian Territory*.

<sup>45</sup> Office for the Coordination of Humanitarian Affairs.

estimated 171 people, more than 50 per cent of whom are children, at imminent risk of displacement. Many of the four communities have already faced demolitions and consequent displacement. Since 2013, several demolitions in Makhul have resulted in the departure of 5 out of 10 families (21 out of 50 persons) to other parts of the West Bank.<sup>46</sup>

36. During the reporting period, 54 structures were demolished or confiscated in the Jordan Valley, displacing 42 people, including 21 children.<sup>47</sup> This marks a decline compared with the previous reporting period, which saw the demolition of 262 structures, displacing 276 people, including 114 children. Demolitions generally have a severe impact on women, as they are often the primary caregivers for extended families and manage household livelihoods (A/HRC/37/43, para. 44). The Secretary-General has reported on the disproportionate impact of demolitions on the rights of women and girls to privacy and health (A/72/564, paras. 52–53).

37. More generally, the losses caused by demolitions and forced evictions of the Bedouin and herder communities have had an impact on livelihoods and resulted in increased expenditures for affected families, including when they were not allowed to take their possessions before the demolition (A/72/564, para. 57).

38. Demolitions or the threat thereof are at the heart of numerous possible violations of international humanitarian law and human rights law (see para. 25 above) and are a major factor contributing to the creation of a coercive environment that might force people to leave.<sup>48</sup>

### C. Freedom of movement

39. The confiscation of areas for settlements and outposts and the designation of lands as military zones and nature reserves, combined with settler harassment, have had a devastating impact on the freedom of movement of Palestinians in the Jordan Valley.

40. OHCHR monitored the impact on the Palestinian herder community of Khirbat Tall al-Himmah in the northern Jordan Valley. Located in Area C between Mehola settlement and the Giv'at Sal'it outpost, the community has experienced increased settler violence and demolition threats<sup>49</sup> since the establishment of the outpost Shirat Ha'asabim, on private Palestinian land, 200 metres away from the village, in September 2016. The residents reported how they had been harassed since by settlers, especially the herders grazing sheep. They highlighted incidents of threats and harassment, including the targeting of flocks and of settlers physically preventing them from gaining access to the only grazing area that the community has relied on for the past 40 years. The situation resulted in a significant economic loss for the community, as herders needed to buy more animal fodder or rent nearby Palestinian land to keep their livestock. Since 2009, the village of about 100 people has been exposed to the demolition and/or confiscation of 44 community structures that used to house 64 people, including 25 children.<sup>50</sup>

<sup>46</sup> United Nations, Office for the Coordination of Humanitarian Affairs, "Four herding communities in the northern Jordan Valley".

<sup>47</sup> Office for the Coordination of Humanitarian Affairs.

<sup>48</sup> A/72/564, paras. 37–58, A/HRC/25/38, paras. 11–20, A/HRC/31/43, paras. 44 and 46, A/HRC/28/80, para. 24, and A/69/348, para. 13.

<sup>49</sup> According to the Office for the Coordination of Humanitarian Affairs, there have been four cases of demolition or confiscation since September 2016.

<sup>50</sup> Office for the Coordination of Humanitarian Affairs, Central Field Coordination Unit, case note 2017 (on file with the Secretariat).

41. In December 2016, settlers established the outpost of Umm Zuqah on private Palestinian land that had been declared a nature reserve. The nearby herding community of Khirbat Samarah reported that settlers from the outpost threatened the herders and chased their animals on a daily basis. The herders were no longer able to graze their sheep without the protective presence of organizations, including the Ecumenical Accompaniment Programme in Palestine and Israel of the World Council of Churches<sup>51</sup> and Ta'ayush. Five families have left the community over the past 10 years owing to repeated demolitions and increased restrictions to their grazing area — private Palestinian lands that had been declared a nature reserve and on which the outpost was later built. According to the community members, settlers from the outpost have been harassing children waiting for the school bus. The continuous harassment and intimidation of the community and other impediments, including in access to education, led the community to send children over the age of 11 to Tubas, 50 km away, where they live apart from their families.

42. The communities of Khirbat Tall al-Himmah and Khirbat Samarah reported similar behaviour from settlers, who have been threatening shepherds with sticks and firearms to prevent them from gaining access to land and have been using quad bikes, horses, dogs or cars to chase, disturb and disperse the sheep. All the shepherds interviewed by OHCHR reported that such behaviour caused stress to the sheep, sometimes leading to miscarriage. According to the communities, the Israeli security forces are not present at the majority of incidents of settler harassment or attacks. When they are, they reportedly do not intervene to protect the Palestinians.

43. The shepherds and organizations that provide them with a protective presence, such as the Ecumenical Accompaniment Programme in Palestine and Israel and Ta'ayush, reported that settlers called the Israel Defense Forces to enforce movement restrictions in the military zones and nature reserve areas, which represent 64 per cent of the Jordan Valley,<sup>52</sup> impeding access for Palestinian herders, while not enforcing such restrictions on settlers who grazed livestock or established outposts in such areas. Such impediments have an impact on food resources and related revenue and may force Bedouin and herding communities to leave, as herding is their only source of income.

#### **D. Rights to life, liberty and security of person**

44. In the Jordan Valley, as in other parts of Area C in the West Bank, communities located inside or in areas surrounding firing zones have been continuously impacted by military training, including live fire (A/HRC/34/39, para. 52, and A/72/564, para. 41).

45. In 2014, an Israeli colonel stated to a Knesset subcommittee that the Israeli military was using military firing zones in Area C to deter the building of Palestinian structures without permits.<sup>53</sup> According to the Israeli NGO B'Tselem, between March and July 2018 the Israel Defense Forces conducted military exercises near 14 Palestinian communities in the Jordan Valley with little or no forewarning almost on a daily basis.<sup>54</sup> B'Tselem reported that such exercises were carried out in increasing

<sup>51</sup> The Ecumenical Accompaniment Programme in Palestine and Israel reported accompanying herders from 42 different communities in the Jordan Valley to prevent settler harassment.

<sup>52</sup> United Nations, Office for the Coordination of Humanitarian Affairs, "West Bank movement and access update".

<sup>53</sup> A/69/348, para. 15: the protocol of the Knesset subcommittee on foreign affairs and defence for the West Bank meeting, 27 April 2014. Available at [www.haaretz.co.il/st/inter/Hheb/images/amiral.pdf](http://www.haaretz.co.il/st/inter/Hheb/images/amiral.pdf).

<sup>54</sup> See [www.btselem.org/video/20180501\\_humsah\\_temp\\_evacuation#full](http://www.btselem.org/video/20180501_humsah_temp_evacuation#full).

proximity to homes, using armoured vehicles, mortar shells and live ammunition, and using concrete blocks to block access to roads to communities.<sup>55</sup> During some exercises of the Israel Defense Forces, the Palestinian communities affected were temporarily forcibly relocated from their lands, sometimes without warning, preventing them from overseeing their property and livestock. On 5 February 2018, the Office for the Coordination of Humanitarian Affairs reported that the Israeli army had entered the herding community of al-Farisiya Ihmayyer with five tanks, without prior notification, destroying crops and firing shells near the community. Those incidents have traumatized the community, especially the children. According to the Office for the Coordination of Humanitarian Affairs, the community reported that a 4-month-old baby had to be hospitalized for a panic attack caused by the sound of shellfire.

46. Bedouin and herding communities are also affected by unexploded munitions left behind by the Israeli military. For instance, on 22 July 2017, a 16-year-old Palestinian boy in the herding community Khirbat Ibbiq was killed after triggering an unexploded grenade while tending sheep. According to his father and the Palestinian authorities in Tubas, the family filed a complaint with the Israeli authorities in April 2018 and a formal compensation procedure was initiated.<sup>56</sup>

## E. Access to services

47. While Area C communities are generally underserved, the distances in the Jordan Valley complicate access to services such as education and health care. More than a third (189 out of 532) of the residential areas in Area C lack a primary school.<sup>57</sup> As a result, some children are forced to travel long distances, sometimes on foot, to reach the nearest school. As there are no established public transportation lines in the Jordan Valley, communities pay for private transportation. Because of the distance to education facilities, the cost of transportation and incidents of settler harassment, some isolated communities have sent students to stay and study in nearby towns (see para. 41 above).<sup>58</sup> Access constraints are also a key factor behind the high school dropout rate and the decision of families to leave their communities, as reported among the remote Hadidiyah community.<sup>59</sup>

48. Israel connects settlements and unauthorized outposts in the West Bank with electricity and water grids, but it does not supply all Palestinian communities in Area C. Furthermore, the restrictive planning regime applied in Area C denies Palestinians the possibility of developing their own water infrastructure, for example by digging wells.<sup>60</sup>

49. Water is an important component for Jordan Valley communities because of the hot climate and their reliance on agriculture and herding. However, around 10,000 Palestinians in more than 50 communities in the Jordan Valley are not connected to

<sup>55</sup> See [www.btselem.org/video/20180302\\_tanks\\_on\\_your\\_doorstep#full](http://www.btselem.org/video/20180302_tanks_on_your_doorstep#full).

<sup>56</sup> According to monitoring carried out by the Office of the United Nations High Commissioner for Human Rights.

<sup>57</sup> Data from 2013 survey; see United Nations, Office for the Coordination of Humanitarian Affairs, "Access to education in Area C of the West Bank", Humanitarian Bulletin, Occupied Palestinian Territory, special ed., May–June 2017. Available at [www.ochaopt.org/content/access-education-area-c-west-bank](http://www.ochaopt.org/content/access-education-area-c-west-bank).

<sup>58</sup> United Nations, Office for the Coordination of Humanitarian Affairs, "Jordan Valley case study: focus on the impact of closures in Buqay'ah Valley", 2011 (on file with the Secretariat).

<sup>59</sup> United Nations, Office for the Coordination of Humanitarian Affairs, "Access to education in Area C of the West Bank".

<sup>60</sup> United Nations, Office for the Coordination of Humanitarian Affairs, "West Bank movement and access update".

the water network, and half of their expenditure is devoted to buying tanked water.<sup>61</sup> Because of the distance to the filling points, which can be up to 27 km,<sup>62</sup> and the high transportation costs, residents not connected to the water network pay up to five times the price for water compared with those who are connected. Such high prices incurred by communities that are already widely affected by poverty have resulted in an extremely low consumption of water, estimated at less than 30 litres per person per day for all purposes, including livestock.<sup>63</sup> The World Health Organization recommends 100 litres per person per day as the minimum to meet all domestic needs. Their limited access to water has contributed to a further depletion of the financial resources of the communities, a decline in the health and productivity of their livestock and a degradation of hygiene.<sup>64</sup>

50. On 9 November 2017, near the Ein al Beida community in the northern Jordan Valley, settlers destroyed with a bulldozer around 650 metres of water pipes from an irrigation network. The pipes had been installed as part of a donor-funded humanitarian project to support farmers in the area who had regained access to their private land following a ruling of the High Court of Justice.<sup>65</sup>

51. In the Occupied Palestinian Territory, 22.5 per cent of the population (1.32 million people) is food insecure.<sup>66</sup> According to a 2016–2017 survey conducted by the World Food Programme (WFP) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), more than 60 per cent of the Bedouin and herding communities living in Area C were food insecure, compared with 50 per cent reported in a 2012 survey.<sup>67</sup>

52. The Office for the Coordination of Humanitarian Affairs reported strong links between the high levels of food insecurity and the access restrictions imposed on Bedouin communities in the Jordan Valley. Restricted movement has an impact on livestock productivity and access to food items from nearby towns.<sup>68</sup> In cases of demolition, especially in remote areas such as the Jordan Valley, food supplies and livestock may be lost or livestock structures damaged. That usually places a further burden on women, who bear the primary responsibility for securing food supplies.<sup>69</sup>

## F. Other factors prompting displacement

53. The violations described above, including violations of international human rights and humanitarian law, may cause residents of the Jordan Valley, especially herders and Bedouins, to leave their usual places of residence.

<sup>61</sup> Ibid.

<sup>62</sup> Gruppo di Volontariato Civile and Action Against Hunger, “Water master plan for the south and north-east communities of the West Bank”, 2017, p. 40 (on file with the Secretariat).

<sup>63</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “West Bank movement and access update”, p. 26. See also [www.btselem.org/jordan\\_valley](http://www.btselem.org/jordan_valley).

<sup>64</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “West Bank movement and access update”.

<sup>65</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “Protection of civilians: biweekly highlights, 24 October–6 September 2017”. Available at [www.ochaopt.org/content/protection-civilians-report-24-october-6-november-2017](http://www.ochaopt.org/content/protection-civilians-report-24-october-6-november-2017).

<sup>66</sup> World Food Programme (WFP), “Food insecurity in Palestine”, 2016 (on file with the Secretariat).

<sup>67</sup> WFP, “Food insecurity is on the rise amongst Bedouins and herders in Area C” (on file with the Secretariat).

<sup>68</sup> United Nations, Office for the Coordination of Humanitarian Affairs, “West Bank movement and access update”.

<sup>69</sup> Suha Jarrar, *Unpacking Gender in Coercive Environments: The Case of the Jordan Valley* (Ramallah, Al-Haq, 2017), p. 12.

54. According to the 2016–2017 survey conducted by WFP and UNRWA, a majority of the nearly 500 herder and Bedouin households in the West Bank had experienced relocations as a result of eviction orders (39 per cent), home demolitions (22 per cent), violence and harassment perpetrated by settlers and the Israeli security forces (17 per cent), restrictions of access to services or natural resources (9.8 per cent), the wall (2.4 per cent) and the destruction of irrigation systems and confiscation of agricultural land (2.4 per cent), among other reasons.<sup>70</sup> Many communities have consequently been displaced repeatedly from one location to another within Area C.

55. OHCHR monitored a case of settler violence that caused the displacement of a herder community of 17 people, all of them Palestinian refugees, from the place in which they had resided for the previous 40 years, on the outskirts of Mu‘arrajat, north-west of Jericho — a very isolated location between the Rimonim, Yitav and Kokhav HaShahar settlements. On 22 January 2018, settlers attacked herders, including a woman, with sticks near their community. They injured an 18-year-old in the head, causing internal bleeding. Israeli authorities arrived at the site after the attack and launched an investigation which was still ongoing as at 31 May 2018. After the attack, community members reported fears of other attacks and were especially worried about the safety of the children. The community first relocated 1 km away, on 8 February 2018, but as the location was not suitable for livestock, they relocated again on 6 April to land outside of Sinjil, approximately 17 km from their usual centre of life. The new location is near a main road, which increases vulnerability to harassment by settlers or the Israeli security forces. The new site also offers less protection during winter compared with the previous site.

56. OHCHR also monitored the displacement of a family from the northern Jordan Valley to Najadah, the southernmost point in the West Bank. The family depends on herding and told OHCHR that it had moved from Najadah to the Jordan Valley 18 years ago owing to drought. They had lived in four different places in the Jordan Valley as a result of continuous demolitions and harassment by the Israeli authorities. In the latest location, Malih al-Meiteh, an entire community of 16 families had received demolition orders in 2014 owing to the creation of a closed military zone, to which the community objected. Related legal proceedings before the High Court of Justice were still ongoing at the time of writing. Nevertheless, the family reported increased pressure from the Israeli military through frequent night raids and searches, as well as military exercises that forced the community to relocate temporarily. Malih al-Meiteh is one of the most vulnerable communities in the West Bank owing to the restrictions imposed on the people’s daily lives and livelihoods, including demolitions, which have increased their level of poverty and dependence on aid.<sup>71</sup> The family decided to leave for Najadah because of the increased pressure, demolition threats and security concerns for themselves and their livestock as a result of the frequent military exercises, including live fire and tank shells.<sup>72</sup> The family said they would not hesitate to go back to the Jordan Valley if they could live without fear of harassment and demolition, even temporarily. In addition to the families who have already left, the remaining members of the community are considered to be at high risk of forcible transfer.

### **Impact of a coercive environment**

57. The Secretary-General has previously voiced concerns about the impact of settlement policies on the living conditions of Palestinians, including their increased risk of forcible transfer (A/HRC/34/39, para. 40). The Israeli authorities are

<sup>70</sup> WFP, “Food insecurity is on the rise amongst Bedouins and herders in Area C”.

<sup>71</sup> United Nations, Office for the Coordination of Humanitarian Affairs, Central West Bank Field Coordination Unit, briefing paper, May 2018 (on file with the Secretariat).

<sup>72</sup> Including the risk of accidents arising from unexploded ordnance, as reported in para. 46.

increasing pressure on Palestinians living in areas under their full control, creating conditions that contribute to a coercive environment, which may compel them to move out of their areas of residence (*ibid.*, paras. 40–42).

58. International humanitarian law prohibits individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power or to that of any other country, occupied or not, regardless of the motive.<sup>73</sup> Such a transfer amounts to a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and a war crime that may lead to individual criminal responsibility.<sup>74</sup> Forcible transfer does not necessarily require the use of physical force by authorities; it may be triggered by specific factors creating a coercive environment that compels individuals or communities to leave. Any transfer without the genuine and fully informed consent of those affected is considered forcible (A/HRC/34/38, para. 28, and A/HRC/34/39, para. 41). Besides highlighting multiple human rights violations in a situation of forcible transfer (A/HRC/37/43, para. 28), the cases described below illustrate how the mere existence of a coercive environment affects the enjoyment of human rights.

## V. Settlements in the occupied Syrian Golan

59. Illegal settlement expansion and land appropriation by the Government of Israel in the occupied Syrian Golan continued during the reporting period, in violation of the obligations of Israel under international law. The Secretary-General reaffirms the continuing validity of Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect (A/71/355, para. 66).

60. The 34 illegal Israeli settlements in the occupied Syrian Golan are home to an estimated 23,000 Israeli settlers and are supported by the Government of Israel through financial incentives. The settlements also benefit from a disproportionately large allocation of natural resources, such as clean water, compared with Syrian residents (A/HRC/28/44, para. 54, and A/HRC/31/43, para. 64). During the reporting period, concerns regarding the situation in the occupied Syrian Golan persisted, with Syrian residents of the Golan facing ongoing problems owing to the discriminatory land, housing and development policies established by the Israeli authorities, who control 95 per cent of the land in the occupied Syrian Golan.<sup>75</sup> Those policies continue to make it nearly impossible for Syrians to obtain building permits, leading to increasingly overcrowded villages and limited opportunities for development (A/72/564, paras. 60–61). Further concerns have been raised about the impact of those policies on access to livelihoods, in particular agriculture.<sup>76</sup> Human rights organizations have also consistently raised concerns about the presence of land mines in the occupied Syrian Golan.<sup>77</sup>

61. In January 2018, the Interior Minister of Israel announced that municipal elections would be held in the occupied Syrian Golan in October 2018. Those will be

<sup>73</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 49. A limited exception appears in the second paragraph of the article cited.

<sup>74</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 147; Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

<sup>75</sup> International Labour Organization (ILO), *The Situation of Workers of the Occupied Arab Territories*, ILC.107/DG/APP (Geneva, 2018), para. 147.

<sup>76</sup> ILO, *The Situation of Workers of the Occupied Arab Territories*, paras. 149–150.

<sup>77</sup> Adalah, “Adalah, Al-Marsad demand Israel remove army outposts and minefields from occupied Syrian town on Golan Heights”, 2 August 2017. Available at [www.adalah.org/en/content/view/9180](http://www.adalah.org/en/content/view/9180).



the first elections held there since the occupation began.<sup>78</sup> Only those who hold Israeli citizenship are eligible for election, raising concerns about discrimination. Many Syrian residents of the occupied territory have announced that they will boycott the elections. Residents report that Israel is increasing pressure on Syrians to accept Israeli citizenship, which only an estimated 10 per cent of the Syrian population has done at this stage.<sup>79</sup> Those who do not accept Israeli citizenship are reportedly given only permanent resident status.<sup>80</sup> The International Labour Organization has noted that the intensified efforts to fully integrate the occupied Syrian Golan into Israel are contributing to the creation of a threat to Syrian identity in the occupied Syrian Golan.<sup>81</sup>

62. In May 2018, the Intelligence Minister of Israel told Reuters in an interview that his Government was expecting the United States to recognize Israeli sovereignty over the occupied Syrian Golan in the coming months.<sup>82</sup>

## VI. Conclusions and recommendations

**63. The establishment and expansion of Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territory it occupies, which is prohibited under international humanitarian law.<sup>83</sup>**

**64. The exacerbation of a coercive environment has had a highly detrimental impact on the human rights of Palestinians. A significant increase in settler violence was witnessed during the reporting period. In Hebron, Area C and East Jerusalem, several factors led to a deterioration in living conditions. The advancement of plans for further housing units in settlements continued to increase, while the number of tenders and rate of construction starts decreased. After a record high in 2016, demolition figures in Area C reached a low in the reporting period.**

**65. Palestinians remained subject to a restrictive planning, permit and construction regime, placing many of them under the threat of demolition orders and displacement, and with highly limited public services and access to land, which is also impeded by incidents of settler harassment and the behaviour of the Israeli security forces. Those factors violate multiple fundamental human rights and contribute to a coercive environment in the Jordan Valley and other areas of the Occupied Palestinian Territory.**

<sup>78</sup> Middle East Monitor, "Israel to hold elections in occupied Golan Heights", 9 January 2018. Available at [www.middleeastmonitor.com/20180109-israel-to-hold-local-elections-in-occupied-golan-heights/](http://www.middleeastmonitor.com/20180109-israel-to-hold-local-elections-in-occupied-golan-heights/).

<sup>79</sup> Nour Samaha, "Syrians in Golan Heights to boycott municipal election by Israel", Al-Jazeera, 21 June 2018. Available at [www.aljazeera.com/indepth/features/syrians-golan-heights-boycott-israel-election-area-180619180933900.html](http://www.aljazeera.com/indepth/features/syrians-golan-heights-boycott-israel-election-area-180619180933900.html); ILO, *The Situation of Workers of the Occupied Arab Territories*, para. 148.

<sup>80</sup> Al-Marsad, "Election in Syrian villages in occupied Golan", 11 February 2018. Available at <http://golan-marsad.org/elections-in-syrian-villages-in-occupied-golan/>.

<sup>81</sup> ILO, *The Situation of Workers of the Occupied Arab Territories*, para. 151.

<sup>82</sup> Dan Williams, "Exclusive: Israel minister says U.S. may soon recognize Israel's hold on Golan", 23 May 2018. Available at [www.reuters.com/article/us-mideast-crisis-syria-israel-usa-exclu/exclusive-israeli-minister-says-us-may-soon-recognize-israels-hold-on-golan-idUSKCN11O2YU](http://www.reuters.com/article/us-mideast-crisis-syria-israel-usa-exclu/exclusive-israeli-minister-says-us-may-soon-recognize-israels-hold-on-golan-idUSKCN11O2YU).

<sup>83</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 49, sixth paragraph.

66. Further numbers of Palestinians living in Area C and the H2 zone of Hebron were compelled to leave, as previously documented,<sup>84</sup> in violation of the prohibition of forcible transfers under international humanitarian law.

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

(a) Immediately halt and reverse all settlement development and related activities in the Occupied Palestinian Territory, including East Jerusalem, in compliance with relevant United Nations resolutions, including Security Council resolution [2334 \(2016\)](#);

(b) Immediately end all activities contributing to the creation of a coercive environment and/or leading to the risk of forcible transfer;

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

(d) Cease taking any initiative to relocate communities in Area C, including Bedouin and herder communities, in contravention of international law;

(e) Take all steps necessary to ensure that Palestinians in East Jerusalem and Area C of the occupied West Bank are not denied access to the provision of essential services, including electricity, water and sanitation, and to natural resources, including land for agricultural purposes;

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

(g) Ensure that settler violence against Palestinians and their property is investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are provided with effective remedies, including adequate compensation, in accordance with international standards;

(h) Immediately halt and reverse all settlement development and related activities in the occupied Syrian Golan, and end discriminatory land, housing and development policies, in compliance with relevant United Nations resolutions;

(i) Remove immediately all mines and minefields in the occupied Syrian Golan, which pose a risk to the local population.

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<sup>84</sup> [A/HRC/31/43](#), para. 60, and [A/71/355](#), paras. 61–64.