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## Human Rights Council

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Agenda items 2 and 7

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

### Human rights situation in Palestine and other occupied Arab territories

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

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

In the present report, submitted pursuant to Human Rights Council resolution 43/31, the United Nations High Commissioner for Human Rights provides an update on the implementation of resolution 43/31 from 1 November 2019 to 31 October 2020. The High Commissioner describes the expansion of Israeli settlement activities and their negative impact on the rights of Palestinian people and on the contiguity of the Occupied Palestinian Territory, particularly in and around East Jerusalem. The High Commissioner also addresses issues relating to Israeli settlements in the occupied Syrian Golan.

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



## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 43/31, in which the Council requested the United Nations High Commissioner for Human Rights to report on the implementation of the resolution at its forty-sixth session, with particular emphasis on the consequences of the intensification of settlement activity and other steps taken towards formal annexation in the Occupied Palestinian Territory, particularly in and around East Jerusalem and the so-called E1 area, for the contiguity of the Occupied Palestinian Territory, and their implications for the civil, political, economic, social and cultural rights of the Palestinian people. In the report, which covers the period from 1 November 2019 to 31 October 2020, the High Commissioner also addresses issues relating to Israeli settlements in the occupied Syrian Golan.

2. The report 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 governmental sources, other United Nations entities in the Occupied Palestinian Territory, Israeli and Palestinian non-governmental organizations, and civil society in the occupied Syrian Golan. It should be read in conjunction with recent relevant reports submitted by the Secretary-General and the High Commissioner to the General Assembly and to the Human Rights Council.<sup>1</sup> The quarterly updates and reports of the Secretary-General presented to the Security Council on the implementation of Security Council resolution 2334 (2016) also provide relevant information.<sup>2</sup>

3. During the period under review, Israeli settlement expansion continued at a rapid pace in the West Bank, including East Jerusalem. Policies and acts contributing to a coercive environment, including demolition of Palestinian property and resulting displacement, reached the highest levels since 2016 despite the coronavirus disease (COVID-19) pandemic. High levels of settler violence persisted, as well as a significant lack of accountability for such acts.

4. These developments took place against a backdrop of intensified political rhetoric of annexation.<sup>3</sup> Following the announcement of the United States of America Peace to Prosperity Vision in January 2020, the Prime Minister of Israel stated that “Israel will apply its laws to the Jordan Valley, to all the Jewish communities in Judea and Samaria, and to other areas that the plan [of the Government of the United States] designates as part of Israel and which the United States has agreed to recognize as part of Israel.”<sup>4</sup> On 20 April 2020, the new coalition Government of Israel agreed to put forward to the Knesset the proposal to annex parts of the occupied West Bank from 1 July 2020. On 22 April 2020, the President of the State of Palestine rejected any annexation and on 19 May 2020, he announced that the State of Palestine was no longer bound by its political agreements with Israel.<sup>5</sup> On 13 August 2020, a joint announcement by Israel, the United Arab Emirates and the United States stated that “Israel will suspend declaring sovereignty” over the West Bank, as part of the normalization deal with the United Arab Emirates.<sup>6</sup>

5. If implemented, annexation of any part of the West Bank would constitute a most serious violation of international law, including the Charter of the United Nations.<sup>7</sup> It would also severely impede the exercise by the Palestinian people of their right to self-determination.<sup>8</sup> Such a step, which has no legal validity and constitutes a flagrant violation

<sup>1</sup> A/74/357, A/75/376, A/HRC/40/39, A/HRC/40/42, A/HRC/40/43 and A/HRC/43/67.

<sup>2</sup> See <https://unsco.unmissions.org/security-council-briefings-0>.

<sup>3</sup> A/74/357, paras. 12–13.

<sup>4</sup> See <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-prime-minister-netanyahu-state-israel-joint-statements>.

<sup>5</sup> See [www.timesofisrael.com/abbas-threatens-to-rip-up-accords-with-israel-us-if-annexation-plans-proceed](http://www.timesofisrael.com/abbas-threatens-to-rip-up-accords-with-israel-us-if-annexation-plans-proceed) and [www.theguardian.com/world/2020/may/20/palestinian-leader-mahmoud-abbas-ends-security-agreement-with-israel-and-us](http://www.theguardian.com/world/2020/may/20/palestinian-leader-mahmoud-abbas-ends-security-agreement-with-israel-and-us).

<sup>6</sup> See <https://il.usembassy.gov/joint-statement-of-the-united-states-the-state-of-israel-and-the-united-arab-emirates>.

<sup>7</sup> S/2020/596, annex I; and A/75/376, para. 13.

<sup>8</sup> A/75/376, para. 13.

under international law, would entrench the establishment of settlements in the Occupied Palestinian Territory, including East Jerusalem.<sup>9</sup>

## II. Legal framework

6. 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, Israel is bound by the obligations of an occupying Power as set out in international humanitarian law. A detailed analysis of the legal framework in relation to the Occupied Palestinian Territory is contained in two reports of the Secretary-General, A/HRC/34/38 and A/HRC/34/39.

## III. Activities related to settlements

7. During the period under review, tenders for settlement construction accelerated, while the advancement of plans and construction starts for settlements slowed. There were 4 new outposts established during the period under review, down from 12 in the previous reporting period.<sup>10</sup> Policies and acts contributing to a coercive environment, such as demolitions and forced evictions, increased and acts of settler violence continued at a high rate.

### A. Settlement expansion: land designation, planning and tenders

8. Plans for some 9,300 housing units were advanced or approved in West Bank settlements, including approximately 400 in East Jerusalem.<sup>11</sup> During the previous reporting period, some 13,600 housing units in the West Bank, including, 2,000 in East Jerusalem, were advanced or approved by the Israeli authorities and 6,300 in the period before that.<sup>12</sup>

9. On 27 February 2020, the Higher Planning Council of the Israeli Civil Administration approved 12 plans in 11 settlements with 1,737 housing units. The plans include a new industrial park south of Qalqilya.<sup>13</sup> On 14 and 15 October, in one of the largest collective advancements in recent years, Israeli authorities advanced some 5,000 housing units in Area C, approximately 80 per cent of which are planned in settlements in outlying locations, deep inside the occupied West Bank.<sup>14</sup> On 25 October 2020, Israeli authorities informed the Jerusalem District Court of the imminent issuance of a building permit for the construction of 31 settlement units in Hebron H2.<sup>15</sup>

10. Israeli authorities announced tenders for a total of 3,200 units, compared with 1,900 units during the previous reporting period, more than half of them in East Jerusalem. They include tenders related to two plans in the strategic area of E1, which would significantly disrupt the contiguity of territory between East Jerusalem and the West Bank and disconnect

<sup>9</sup> Security Council resolution 2334 (2016), para. 1.

<sup>10</sup> Peace Now, on file. The new outposts are Amihai South, Har Eival, Um Zaitun and Asfar South. See <https://peacenow.org.il/en/settlements-watch/settlements-data/population>.

<sup>11</sup> Information provided by the Office of the United Nations Special Coordinator for the Middle East Peace Process.

<sup>12</sup> A/HRC/43/67, para. 7.

<sup>13</sup> See <https://peacenow.org.il/en/1739-settlement-units-promoted-eli-settlement-housing-legalized-new-industrial-park>.

<sup>14</sup> See <https://peacenow.org.il/en/4948-settlement-units-advanced-at-october-2020-higher-planning-council-sessions>. The advancements are in: Mishor Adumim Industrial Area, Maale Adumim, Alfei Menashe, Karnei Shomron, Efrat, Shima, Patzael Motor Park, Maale Efrayim, Beit El, Har Gilo, Telem, Einav, Barkan, Pduel, Yakir, Maale Shomron, Yizhar, Eli, Kfar Adumim, Maale Michmash, Geva Binyamin (Adam), Kochav Yaacov, Shilo, Nili, Psagot, Pnei Kedem, Ariel, Bracha, Rimomim, Kfar Eldad, Asfar, Kerem Reim and New Givon.

<sup>15</sup> See [http://peacenow.org.il/wp-content/uploads/2020/10/state\\_update\\_permit\\_Hebron\\_251020.pdf](http://peacenow.org.il/wp-content/uploads/2020/10/state_update_permit_Hebron_251020.pdf) (in Hebrew only).

Ramallah and the northern West Bank from Bethlehem and the southern West Bank (see sect. IV).<sup>16</sup>

11. The official data available for the period from 1 November 2019 to 31 September 2020 indicate a decrease in the commencement of new settlement construction in Area C (837 units compared with 1,504 during the previous period).

12. With regard to land designations, for the first time in 35 years, the Israeli Civil Administration issued expropriation orders on 4 September 2020 for two archaeological sites in the West Bank, which are on privately owned Palestinian property in Deir Sam'an and Deir Kala' adjacent to the Leshem and Peduel settlements.<sup>17</sup> Under international humanitarian law, cultural property must be protected and its misappropriation is prohibited.<sup>18</sup> Furthermore, private property must be respected and cannot be confiscated, unless the seizure is required by imperative military necessity.<sup>19</sup>

## B. Consolidation of settlements

13. According to the latest data available from the Central Bureau of Statistics of Israel, there were 220,000 settlers in East Jerusalem as at 31 December 2018 and 441,600 settlers in the rest of the West Bank as at 31 December 2019.<sup>20</sup> For decades, Israel has granted benefits and incentives to settlers,<sup>21</sup> which amounts to the transfer by Israel of its population into the Occupied Palestinian Territory.<sup>22</sup> While the Government of Israel has implemented extensive infrastructure projects to facilitate the movement of settlers, the movement of Palestinians in the West Bank has been restricted in a manner that severely infringes upon their freedom of movement and access to services and livelihoods.<sup>23</sup> Furthermore, during the reporting period, there were significant political developments pertaining to plans to annex occupied territory (see para. 4 above).

14. In September 2020, Israeli media reported that the Government of Israel had allocated 20 million new shekels to survey and map unauthorized Palestinian construction in Area C.<sup>24</sup> The budget was allocated to the newly founded Ministry of Settlement Affairs rather than the Israeli Civil Administration.

15. On 29 September 2020, following objections from the Hebron Municipality to issue a permit, the planning and licensing subcommittee of the Israeli Civil Administration approved the construction of a lift at the Ibrahimi Mosque (Tomb of the Patriarchs) for the stated reason of facilitating access for persons with disabilities. In addition to being based on an unlawful planning and zoning regime,<sup>25</sup> this decision seizes the municipal planning authority over the ancient site from the Palestinian Hebron Municipality and it will allow the Israeli Civil Administration to expropriate land that belongs to the Islamic Waqf. The occupying Power is obligated to respect the laws in force in the occupied territory,<sup>26</sup> and shall

<sup>16</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_30\\_march\\_2020\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf) and [https://peacenow.org.il/en/netanyahu-promotes-the-construction-in-e1#inbox/\\_blank](https://peacenow.org.il/en/netanyahu-promotes-the-construction-in-e1#inbox/_blank).

<sup>17</sup> See <https://alt-arch.org/en/expropriation-orders-west-bank>.

<sup>18</sup> Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 4.

<sup>19</sup> Convention respecting the Laws and Customs of War on Land, annex: Regulations respecting the Laws and Customs of War on Land (The Hague Regulations), arts. 46 and 56. See also International Committee of the Red Cross (ICRC), Customary International Humanitarian database, rules 40 and 51 ([https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule40](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule40) and [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule51](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule51)).

<sup>20</sup> See <https://peacenow.org.il/en/settlements-watch/settlements-data/population>.

<sup>21</sup> A/HRC/28/44, para. 14; Eyal Hareuveni, *By Hook and by Crook: Israeli Settlement Policy in the West Bank* (Jerusalem, B'Tselem, 2010); and Limor Yehuda and others, *One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank* (Tel Aviv, Association for Civil Rights in Israel, 2014).

<sup>22</sup> A/67/375, para. 10.

<sup>23</sup> A/73/410, paras. 39–43; A/HRC/37/43, paras. 38 and 56–62; and A/HRC/40/42, para. 35.

<sup>24</sup> See [www.haaretz.com/israel-news/.premium-israel-settlement-ministry-gets-6m-to-survey-unauthorized-palestinian-construction-1.9147627?Lts=1600066433905](http://www.haaretz.com/israel-news/.premium-israel-settlement-ministry-gets-6m-to-survey-unauthorized-palestinian-construction-1.9147627?Lts=1600066433905).

<sup>25</sup> A/HRC/31/43, paras. 45 and 60.

<sup>26</sup> The Hague Regulations, art. 43.

be regarded only as administrator and usufructuary of public buildings situated in the occupied country and abstain from introducing irreversible changes, particularly if detrimental to the rights and prerogatives of the occupied population.<sup>27</sup>

## C Legal developments, including regularization of outposts

16. On 9 June 2020, the High Court of Justice of Israel struck down as unconstitutional the Judea and Samaria Settlement Regulation Law (the “Regularization Law”), which would have allowed legalization of outposts and settlements on private Palestinian land. The Court found that the law infringed on the right to property, equality and dignity of Palestinians.<sup>28</sup> Despite this positive decision, serious concerns remain due to the existing alternative legal mechanisms available to legalize outposts and settlements, some of which the Attorney General of Israel has promoted during and after the legal process.<sup>29</sup> In a legal opinion issued on 7 November 2016, the Attorney General approved the use of Military Order No. 59 (1967) to legalize settlement constructions built on private Palestinian land, when built in good faith, based on the assumption that it was on State land, and with adequate compensation to the lawful landowners.<sup>30</sup>

17. On 27 August 2020, the Supreme Court of Israel ruled to overturn the decision of the Jerusalem District Court to apply Military Order No. 59 (1967) to legalize the outpost of Mitzpe Kramim that was built on private Palestinian land. This decision overturns the first use of Military Order No. 59 (1967) as interpreted in the Attorney General’s legal opinion of November 2016 to bypass the striking down of the Regularization Law.<sup>31</sup> The Court ruled that, within 36 months, the land must be vacated and returned to its Palestinian owners, after the State finds proper and appropriate alternative solutions for the settlers. On 28 August 2020, Israeli media reported that the Prime Minister of Israel had stated that “all avenues will be explored to keep the residents where they are and we are convinced that we will succeed in this”.<sup>32</sup>

18. In October 2020, as part of the 4,948 units advanced by the Higher Planning Council, 253 units in outposts became retroactively legal under Israeli law – 133 units in Tapuach West, south of Nablus, and 120 units in Pnei Kedem, north east of Hebron, by recognizing the outpost as a “neighbourhood” of the Asfar (Metzad) settlement, despite the two areas of construction being non-contiguous.<sup>33</sup> This is an example of the alternative mechanisms used to retroactively legalize outposts.

## D Impact of settlements on human rights

### 1. Settlement-related violence

19. Incidents of settler violence continued at the high level of the previous reporting period. According to the Office for the Coordination of Humanitarian Affairs (OCHA), there were 339 incidents of settler violence,<sup>34</sup> compared with 325 incidents reported during the

<sup>27</sup> Ibid., arts. 43 and 55; and Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 47. See also High Court of Justice, *Dwaikat et al. v. Government of Israel*, HCJ 390/79, PD 34 (1), Judgment, 22 October 1979, 428. See also Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 5.

<sup>28</sup> High Court of Justice, *Silwad Municipality et al. v. Knesset et al.*, HCJ 1308/17, Judgment, 9 June 2020.

<sup>29</sup> See [www.haaretz.com/israel-news/.premium-gantz-nissenkorn-tell-staff-to-find-way-to-legalize-buildings-on-palestinian-land-1.8917013](http://www.haaretz.com/israel-news/.premium-gantz-nissenkorn-tell-staff-to-find-way-to-legalize-buildings-on-palestinian-land-1.8917013).

<sup>30</sup> A/73/410, para. 12; and A/HRC/37/43, paras. 16–17.

<sup>31</sup> Adopted in February 2017, the Law remains unimplemented to date, following petitions to the High Court of Justice (A/73/410, para. 12).

<sup>32</sup> See [www.jpost.com/israel-news/court-orders-evacuation-of-homes-in-mitzpe-kramim-outpost-640240](http://www.jpost.com/israel-news/court-orders-evacuation-of-homes-in-mitzpe-kramim-outpost-640240).

<sup>33</sup> See <https://peacenow.org.il/en/4948-settlement-units-advanced-at-october-2020-higher-planning-council-sessions>.

<sup>34</sup> Incidents of settler violence resulting in casualties, damage to property or both.

previous period and 254 during the period before that. A total of 142 Palestinians were injured during such incidents, including 25 children and 6 women. Moreover, a total of 8,700 trees and 477 vehicles were vandalized. The most affected areas were in and around Nablus, Hebron and Ramallah. Notably, the violence occurred while Israeli and Palestinian authorities had imposed significant restrictions on movement, including full lockdown measures due to the COVID-19 pandemic, starting in March 2020. According to an Israeli source, 58 Israeli civilians were injured by Palestinians in the West Bank.<sup>35</sup>

20. OHCHR has previously reported on the gendered impact of settler violence.<sup>36</sup> During the reporting period, there were worrying incidents of settler violence targeting persons in vulnerable situations, including children, persons with disabilities and older persons (also documented in A/75/376). Settler violence targeting children is not a new phenomenon and OHCHR has previously reported on its impact on the right to education.<sup>37</sup>

21. Numerous settler attacks against children monitored by OHCHR occurred in the presence of Israeli security forces. In the period under review, there were at least seven such attacks targeting children in the H2 area of Hebron. For example, on 23 November 2019, in Wadi al-Hussein, four adult settlers pepper sprayed, kicked and slapped a 9-year-old boy. The boy suffered bruises, burns and psychological distress. Israeli security forces stationed nearby did not take action to prevent the attack. On 11 March 2020, settlers physically assaulted a 15-year-old Palestinian boy and his 25-year-old sister on Shuhada Street. Two adult settlers drove their vehicle towards the boy at close range. The driver pulled over, stepped out of the car and kicked, pushed and punched the boy, while the other settler repeatedly pushed the boy's sister. A soldier in the Israeli security forces stationed nearby had been watching the incident from a military cabin at Checkpoint 55. The young woman approached the Israeli soldier and asked him to intervene. As she returned to defend her brother, who in the meantime had started to fight off the settlers, she was pushed and kicked by a settler. The soldier rushed to the scene and violently pulled the boy away, while allowing the assailants to drive away. On 5 September 2020, more than 50 settlers armed with batons and pepper spray repeatedly threw stones at and physically assaulted residents of three Palestinian houses in Tel Rumeida for several hours. An elderly woman and a 14-year-old girl sustained deep bruises from stones thrown at them. Although present in the area, Israeli security forces failed to provide security for the Palestinian residents. The conduct of Israeli security forces in the cases above raises concerns that they failed to ensure public order and, in particular, the safety and security of the protected population as required by international humanitarian law.<sup>38</sup>

22. Incidents of settler violence targeting young children were also reported in other parts of the West Bank, including East Jerusalem. For example, on 10 March 2020, Israeli settlers entered the outskirts of Turmusaiya and asked a Palestinian family to show their identification. The family refused and a quarrel ensued, during which a settler snatched a 2-year-old Palestinian toddler from the arms of his grandfather. The settlers physically assaulted the family and damaged their vehicle, but the toddler's father and grandfather were able to get the toddler back and leave.

23. As in previous years, settler violence increased during the olive harvest.<sup>39</sup> In a large number of incidents, groves were damaged and crops stolen. On 13 October 2020, a group of settlers threw stones at six Palestinians (four children aged between 8 and 12, one man aged 72 and one woman aged 35) while in their olive groves in Ni'lin. Settlers physically assaulted the man, who lost consciousness while bleeding from the head and was hospitalized with bleeding in the brain, two cuts 5–10 cm long on his head and bruising on his back and

<sup>35</sup> Source: Rescuers without Borders Israel. This figure has not been verified by the United Nations.

<sup>36</sup> A/75/376, paras. 19–21; and A/HRC/40/42, para. 49.

<sup>37</sup> A/HRC/40/42, paras. 44–47.

<sup>38</sup> The Hague Regulations, art. 43; and Fourth Geneva Convention, art. 27.

<sup>39</sup> A/HRC/28/44, paras. 32–38; and A/HRC/43/67, para. 22. In the first three weeks of the harvest, between 5 and 24 October 2020, Yesh Din reported to the Protection Cluster (under the Humanitarian Coordination Structure in the Occupied Palestinian Territory) 32 incidents leading to injury or damage to property.

arm. The family and a witness reported that some settlers used pepper spray against other Palestinians who were approaching. The family filed a complaint with the Israel Police.

24. Severe restrictions imposed by Israeli authorities on access to land for Palestinians seeking to harvest remained in place,<sup>40</sup> exacerbated by the halt in coordination between the Palestinian and Israeli authorities and the absence of international protection actors due to the restrictions on travel due to COVID-19. On 17 September 2020, just before the beginning of the olive harvest, 162 military orders were issued declaring 18,048 dunums of agricultural lands in the Governorates of Bethlehem, Hebron, Nablus, Qalqilya and Ramallah as closed military areas until the end of 2020.<sup>41</sup> In a positive development, on 25 October 2020, the Government of Israel revoked regulations issued in November 2019, which had restricted the number of times each year that Palestinian farmers could access their lands in the seam zone, located between the wall and Israel.<sup>42</sup>

## 2. Accountability for settler violence

25. Despite a few high-profile convictions and some steps taken towards accountability, violent settlers and those taking over private Palestinian land enjoyed a general climate of impunity.<sup>43</sup> In a report issued in August 2020, the Ministry of Justice of Israel listed 93 investigations into alleged crimes by settlers against Palestinians for the period between January 2019 and July 2020 (compared with 118 in the previous 18-month period). Two indictments were filed, including for cases opened in previous years, and five defendants were convicted, all for incidents that had taken place in 2014 and 2015.<sup>44</sup> Between January 2019 and July 2020, OCHA recorded 341 incidents of settler attacks against Palestinians,<sup>45</sup> including 2 killings and 113 injuries. In the report, the Ministry of Justice did not provide information on the number of complaints submitted by Palestinians, therefore there is no indication of the number of investigations opened compared with the number of complaints.

26. In January 2020, Yesh Din published a data sheet on law enforcement regarding ideologically motivated crimes against Palestinians in the West Bank based on data provided by Israeli authorities.<sup>46</sup> Yesh Din's monitoring of investigation files opened by the Judea and Samaria District Police (the Israel Police district for the West Bank) between 2005 and 2019 shows that 91 per cent had been closed without indictments and that the Israel Police had failed in the investigation<sup>47</sup> of 82 per cent of the files opened. As demonstrated by data from 2017–2019, the establishment of the Nationalistic-Motivated Crimes Unit within the Israel Police in 2013 does not appear to have produced significant improvements in the quality and outcomes of police investigations. Only 4 per cent of all files investigated between 2017 and 2019 resulted in indictments, while the failure rate in these investigations was 77 per cent. These findings raise serious concerns with regard to the effectiveness of law enforcement and accountability for settler violence in the West Bank.

27. On 2 May 2020, Israeli media reported that Lod District Court in Israel had ruled to allow a child suspected of killing a Palestinian woman, Aysha Arabi, in October 2018, to return to his home in the West Bank settlement of Kokhav Hashahar, pending his trial. The Israel Security Agency (Shin Bet) and State prosecutors objected to the decision, expressing

<sup>40</sup> A/75/376, para. 23.

<sup>41</sup> According to information provided by the Palestinian Land Research Center.

<sup>42</sup> See [www.haaretz.com/israel-news/.premium-israel-says-revoked-limits-on-palestinian-farmers-access-to-lands-near-green-line-1.9266801](http://www.haaretz.com/israel-news/.premium-israel-says-revoked-limits-on-palestinian-farmers-access-to-lands-near-green-line-1.9266801).

<sup>43</sup> A/74/357, para. 27.

<sup>44</sup> Israel, Ministry of Justice, "Investigation and prosecution of ideologically motivated offences against Palestinians in the West Bank" (August 2020). See also <https://mfa.gov.il/ProtectiveEdge/Documents/IdeologicalOffencesAgainstPalestinians.pdf>.

<sup>45</sup> For data on incidents of settler violence resulting in casualties, damage to property or both, see OCHA, Protection of Civilians database. Available at [www.ochaopt.org/data/casualties](http://www.ochaopt.org/data/casualties).

<sup>46</sup> See [www.yesh-din.org/en/data-sheet-december-2019-law-enforcement-on-israeli-civilians-in-the-west-bank](http://www.yesh-din.org/en/data-sheet-december-2019-law-enforcement-on-israeli-civilians-in-the-west-bank).

<sup>47</sup> Ibid. Investigation failure includes: insufficient evidence (241 cases), offender unknown (736 cases) and files lost and never investigated (8 cases).

concerns that he would be further radicalized. On 20 October 2020, the trial for manslaughter at the Lod District Court began behind closed doors.<sup>48</sup>

28. On 18 May 2020, Amiram Ben-Uliel was convicted by the Lod District Court of three counts of murder and two counts of attempted murder for the killing of the Dawabsheh family in their home, in the West Bank town of Duma, south of Nablus, in 2015. The Court acquitted him of being a member of a terrorist organization, and sentenced him on 14 September 2020 to 3 cumulative life sentences, in addition to 17 years in prison for attempted murder and 10 years for arson, and ordered him to pay 994,000 new shekels as compensation for the victims. The defence indicated that it would appeal the convictions to the Supreme Court. On 16 September 2020, the second accused, who was 17 years old at the time of the attack, was convicted for being a member of a terrorist organization and for conspiring to set fire to the home of the Dawabsheh family for racist motives, as well as for his involvement in other hate crimes not linked to the Duma incident. He was sentenced to 3 1/2 years in prison, followed by 18 months of probation, and ordered to pay 25,000 new shekels as compensation for the victims.

### 3. Demolitions, forced evictions and displacement

29. According to OCHA, during the period under review, 726 Palestinian-owned structures were demolished, including 131 donor-funded structures and 70 water and sanitation structures in the West Bank, including East Jerusalem. These demolitions led to the displacement of 1,028 persons – 523 children, 255 women and 250 men – which is a significant increase from the 599 structures demolished and the displacement of 756 persons during the previous period. Approximately 75 per cent of the structures demolished were in Area C and 23 per cent in East Jerusalem.<sup>49</sup>

30. Demolitions of Palestinian-owned structures increased by 27 per cent during the reporting period, despite a state of emergency having been declared across the West Bank since March 2020 due to the COVID-19 pandemic. The demolition of residential homes, water, sanitation and hygiene facilities, as well as health facilities, during a public health crisis further exposed many Palestinians to risks associated with the pandemic. On 26 March 2020, Israeli security forces dismantled and confiscated structures in Ibziq, Tubas, including a clinic and residential shelters. On 21 July 2020, during a period of significant daily increases of COVID-19 cases across the West Bank, with 80 per cent of active cases in Hebron,<sup>50</sup> Israeli authorities demolished a building that was being prepared as a COVID-19 screening and sample-collection centre in the city.<sup>51</sup> In addition to violating the clear prohibition of destruction of property,<sup>52</sup> these incidents could amount to a violation by the occupying Power of its obligation to ensure and maintain public health under international humanitarian law and international human rights law.<sup>53</sup>

31. The impact of demolitions extends beyond the affected households. The operations of Israeli security forces to enforce demolitions led in some cases to clashes in which they responded by using force. For example, on 18 August 2020, Israeli security forces entered Jabal al-Mukabber in East Jerusalem and demolished a building under construction. Locals threw stones at Israeli security forces who responded by firing live ammunition, sponge-tipped bullets, stun grenades and tear gas. A 24-year-old man who was standing in a street about 100 metres away from the demolition site, who was not involved in any violence, was shot by Israeli security forces in the abdomen with live ammunition. He was taken to Al Makassed Islamic Charitable Society Hospital by ambulance. Shortly afterwards, Israeli security forces raided the hospital in which he was undergoing surgery in an attempt to arrest him. The man was discharged after 19 days and was summoned by Israeli security forces and interrogated about stone throwing. He was released on the questionable basis of five days'

<sup>48</sup> See also [www.haaretz.com/israel-news/.premium-trial-of-israeli-minor-accused-of-killing-of-palestinian-woman-begins-1.9248062](http://www.haaretz.com/israel-news/.premium-trial-of-israeli-minor-accused-of-killing-of-palestinian-woman-begins-1.9248062).

<sup>49</sup> See OCHA, Database of West Bank Demolitions. Available at [www.ochaopt.org/data/demolition](http://www.ochaopt.org/data/demolition).

<sup>50</sup> Data of the Palestinian Ministry of Health.

<sup>51</sup> OCHA, Database of West Bank Demolitions.

<sup>52</sup> Fourth Geneva Convention, art. 53.

<sup>53</sup> *Ibid.*, art. 56; and International Covenant on Economic, Social and Cultural Rights, art. 12.

house arrest and made to pay 3,000 new shekels. He suffers from pain and reduced mobility and has not been able to work since the incident.

32. The acceleration of demolitions of newly built Palestinian structures appears to be linked to two legislative amendments.<sup>54</sup> On 14 April 2020, the commander of the Israel Defense Forces amended Military Order No. 1797 to extend its enforcement period until 30 April 2021.<sup>55</sup> Military Order No. 1797 authorizes the Israeli Civil Administration to remove new structures in Area C within 96 hours of notice being issued; residential structures are considered new if these have been inhabited for less than 30 days. On 4 August 2020, Military Order No. 1252 regarding the removal of mobile structures was amended to allow the Israeli Civil Administration to seize, without prior notice, mobile structures in Area C within 90 days of construction, instead of 60 days.<sup>56</sup> Both military orders were extended and broadened, limiting opportunities for legal recourse. The Israeli Civil Administration itself, reporting to the Knesset Foreign Affairs and Defense Committee<sup>57</sup> on “government activities to prevent the Palestinian Authority from taking over Area C”, touted the success of those amendments. For example, the head of the Israeli Civil Administration noted that Military Order No. 1797 had allowed them to remove 242 Palestinian structures in the first eight months of 2020.<sup>58</sup>

33. On 30 April 2020, a new amendment to the procedure for submitting building permit applications in Area C was approved.<sup>59</sup> The amendment seeks to enable the outright rejection, on technical grounds, of applications, by claiming that they do not meet the new criteria, namely the requirement that every single inheritor of a plot of land must sign an application.<sup>60</sup>

#### 4. Communities at risk of forcible transfer

34. Palestinian communities across Area C remain at risk of forcible transfer as a result of a coercive environment, as reflected in the publicly stated intention of the Government of Israel to relocate thousands of Palestinians residing in Area C.<sup>61</sup> At particular risk are Bedouin and herder communities, including 18 communities in and around East Jerusalem,<sup>62</sup> communities in the Jordan Valley and those located in lands designated by Israel as closed military zones.

35. Settler organizations play a significant role in generating political and legal pressure on the Government of Israel to implement demolition orders. The head of the Israeli Civil Administration noted that coordination among various groups, including settlers that report immediately on Palestinian construction, has improved greatly. The former head of the Knesset Subcommittee for Civil and Security Issues in Judea and Samaria of the Foreign Affairs and Defense Committee described, at the time it was still head of the Subcommittee, one of the settler organizations, Regavim, as an “intelligence officer” of the Subcommittee.<sup>63</sup>

<sup>54</sup> See [www.haaretz.com/israel-news/.premium-knesset-committee-39-of-west-bank-suffices-for-palestinian-construction-1.9147990](http://www.haaretz.com/israel-news/.premium-knesset-committee-39-of-west-bank-suffices-for-palestinian-construction-1.9147990).

<sup>55</sup> Military Order No. 1846.

<sup>56</sup> Order regarding the transfer of goods (Judea and Samaria) (No. 1252), 5748-1998, Regulations regarding the transfer of goods (transportation of portable structures) (Amendment No. 4, 5720-2020).

<sup>57</sup> On 29 July and 13 August 2020.

<sup>58</sup> See [www.haaretz.com/israel-news/.premium-knesset-committee-39-of-west-bank-suffices-for-palestinian-construction-1.9147990](http://www.haaretz.com/israel-news/.premium-knesset-committee-39-of-west-bank-suffices-for-palestinian-construction-1.9147990).

<sup>59</sup> Cities, Villages and Buildings Planning Regulations (Request for Permit and Conditions) (Judea and Samaria), 5760-2020.

<sup>60</sup> After a military order issued in 1968, the land registration process was halted, leaving 60 per cent of land in the West Bank unregistered. Documentation regarding the ownership of land is incomplete in many cases, and there are often a large number of possible inheritors, of whom not all are involved in the current attempts to register land. This makes it extremely difficult to submit a complete application.

<sup>61</sup> A/72/564, paras. 36–58; and A/HRC/34/39, para. 44. Regarding Khan al-Ahmar/Abu al-Helu, also A/74/357, paras. 12 and 36.

<sup>62</sup> A/73/410, para. 22; A/74/357, para. 36; A/HRC/37/43, paras. 24–25; and A/HRC/43/67, para. 33.

<sup>63</sup> Knesset Foreign Affairs and Defense Committee, “The Palestinian takeover of Area C”, minutes of the meeting of 13 August 2020. Available at [https://fs.knesset.gov.il/23/Committees/23\\_ptv\\_581852.doc](https://fs.knesset.gov.il/23/Committees/23_ptv_581852.doc) (in Hebrew only). See also [www.haaretz.com/israel-news/.premium-knesset-committee-39-of-west-bank-suffices-for-palestinian-construction-1.9147990](http://www.haaretz.com/israel-news/.premium-knesset-committee-39-of-west-bank-suffices-for-palestinian-construction-1.9147990).

Since June 2019, Regavim has been requesting the High Court of Justice of Israel to order the implementation of the demolition order for Khan al-Ahmar/Abu al-Helu, which comprises some 190 residents, pending since the Court approved the demolition on 5 September 2018. The ruling sets a precedent that may put dozens of other Bedouin communities at risk of demolition and possible forcible transfer across the West Bank.<sup>64</sup>

36. Communities in Massafer Yatta, located in an area designated by Israel as closed for military training, continue to be at risk of demolition and possible forcible transfer. In June 2020, the High Court of Justice of Israel decided to exclude seven structures from an interim injunction that protects many community structures from demolition. In the same month, following the court decision, the Israeli Civil Administration demolished two structures in Jinba and, on 28 October 2020, Israeli authorities cut a donor-funded pipe supplying water to 14 herding communities in the Massafer Yatta, home to about 1,400 persons. During the pandemic, depriving these communities of water significantly worsens the pre-existing coercive environment in the area and could have particularly grave health consequences.

#### **IV. Settlement expansion, its impact on the contiguity of the Occupied Palestinian Territory and implications for human rights of the Palestinian people, particularly in and around East Jerusalem**

##### **A. Settlement expansion and its impact on contiguity of the Occupied Palestinian Territory**

37. Settlement expansion accelerated in East Jerusalem and surrounding areas following the announcement of the Peace to Prosperity plan by the United States, in January 2020, and calls from members of the Government of Israel to annex parts of the occupied West Bank. Around 5,600 units were advanced in East Jerusalem and surrounding areas. Some of the advancements were in the most sensitive areas, such as the E1 area for which plans have been frozen since 2012. The Secretary-General has previously expressed grave concern<sup>65</sup> and stated that the plans for settlements in East Jerusalem and surrounding areas, including in the E1 area, are of particular concern as they would isolate East Jerusalem from the rest of the West Bank and threaten to fragment the contiguity of the West Bank.<sup>66</sup>

38. On 27 November 2019, construction work commenced on 176 new housing units in the East Jerusalem settlement of Nof Tzion, located in the centre of Jabal al-Mukabber. Upon completion, Nof Tzion will become the largest settlement located in the midst of a Palestinian neighbourhood in Jerusalem.<sup>67</sup>

39. On 19 November 2019, the Jerusalem District Planning and Building Committee approved a plan outlining the construction of 290 housing units within the settlement of Gilo. The Committee rejected objections submitted by a Palestinian family who claimed ownership of the land and was currently residing in a home located on a portion of the land in question. The Committee refused to discuss the dispute over land ownership on the basis that it was beyond its purview and authority.<sup>68</sup>

40. On 9 February 2020, a plan to create a new large settlement of 9,000 units in the area of the old Qalandiya/Atarot airport, north of Jerusalem, was submitted for initial approval.<sup>69</sup> The construction would disrupt the contiguity of territory between East Jerusalem and the Ramallah area. On 24 February 2020, tenders were announced for 1,077 housing units in a

<sup>64</sup> A/74/357, para. 36.

<sup>65</sup> See A/67/738.

<sup>66</sup> A/75/376, para. 61.

<sup>67</sup> See [www.haaretz.com/israel-news/.premium-israel-begins-work-on-what-will-become-largest-settlement-in-east-jerusalem-1.8192737](http://www.haaretz.com/israel-news/.premium-israel-begins-work-on-what-will-become-largest-settlement-in-east-jerusalem-1.8192737).

<sup>68</sup> See [www.ir-amim.org.il/en/node/2373](http://www.ir-amim.org.il/en/node/2373).

<sup>69</sup> See <https://peacenow.org.il/en/plan-advanced-for-a-new-settlement-in-atarot-in-the-heart-of-palestinian-east-jerusalem>.

new settlement in Givat Hamatos, in the southern part of East Jerusalem.<sup>70</sup> Settlement advancements in Givat Hamatos and Gilo and the ongoing work to broaden Road 60 could completely isolate Beit Safafa from the rest of East Jerusalem, enclaving the Palestinian village of approximately 12,000 inhabitants.

41. On 9 March 2020, two plans for settlements were advanced at the Higher Planning Council for the construction of more than 3,412 housing units in the E1 area, which measures 12 km<sup>2</sup> and is adjacent to the Maale Adumim settlement, between East Jerusalem and Jericho.<sup>71</sup> If advanced, as many as 3,000 Palestinians living in the area would be at risk of forced eviction and possible forcible transfer. Settlement plans advanced in February 2020 would create a contiguous, Israeli built-up area extending from Jerusalem through E1 to the Maale Adumim settlement, 11 km beyond the Green Line. This would significantly disrupt the contiguity of territory between East Jerusalem and the West Bank and disconnect Ramallah and the northern West Bank from Bethlehem and the southern West Bank.<sup>72</sup> On the same day, the Minister of Defence of Israel announced his approval of a planned Palestinian-only road to allow movement between the two parts of the West Bank that would be severed by the construction of E1. The road would bypass the E1 area and thereby bar Palestinians from entering the area.<sup>73</sup>

42. Settlement plans advanced by the planning and building authorities in East Jerusalem and E1 during the first half of 2020 also include the advancement of master plans for adding 6,100 housing units in the settlements of Har Homa and Givat Hamatos, the approval of two detailed outline plans for a total of 144 housing units in two settlement compounds in the Palestinian neighbourhood of Beit Hanina, a dormitory for dozens of yeshiva students in Sheikh Jarrah, and the advancement of nine detailed outline plans for a total of 2,870 housing units inside the built-up area of East Jerusalem settlements.<sup>74</sup>

43. On 28 October 2020, the Jerusalem District Planning and Building Committee approved plans to construct a high-tech area in the Wadi al-Joz area of East Jerusalem. According to the municipality, approximately 200 Palestinian-owned industrial buildings would be demolished if the plan were to be implemented and tenants would be moved to complexes in Al-Issawiya and Umm Tuba in East Jerusalem.<sup>75</sup>

44. Settlement advancements aimed at further consolidating a ring of settlements around Jerusalem not only sever East Jerusalem from the rest of the West Bank, but also result in further fragmentation of the West Bank. Fragmentation by large settlement blocs and their network of bypass roads and the wall has in effect segmented Salfit Governorate into three enclaves of village clusters.<sup>76</sup> Other examples include Wadi al-Khazark, Umm al-Rihan and Barta'a ash Sharqiya in Jenin,<sup>77</sup> Kafr Thulth and Azzun Atma in Qalqilya,<sup>78</sup> as well as around Bethlehem, including the isolation of multiple villages near Bethlehem.

45. On 6 May 2020, the Minister of Defence of Israel announced the advancement of 7,000 units in Bethlehem, in the area known as E2, as part of the Efrat settlement.<sup>79</sup> If built, they would effectively cut off 14 southern West Bank villages from their natural connection with Bethlehem and further cut off the city from Road 60, the main road connection to the

<sup>70</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_30\\_march\\_2020\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf). This tender was originally published in February 2020 and delayed twice, in May and August 2020, before finally opening with 1,257 units on 15 November 2020. See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_30\\_march\\_2020\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf) and <https://peacenow.org.il/en/a-new-opening-date-to-givat-hamatos-tender>.

<sup>71</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_30\\_march\\_2020\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf) and [https://peacenow.org.il/en/netanyahu-promotes-the-construction-in-e1#inbox/\\_blank](https://peacenow.org.il/en/netanyahu-promotes-the-construction-in-e1#inbox/_blank).

<sup>72</sup> Ibid.

<sup>73</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_30\\_march\\_2020\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf) and <https://peacenow.org.il/en/road-allow-e1-construction-is-being-promoted>.

<sup>74</sup> See [www.ir-amim.org.il/en/node/2505](http://www.ir-amim.org.il/en/node/2505).

<sup>75</sup> See [www.jpost.com/israel-news/silicon-wadi-hi-tech-park-approved-in-east-jerusalem-647655](http://www.jpost.com/israel-news/silicon-wadi-hi-tech-park-approved-in-east-jerusalem-647655).

<sup>76</sup> See [www.jlac.ps/userfiles/Salfit-%20JLAC\\_pub.pdf](http://www.jlac.ps/userfiles/Salfit-%20JLAC_pub.pdf).

<sup>77</sup> See [www.jlac.ps/userfiles/Dhar%20A1%20Maleh%20Appeal.pdf](http://www.jlac.ps/userfiles/Dhar%20A1%20Maleh%20Appeal.pdf).

<sup>78</sup> See [www.jlac.ps/userfiles/Qalqilya-%20JLAC-%20EU%20feb%202020.pdf](http://www.jlac.ps/userfiles/Qalqilya-%20JLAC-%20EU%20feb%202020.pdf).

<sup>79</sup> A/75/376, para. 44.

southern West Bank, including Hebron. They would also prevent Bethlehem's development southward – the only direction that is not yet blocked by Israeli settlements or infrastructure.<sup>80</sup>

46. The expansion of Har Gilo settlement is planned on the lands of the Palestinian village of Al-Walaja, covering 199 dunums and 560 housing units. Har Gilo has already all but severed the territorial connection between Bethlehem and the village of Al-Walaja. The 560 new housing units will form a new neighbourhood larger than the existing settlement. The expansion will use the land cut off by the wall to further fragment western Bethlehem, including the land connecting Al-Walaja and the town of Battir, as well as Battir and Bethlehem. The same land is some of the only uninhabited fertile land around Bethlehem. The expansion forms part of a larger plan that would extend the borders of Har Gilo to the Israeli-established Jerusalem municipal boundary and leave dozens of Palestinian homes under threat of demolition.<sup>81</sup> Har Gilo West, a new settlement bloc within the planned expansion, would complete the encircling of Al-Walaja from all directions, effectively isolating the village of about 2,800 inhabitants.<sup>82</sup> During this reporting period, 13 structures were demolished in Al-Walaja, including 1 donor-funded structure, displacing 10 Palestinians. On 27 May 2020, the High Court of Justice of Israel issued a decision to halt the demolition of 38 houses in the neighbourhood of Ein Jweizeh of Al-Walaja until the Jerusalem District Planning and Building Committee considers a master plan for Al-Walaja submitted by village residents in an effort to legalize buildings slated for demolition.<sup>83</sup> Nevertheless, 56 demolition orders have been issued for buildings in Al-Walaja, all of which have interim injunctions in place.

47. On 22 October 2020, the Israeli Civil Administration deposited for public review two plans<sup>84</sup> for the construction of roads connecting settlements around Jerusalem to the city. The planned expansion of Road 385 would link the settlement of Har Gilo to Jerusalem and link Jerusalem to the settlements of the Gush Etsion Regional Council in the Bethlehem area and eventually the settlement of Har Gilo West.

## B. Impact on the rights of the Palestinian people

48. International humanitarian law prohibits the occupying Power from deporting or transferring parts of its own population into the territory it occupies. The settlements and related Israeli policies have had a serious negative impact on the human rights of Palestinians, including their personal security, freedom of movement, access to livelihood, education, health and justice, as well as their right to family life. These conditions have created an environment for many Palestinians that coerces them to leave their homes. The present section will focus on the right to housing due to the alarmingly high rate of demolitions in and around East Jerusalem.

49. During the reporting period, Israeli authorities undertook or ordered 165 demolitions in East Jerusalem, resulting in the displacement of 415 Palestinians, including 214 children, 94 women and 96 men, compared with the 230 structures demolished during the previous period that resulted in 323 Palestinians being displaced. Notably, while the overall number of demolitions decreased, the number of inhabited structures demolished increased.<sup>85</sup> The number of self-demolitions almost doubled to 46 per cent from 26 per cent during the previous reporting period.

<sup>80</sup> See <https://peacenow.org.il/en/peace-now-submits-petition-to-block-allocation-of-a-nahla-e2-land-to-build-settlement>.

<sup>81</sup> See <https://fmep.org/resource/settlement-annexation-report-october-16-2020/#harhoma> and [www.timesofisrael.com/israel-to-advance-plans-for-over-4400-new-settlement-homes](http://www.timesofisrael.com/israel-to-advance-plans-for-over-4400-new-settlement-homes).

<sup>82</sup> See <https://mailchi.mp/ir-amim/one-week-after-advancement-of-settlement-plans-in-greater-jerusalem-plans-for-road-infrastructure-in-the-area-are-deposited?E=91ae84f2f2>.

<sup>83</sup> See [www.wafa.ps/ar\\_page.aspx?Id=kfiyuua876796740732akfiyuu](http://www.wafa.ps/ar_page.aspx?Id=kfiyuua876796740732akfiyuu) (in Arabic) and [www.haaretz.com/israel-news/.premium-jerusalem-illegally-razes-four-palestinian-buildings-clearing-way-for-a-new-park-1.8910272](http://www.haaretz.com/israel-news/.premium-jerusalem-illegally-razes-four-palestinian-buildings-clearing-way-for-a-new-park-1.8910272).

<sup>84</sup> TPS YOSH-938 and TPS YOSH-926-1.

<sup>85</sup> OCHA, Database of West Bank Demolitions.

50. Palestinians in East Jerusalem are forced to carry out self-demolitions, as it is almost impossible for them to obtain building permits due to the discriminatory Israeli zoning and planning regime<sup>86</sup> and the imposition of large fines and charges should the municipality carry out the demolition instead.<sup>87</sup> The amendment to the Planning and Building Law enacted in 2017, which started to apply to all structures as of October 2019, limits the possibility of freezing demolition orders to one year, and only in exceptional circumstances, making the retroactive legalization of construction impossible. The amendment further limits legal recourse against demolitions, reinforcing the discriminatory nature of the zoning and planning regime.<sup>88</sup> Such an amendment exceeded the competence of Israel, as the occupying Power, to legislate, according to article 43 of The Hague Regulations.

51. One of the many human rights implications of this situation is that it severely limits the ability of households in East Jerusalem to adapt to the specific needs of persons with disabilities. For example, in August 2020, a family self-demolished extensions to their home in Sur Baher, East Jerusalem, built to accommodate the needs of a family member with severe physical and psychosocial disabilities. The extensions included a wheelchair-accessible room and shower and two paved pathways to allow persons with reduced mobility to enter and exit the home. The family received a “stop work” order during construction in 2006. Following advice from their lawyer that they had a valid justification, the family restarted construction and completed the extensions. In 2007, the family was fined 25,000 new shekels for building without a permit and was required to obtain a building permit within a year. Despite recruiting a specialized engineer for assistance in obtaining a building permit, the family was unsuccessful as the extensions were close to an existing road. The family received a final demolition order in 2014. In mid-January 2015, they removed the roof of the room extension as the family member with disabilities had passed away. On 28 July 2020, municipality staff ordered the family to self-demolish the room extension and two paved pathways. As the family could not afford the cost of demolition by the municipality or additional fines, they self-demolished the room extension. The pathways were left intact as they remain crucial for another family member with limited mobility. The family fears additional penalties from not demolishing these pathways.

52. Demolitions of private property in the Palestinian Occupied Territory in the context mentioned above, including those conducted in the context of an ultra vires and discriminatory planning system, are unlawful<sup>89</sup> and amount to forced evictions. They may also result in violations of the rights to an adequate standard of living and to adequate housing and have a negative impact on the enjoyment of the right to education.<sup>90</sup>

53. Approximately 200 Palestinian households in East Jerusalem, comprising 877 persons, including 391 children, face a similar risk of forced eviction due to cases filed in Israeli courts, primarily by Israeli settler organizations.<sup>91</sup> As highlighted in previous reports, settler organizations have primarily used the Absentee Property Law<sup>92</sup> and the Legal and Administrative Matters Law<sup>93</sup> as a basis to evict Palestinians from their properties in East Jerusalem.<sup>94</sup> Nearly 100 families, comprising around 700 Palestinians residing near the Old City of East Jerusalem, in Silwan, are embroiled in similar legal processes with the settler organization Ateret Cohanim. It was revealed, through a lawsuit filed on 11 October 2020, that the Jewish National Fund’s 30-year-long eviction lawsuit against the Sumarin family in

<sup>86</sup> A/68/513, para. 32; and A/HRC/34/38, para. 26.

<sup>87</sup> According to the regulations, fines may reach up to 300,000 new shekels. The owners may be charged extra sums for any additional days of use, as well as the cost of the demolition itself, if this is carried out by the municipality.

<sup>88</sup> See the concerns raised by the High Commissioner in A/HRC/43/67, para. 32.

<sup>89</sup> Fourth Geneva Convention, art. 53.

<sup>90</sup> A/72/564, para. 49; and A/HRC/37/43, para. 44.

<sup>91</sup> A/75/376, para. 55.

<sup>92</sup> Unofficial English translation available at [www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/04-Absentees-Property-Law-1950.pdf](http://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/04-Absentees-Property-Law-1950.pdf).

<sup>93</sup> A/75/376, paras. 51–52 and 64.

<sup>94</sup> *Ibid.*, paras. 51–55.

Silwan has been funded and managed by Elad.<sup>95</sup> Elad has attempted to take over the property since the early 1990s through four litigations,<sup>96</sup> three of which were dismissed by the Jerusalem District Court as partially based on falsified documents.<sup>97</sup> Demolitions and forced evictions violate the rights to adequate housing and to privacy, and other human rights; they are a key element of a coercive environment that may lead to forcible transfer, which is a grave breach of the Fourth Geneva Convention.<sup>98</sup>

## V. Settlements in the occupied Syrian Golan

54. In March 2019, the President of the United States signed an order recognizing the sovereignty of Israel over the occupied Syrian Golan, fundamentally shifting what was seen as the country's 52-year-old consistent policy on the issue – namely, to consider the Golan as occupied territory.<sup>99</sup> Members of the Security Council criticized this decision, stating that they did not recognize Israeli sovereignty over the Syrian Golan occupied since 1967 and formally annexed in 1981.<sup>100</sup> On 25 March 2019, the Secretary-General reiterated, through his spokesperson, that the status of the Golan had not changed and that the policy of the United Nations on the Golan was reflected in the relevant resolutions of the Security Council, and that policy, again, had not changed.<sup>101</sup> On 27 March 2019, the Under-Secretary-General for Political and Peacebuilding Affairs reiterated the position of the United Nations on the occupied Syrian Golan, as reflected in the relevant resolutions of the Security Council and General Assembly, notably Security Council resolutions 242 (1967) and 497 (1981).<sup>102</sup> On 19 November 2020, the United States Secretary of State visited a number of settlements in the West Bank and the occupied Syrian Golan. During his visit, he declared that the “Golan Heights were a central part of Israel”.<sup>103</sup>

55. Restrictive zoning policies continued to be imposed on the population in the occupied Syrian Golan, particularly on lands that are fertile and vital for the population's urban expansion. During the reporting period, plans in relation to a clean wind energy project have continued: in January 2020, the Government of Israel gave its approval for the construction of 24 wind turbines on farmland in close proximity to the three remaining Syrian villages in the occupied Syrian Golan. The project, if implemented, would further encroach on the limited farmland available to those Syrian villages and occupy more than a quarter of arable land available to Syrian residents. It would also have serious effects on their environment and livelihoods. The project was reportedly advanced without the prior approval of residents, whom it will most likely affect.<sup>104</sup>

56. Al-Marsad – The Arab Centre for Human Rights in the Golan Heights, the only human rights organization operating from the occupied Syrian Golan, reported that it continued to face threats in relation to its opposition to the clean wind energy project. The energy company had filed a lawsuit, under the anti-boycott law of Israel, against Al-Marsad because of its active opposition to the project.<sup>105</sup> Due to the COVID-19 pandemic, the case has been postponed numerous times since February, but there are serious concerns that the threats aim to limit or halt the organization's activities.

<sup>95</sup> According to the agreement between the Jewish National Fund and Elad, the latter finances and manages the eviction proceedings and, in return, it receives the property after the Palestinian family is evicted. See <https://peacenow.org.il/en/a-new-proceeding-reveals-that-elad-is-using-the-jnfs-name-to-conduct-the-eviction-proceedings-of-the-sumarin-family>.

<sup>96</sup> A/75/376, para. 52.

<sup>97</sup> Jerusalem District Court, cases HC 325/96, TA 1185/96 and TA 1544-09.

<sup>98</sup> A/74/357, paras. 35 and 77; and A/HRC/34/39, para. 46, with references.

<sup>99</sup> See [www.theguardian.com/us-news/2019/mar/21/trump-us-golan-heights-israel-sovereignty](http://www.theguardian.com/us-news/2019/mar/21/trump-us-golan-heights-israel-sovereignty).

<sup>100</sup> See [www.dw.com/en/trumps-golan-proclamation-gathers-international-condemnation/a-48070628](http://www.dw.com/en/trumps-golan-proclamation-gathers-international-condemnation/a-48070628).

<sup>101</sup> See [www.un.org/press/en/2019/db190325.doc.htm](http://www.un.org/press/en/2019/db190325.doc.htm).

<sup>102</sup> S/PV.8495, p. 2.

<sup>103</sup> See [www.bbc.com/news/av/world-middle-east-55009178](http://www.bbc.com/news/av/world-middle-east-55009178).

<sup>104</sup> See <https://golan-marsad.org/amid-new-threats-against-project-opponents-energix-continues-to-develop-its-illegal-windfarm-in-the-occupied-golan>.

<sup>105</sup> *Ibid.*

## VI. Conclusions and recommendations

57. The establishment and expansion of settlements in the Occupied Palestinian Territory amounts to the transfer by Israel of its population into the Occupied Palestinian Territory, which is prohibited under international humanitarian law.<sup>106</sup> The transfer of an occupying Power's population to a territory it occupies amounts to a war crime that may engage the individual criminal responsibility of those involved.<sup>107</sup> A number of international bodies have confirmed the illegality of Israeli settlements in the Occupied Palestinian Territory and the occupied Syrian Golan, including the International Court of Justice, the Security Council, the General Assembly and the Human Rights Council.<sup>108</sup>

58. Plans for further housing units in settlements advanced at a rapid pace, the announcement of tenders accelerated, including in the strategic E1 area, which is of particular concern as this would isolate East Jerusalem from the rest of the West Bank and threaten to fragment the contiguity of the West Bank. While the rate of construction starts of settlement housing decreased, demolitions of Palestinian-owned structures increased significantly, despite the COVID-19 pandemic.

59. Incidents of settler violence continued at a high rate without any decisive action by Israeli authorities to protect the Palestinian population in accordance with their obligations as the occupying Power. Cases in which the Israeli security forces appeared to have used force against the protected population instead of protecting it are of utmost concern.

60. Settler violence continued to adversely affect Palestinian society and a wide range of human rights. Such violence, coupled with settler cultivation of land, damage to Palestinian farmland and property, and the practices of Israeli security forces, may gradually prevent Palestinians from having access to their lands, which then risk becoming part of the unofficial expansion of settlement perimeters.

61. Palestinians in Area C, the H2 area of Hebron and East Jerusalem continue to be subjected to restrictive and discriminatory policies and practices, and to increased tension and violence due to the existence and growth of settlements. Palestinian villages isolated due to settlement expansion are also disproportionately affected. These policies and practices violate several rights and contribute to a coercive environment. Displacement and relocation to alternative residential areas as a result of a coercive environment could amount to forms of forcible transfer, contrary to the obligations of Israel under international humanitarian law and international human rights law.

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

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

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

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

<sup>106</sup> Fourth Geneva Convention, art. 49 (6).

<sup>107</sup> Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

<sup>108</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136; Security Council resolutions 465 (1980) and 2334 (2016); General Assembly resolutions 71/97 and 72/86; and Human Rights Council resolution 31/36.

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

(d) **Refrain from implementing evictions and demolition orders on the basis of discriminatory and unlawful planning policies and practices that may lead to forcible transfer, including of Bedouin and herder communities;**

(e) **Take all steps necessary to protect the Palestinian population, including to prevent attacks by settlers, and ensure accountability in cases of settler violence against Palestinians and their property;**

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

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