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### **Israeli Practices and Settlement Activities Affecting the Rights of the Palestinian People and Other Arabs of the Occupied Territories**

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

### **Report of the Secretary-General\***

#### *Summary*

The present report, prepared pursuant to General Assembly resolution [76/82](#), provides an update on Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, from 1 June 2021 to 31 May 2022.

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



## I. Introduction

1. The present report, submitted pursuant to General Assembly resolution [76/82](#), provides an update on the implementation of the resolution from 1 June 2021 to 31 May 2022. It is based on direct monitoring and information-gathering conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, and on information provided by Government sources, United Nations entities and non-governmental organizations. The report should be read in conjunction with related reports of the Secretary-General and of the United Nations High Commissioner for Human Rights submitted to the Assembly and the Human Rights Council.<sup>1</sup>

2. The report contains an update on settlement advancement and its impact on the human rights of the Palestinian people. Section IV highlights in particular the growing establishment of farm outposts with intensive settler violence worsening the coercive environment and forcing Palestinian herder families to leave their homes in what could amount to forcible transfer. It also contains an update on Israeli settlements in the occupied Syrian Golan.

## II. Legal background

3. Both international human rights law and international humanitarian law concurrently apply in the Occupied Palestinian Territory, namely, Gaza and the West Bank, including East Jerusalem, and the occupied Syrian Golan. This includes the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) which is binding upon Israel as the occupying Power. A detailed analysis of the applicable legal framework can be found in previous reports of the Secretary-General.<sup>2</sup>

## III. Update on settlement activities

### A. Expansion

#### Land designation, planning and tenders

4. Advancements of plans for settlement construction increased, with plans for some 9,200 housing units in the occupied West Bank (7,200 in Area C, 2,000 in East Jerusalem), advanced or approved by the Israeli authorities, compared with 6,800 housing units in the previous reporting period. Of them, about 1,900 in Area C had reached the final stages of approval by 31 May 2022.

5. Israeli authorities issued tenders for 1,400 units in Area C settlements and 400 in East Jerusalem, compared with 1,900 and 200, respectively, during the previous reporting period. Official data on settlement construction starts in Area C indicates an increase from 1,506 units in the previous reporting period to 2,396 units. In a rare move, on 28 October and 1 November, Israeli authorities advanced plans for some 6,000 housing units for Palestinians in the occupied East Jerusalem neighbourhood of Isawiyah and some 1,300 housing units for Palestinians in Area C.

6. Settlement advancements continued, further consolidating a ring of settlements around East Jerusalem. On 4 and 18 October and on 8 November, the Israeli Civil Administration held discussions on objections to two settlement housing plans for a total of nearly 3,500 units in the strategic E1 area immediately east of East Jerusalem. On

<sup>1</sup> [A/HRC/49/85](#), [A/76/336](#) and [A/HRC/49/25](#).

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

5 January, Israeli authorities published tenders for some 300 settlement housing units in the East Talpiot neighbourhood in East Jerusalem. On 10 and 24 January, the Jerusalem District Planning Committee advanced plans to build some 800 and 400 housing units, respectively, in the East Jerusalem settlement of Gillo. On 17 January, the same Committee advanced a plan for some 1,200 housing units next to Ramat Rachel – a significant number of which are intended for construction in East Jerusalem.<sup>3</sup> These plans, if approved, would further isolate occupied East Jerusalem from the rest of the West Bank, sever the connection between the northern and southern West Bank and significantly undermine the possibility of a viable and contiguous Palestinian State.

7. Settlers established 16 new outposts, 11 are still standing as at 31 May 2022.<sup>4</sup> Such outposts, illegal under Israeli law, are sometimes rebuilt if demolished.<sup>5</sup> In February 2022, following an official land survey, the Attorney General of Israel allowed authorities to declare land in the Evyatar outpost as “State land” and authorizing accelerated planning procedures for the establishment of a settlement there.<sup>6</sup> As at 31 May 2022, the site remained under control of the Israeli security forces.

8. Meanwhile, Palestinians are still unable to gain access their lands at the Homesh outpost, evacuated in 2005 and now a closed military zone, while the Israeli security forces failed to enforce a ban on settlers accessing the site and even provided security for large settler marches there on 23 December and 16 January.<sup>7</sup> Clashes with Palestinians around such marches were common, with scores of Palestinian injuries. For example, on 19 April, restrictions on Palestinian movement owing to a settler gathering resulted in clashes between Israeli security forces and Palestinians. On 30 May, the Government acknowledged to the High Court of Justice that the Homesh outpost was illegal and should be evacuated, but did not set a timeline for doing so, asking the Court not to intervene.<sup>8</sup>

9. In a decision of 28 February related to privately-owned Palestinian property in Hebron originally requisitioned by the Israeli security forces but now slated for a new Jewish settlement, the High Court of Justice observed that “civilian Jewish presence is part of the Israel Defense Forces regional security doctrine in the area.”<sup>9</sup> The judgment risks leading to further expropriation of private Palestinian land for settlement-expansion on the pretext of security – impermissible under international law.

10. The establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, have no legal validity and constitute a flagrant violation of international law.<sup>10</sup> In particular, it amounts to the transfer by Israel of its population into the Occupied Palestinian Territory, prohibited under international humanitarian law.<sup>11</sup>

<sup>3</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_22\\_march\\_2022\\_2334.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_22_march_2022_2334.pdf).

<sup>4</sup> Peace Now, on file.

<sup>5</sup> Hagar Shezaf, “A huge security force evacuated two West Bank outposts. Settlers began rebuilding them the next day”, *Haaretz*, 25 March 2022.

<sup>6</sup> A/HRC/49/85, para. 42 and Hagar Shezaf, Jonathan Lis and Jack Khoury, “In last days in office, Israel’s Attorney General okayed settlement at illegal outpost”, *Haaretz*, 2 February 2022.

<sup>7</sup> David Israel, “1,200 Yeshiva students bypass army blockade to celebrate Seder Tu B’Shvat in Homesh”, *Jewish Press*, 17 January 2022; and Hagar Shezaf, “Footage Casts Doubt on Israel’s Claim to Enforce Ban on Evacuated Outpost”, *Haaretz*, 2 June 2022.

<sup>8</sup> See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/19/210/028/v54&fileName=19028210.V54&type=4> (Hebrew).

<sup>9</sup> See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/19/520/084/f15&fileName=19084520.F15&type=4> (Hebrew).

<sup>10</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136; see also Security Council resolutions 465 (1980) and 2334 (2016); General Assembly resolutions 71/97 and 72/86; and Human Rights Council resolution 31/36.

<sup>11</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 49 (6).

## B. Consolidation, including regularization of outposts

11. The process of settlement of land title – in which land ownership claims are examined and conclusively registered in the state’s land registry – began in East Jerusalem in 2018, after Jordanian efforts were suspended following the occupation in 1967.<sup>12</sup> The Israeli settlement of land title procedure is largely being promoted in areas where the State and/or settlers have a particular interest and likely have some capacity to prove land ownership rights in the framework of the proceedings.<sup>13</sup> The process is also reportedly furthering claims of State bodies, including the Custodian of Absentee Property, likely to constitute a threat to ownership rights of East Jerusalem residents.<sup>14</sup> Concerns have been raised that the procedure is being used to advance takeover of land in East Jerusalem and the West Bank.<sup>15</sup>

12. Concerns have also been raised that the title-settlement procedure was being implemented without transparency and without the knowledge of affected Palestinian residents and community councils, effectively denying Palestinians the opportunity to file claims.<sup>16</sup> On 30 June 2021, the Israeli High Court of Justice rejected a petition on similar grounds against the completion of the settlement process in the Umm Harun neighbourhood in East Jerusalem.<sup>17</sup>

13. The Government of Israel continued to consolidate settlement blocs with networks of bypass roads and the wall. Construction began on the Qalandiya underpass highway, which will shorten the connection between Israel and some settlements deep inside the West Bank.<sup>18</sup> Private Palestinian land could be possibly seized to construct the highway.<sup>19</sup> On 22 May, Israeli authorities issued an expropriation order for 55 dunums of Palestinian owned land in At-tur village, east of Jerusalem, for the construction of the “Eastern Ring Road”.<sup>20</sup> The road will reportedly not be accessible to West Bank Palestinians without permits, and is expected to accelerate development of new settlements in the West Bank.<sup>21</sup> The Government also reportedly plans an expansion of Route 55 on Palestinian-owned land near Qalqilyah, access to which could be denied to Palestinian vehicles.<sup>22</sup> Under international humanitarian law, private property must be respected and cannot be confiscated, unless confiscation is required by imperative military necessity.<sup>23</sup> As the occupying

<sup>12</sup> A/76/336, para. 13 and A/HRC/49/85, para. 11.

<sup>13</sup> Ir Amim, “Settlement of land title in East Jerusalem: a means of dispossessing Palestinians from their lands and homes”, March 2022.

<sup>14</sup> Noa Dagoni, Monitor report on the implementation of Government decision 3790 for investment in East Jerusalem, Quarterly report No. 2 for 2021. Land registration, Ir Amin.

<sup>15</sup> Ir Amim, “KKL-JNF and Israeli authorities are misusing land registration procedures to advance land takeover processes of an alarming magnitude”, 17 August 2021.

<sup>16</sup> Ir Amim, “Settlement of land title in East Jerusalem: a means of dispossessing Palestinians from their lands and homes”, March 2022.

<sup>17</sup> <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\21\960\029\%E06&fileName=21029960.E06&type=4> (Hebrew).

<sup>18</sup> Peace Now, “Works began on paving the Qalandiya underpass”, 16 August 2021. Available at: <https://peacenow.org.il/en/works-begun-on-paving-the-qalandiya-underpass>.

<sup>19</sup> Ir Amim, “Civil administration advances huge road construction plans, pushing forward the de facto annexation of Greater Jerusalem, including its fourth settlement bloc.”

<sup>20</sup> <https://www.gov.il/BlobFolder/reports/t122122/he/%D7%A6%D7%95%20%D7%94%D7%A4%D7%A7%D7%A2%D7%94%20%D7%A2%D7%99%D7%91%D7%A8%D7%99%D7%AA%200122.pdf> (Hebrew).

<sup>21</sup> Peace Now, “Confiscation order for the Eastern Ring Road was issued”, 14 June 2022. Available at: <https://peacenow.org.il/en/confiscation-order-for-the-eastern-ring-road-was-issued>.

<sup>22</sup> Hagar Shezaf, “Highways to annexation: across the West Bank, Israel is bulldozing a bright future for Jewish settlers”, *Haaretz*, 11 December, 2020.

<sup>23</sup> Regulations annexed to the Hague Convention IV of 1907 (Hague Regulations), arts. 43, 46 and 55; Fourth Geneva Convention, art. 47; and International Committee of the Red Cross (ICRC) “Rule 51: public and private property in occupied territory”, Customary International Humanitarian Law database. Available at <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>.

Power, Israel must abstain from introducing irreversible changes particularly if detrimental to the rights and prerogatives of the occupied population. Meanwhile, Palestinians' rights to freedom of movement and access to services and livelihoods continued to be arbitrarily infringed, including owing to discriminatory restrictions on access to key roads on grounds of security of settlers.<sup>24</sup>

14. On 12 April, Israeli authorities declared approximately 22,000 dunums of land south of Jericho as a "Nature Reserve",<sup>25</sup> including 6,000 dunums of private Palestinian-owned land.<sup>26</sup> As a result, the landowners now cannot cultivate without pre-approval from an Israeli Nature Reserve Officer. As at 31 May, Israel had declared 48 nature reserves covering approximately 95,000 acres (approximately 7 per cent of the West Bank or 12 per cent of Area C).<sup>27</sup>

15. On 15 May, the High Court of Justice upheld the Government's controversial plan to construct a cable car connecting West Jerusalem to a settler organization centre near an old city gate as Palestinians residents in Silwan are facing home demolitions and forced evictions.<sup>28</sup> Settler organizations also continued their consolidation of property in East Jerusalem when, on 27 March, accompanied by Israeli police, they took over part of a historic Greek Orthodox Patriarchate building in the old city,<sup>29</sup> as well as various properties in Silwan on 2 and 15 July and 6 October.<sup>30</sup>

16. Four plans retroactively regularizing outposts were advanced.<sup>31</sup> Other apparent steps to consolidate settlements and "legalize" outposts included the Ministry of Defense reportedly mobilizing the Jewish National Fund to purchase hundreds of dunums of private Palestinian land in the West Bank.<sup>32</sup> A senior Israeli official announced on 24 October that settlement housing will be included in the Government's new long-term rental housing programme, further extending Israeli domestic law to the West Bank.<sup>33</sup> On 12 April, the Office of the Attorney General preliminarily legally approved connecting outposts built on State-land in the West Bank to the Israeli electricity grid. Although this decision will also mean electricity for some Palestinian communities in Area C, it is a step towards the regularization of dozens of outposts.<sup>34</sup> Outposts are also considered illegal under Israeli domestic law.<sup>35</sup>

<sup>24</sup> "Settlers for Apartheid: settlers prevented the opening of a road to Palestinians", 13 April 2022. Available at: <https://peacenow.org.il/en/keidar-road>.

<sup>25</sup> See <https://www.gov.il/he/departments/publications/reports/og363> (Hebrew).

<sup>26</sup> Peace Now, "The Minister of Defense approved the declaration of the largest nature reserve in 25 years in the West Bank", 25 May 2022.

<sup>27</sup> S/2022/504, para. 5.

<sup>28</sup> Jerusalem Legal and Human Rights Centre, "The cable car: another instrument for colonial control in the Old City", available at: <https://www.jlac.ps/details.php?id=u72v7ka2360yjidx4vf8r>.

<sup>29</sup> S/2022/504, para. 3.

<sup>30</sup> See Peace Now, "Settlers took over another house in Wadi Hilweh Silwan", 2 July 2021. Available at: <https://peacenow.org.il/en/settlers-took-over-another-house-in-wadi-hilweh-silwan>; "Details ... Leaking a property to Elad settlement association in Wadi Hilweh neighborhood in Silwan", 15 July 2022. Available at: <https://www.silwanic.net/index.php/article/news/78335>; and Al Jazeera "Israeli settlers take over home in Jerusalem's Silwan", 7 October 2021. Available at: <https://www.aljazeera.com/news/2021/10/7/settlers-take-over-home-in-jerusalem-silwan>.

<sup>31</sup> Peace Now, on file.

<sup>32</sup> Hagar Shezaf, "Israel recruited the Jewish National Fund to secretly buy Palestinian land for settlers", *Haaretz*, 15 July 2021.

<sup>33</sup> Hezki Baruch, "Judea and Samaria to be included in government's affordable rent project", *Israel National News*, 24 October 2021.

<sup>34</sup> Netael Bandel, Hagar Shezaf and Jonathan Lis, "Israel okays connecting illegal West Bank outposts to Israel", *Haaretz*, 12 April 2022.

<sup>35</sup> See <https://embassies.gov.il/MFA/AboutIsrael/state/Law/Pages/Summary%20of%20Opinion%20Concerning%20Unauthorized%20Outposts%20-%20Talya%20Sason%20Adv.aspx>.

## C. Demolitions, forced evictions and risk of forcible transfer

17. Israeli authorities demolished or confiscated 871 Palestinian-owned structures in the West Bank, including East Jerusalem, forcibly evicting 1,140 Palestinians (271 men, 275 women, 594 children).<sup>36</sup> Increasing numbers of Palestinians in East Jerusalem were forced to “self-demolish” their properties (118 structures compared to 74 in previous period) to avoid having to pay Israeli authorities for the cost of the demolition.<sup>37</sup>

18. Israeli Civil Administration data made public in December revealed that fewer than 1 per cent of Palestinian construction permits (24 of 2,550) were approved between 2016 and 2020.<sup>38</sup> In 2019–2020 the rate of approved requests for Palestinians was even lower (0.65 per cent), while demolition orders for Palestinian-owned structures in the Area C was at its highest in five years (797).<sup>39</sup>

19. On 4 May, the High Court of Justice rejected a petition against eviction orders issued to Palestinian residents of 12 herding communities in the Israeli-designated Firing Zone 918 in Masafer Yatta.<sup>40</sup> The petition had been ongoing since 2012.<sup>41</sup> The judgment is inconsistent with international law, including its narrow interpretation of the prohibition of forcible transfer to cover only mass transfers and for privileging Israeli military law over international law obligations.<sup>42</sup> With the Israeli security forces now enabled to implement eviction orders and use the site for active military training 1,144 residents (282 men, 293 women, 299 boys, 270 girls) are at imminent risk of forced evictions and forcible transfer.<sup>43</sup> On 11 May, demolitions in Khirbet Al Fakhiet and Markaz communities resulted in forced eviction of 49 people (20 male, 29 female), including 24 children, while other steps towards clearing of the area continued.<sup>44</sup> Israel, as the occupying Power, must cease forced evictions and possible forcible transfer of Palestinian families from their homes in Masafer Yatta, in line with its obligations under international law.<sup>45</sup>

20. Demolitions also continued in Humsa al-Buqay‘ah, Tubas (Israeli-designated firing zone 903) in July and December. On 7 July, Israeli authorities demolished or confiscated 30 structures for lacking permits, including 16 homes, leading to the forced eviction of 42 people (20 male, 22 female), including 24 children. On 15 July, one of the families was once again forcibly evicted following confiscation of their donor-funded structure. Further confiscations of tents and fencing material took place on 5 December. Those incidents continued a wave of previous demolitions which had begun in November 2020 and intensified with five rounds of demolitions in February 2021.<sup>46</sup> The 42 people whose homes were demolished in July 2021 moved just outside the firing zone and remain there, raising concerns that forcible transfer may have taken place.<sup>47</sup>

<sup>36</sup> Office for the Coordination of Humanitarian Affairs, on file.

<sup>37</sup> Office for the Coordination of Humanitarian Affairs, on file.

<sup>38</sup> 8,356 permits for settlement housing units were issued. See Hagar Shezaf, “Israeli demolition orders for Palestinians in West Bank’s Area C hit five-year record”, *Haaretz*, 7 December 2021.

<sup>39</sup> Ibid.

<sup>40</sup> See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/13/130/004/n89&fileName=13004130.N89&type=2> (Hebrew).

<sup>41</sup> A/76/336, paras. 50 and 51.

<sup>42</sup> A/76/336, paras. 55 and 56. See also “UN experts alarmed by Israel High Court ruling on Masafer Yatta and risk of imminent forcible transfer of Palestinians”, Office of the United Nations High Commissioner for Human Rights, press release, 16 May 2022.

<sup>43</sup> A/HRC/49/85, para. 26.

<sup>44</sup> After 1 June there have been further demolitions, military training and restrictions.

<sup>45</sup> Fourth Geneva Convention, art. 49; International Covenant on Economic, Social and Cultural Rights, art. 11, and Committee on Economic, Social and Cultural Rights general comment No. 7 (1997) on forced evictions.

<sup>46</sup> A/HRC/49/85, para. 29.

<sup>47</sup> Ibid.



21. The coercive environment has deteriorated in Ibziq, Tubas (Israeli-designated firing zone 901). Two rounds of demolition took place on 4 and 31 August, leading to the displacement of 27 people (13 male, 14 female), including 19 children. In December, residents were reportedly forced to temporarily move out of their homes five times while Israeli soldiers and tanks operated near their homes and fields.<sup>48</sup> On 28 December, the Israeli Civil Administration demolished three residential structures and 13 other structures, leading to the displacement of 15 Palestinians (six male, nine female), including five children. The Israeli security forces returned with tanks on 2 January and reportedly destroyed hundreds of dunums of crops, access roads and farmland.<sup>49</sup> On 4 January, the Israeli Civil Administration demolished four residential structures and eight animal shelters – which the families had rebuilt after the previous December demolition. These demolitions and forced evictions intensify the environment coercing people to leave their homes, raise the risk of forcible transfer and violate a range of human rights, including the right to adequate housing.<sup>50</sup>

22. The Bedouin community of Khan al-Ahmar, on land slated for the strategic E1 settlement plan, remains under risk of forcible transfer.<sup>51</sup> On 1 February, the community leader told United Nations officials that the Israeli Civil Administration had suggested relocation of the community to a site 300 meters away. He reiterated that the community would only accept return to their Negev pre-1948 lands as an alternative to the current site. The Israeli High Court of Justice has ordered the Israeli authorities to explain by September 2022 why the demolitions approved in 2018 had not been implemented,<sup>52</sup> amid media reports of a potential agreement.<sup>53</sup> Any such “agreement” would raise questions of the extent of genuine consent, given the coercive environment within which the community live,<sup>54</sup> and of its compliance with international humanitarian law.<sup>55</sup>

### East Jerusalem

23. Over 300 Palestinian residents of al-Walaja, on the southern border of Jerusalem, remain under threat of home demolitions, forced eviction and possible forcible transfer. While 38 homes in the Jerusalem portion of al-Walaja are temporarily protected by a Supreme Court decision of 30 March that extended an injunction until 1 November,<sup>56</sup> 12 structures not covered by the injunction are at imminent risk. Five such structures were demolished, most recently on 11 May – part of 30 homes demolished since 2016. These demolitions are taking place alongside construction of settlements and the wall around the village and creating territorial contiguity between Jerusalem and the Gush Etzion settlement bloc.<sup>57</sup>

<sup>48</sup> Israeli Information Center for Human Rights in the Occupied Territories, “Harassment of Khirbet Ibzik community continues: residents evacuated from homes; military trains in their fields with tanks; Civil Administration destroys homes of three families”, December 2021. Available at: [https://www.btselem.org/photoblog/202112\\_demolitions\\_military\\_training\\_and\\_temporary\\_evacuations\\_in\\_jordan\\_valley](https://www.btselem.org/photoblog/202112_demolitions_military_training_and_temporary_evacuations_in_jordan_valley).

<sup>49</sup> See <https://www.youtube.com/watch?v=XO0NHRMYNVQ>.

<sup>50</sup> International Covenant on Economic, Social and Cultural Rights, art. 11.

<sup>51</sup> A/HRC/49/85, para. 28.

<sup>52</sup> <https://supremecourt.gov.il/Home/Download?path=HebrewVerdicts/19/870/023/o29&fileName=19023870.O29&type=4> (Hebrew).

<sup>53</sup> <https://www.jpost.com/israel-news/article-701184>.

<sup>54</sup> A/72/564, paras. 37–40.

<sup>55</sup> Fourth Geneva Convention, art. 8.

<sup>56</sup> Ir Amim, “Demolition freeze in Al-Walaja case remains in place to allow for further urban planning progress”, 31 March 2022.

<sup>57</sup> Ahmad Al-Bazz, “Al-Walaja: a Palestinian village facing demolitions”, Norwegian Refugee Council, 20 December 2021.

24. Within occupied East Jerusalem, 970 Palestinians, including 424 children, are facing the threat of home-demolition and forced eviction, mostly in the neighbourhoods of Sheikh Jarrah and Silwan. On 10 and 11 May, demolitions in Silwan forcibly evicted 33 people (19 male and 14 female), including 18 children. Approximately 74 Palestinians, including 42 children, also remain at risk of impending forced eviction and possible forcible transfer following a demolition order in Wadi Qaddum, in the Silwan neighbourhood of East Jerusalem. As with most demolitions, the demolition was ordered owing to the lack of a building permit, virtually impossible for Palestinians to obtain. The Jerusalem Municipality had not responded to urgent requests by lawyers of the at-risk families as at 31 May.<sup>58</sup>

25. Tensions remained high in Sheikh Jarrah until 1 March, owing to planned forced evictions. On 29 December, the Salem family received an eviction notice based on a settler's claim under the Legal and Administrative Matters Law of 1970 – a discriminatory law under which only Jewish property owners who lost their property in East Jerusalem in 1948 can claim it.<sup>59</sup> A challenge of the eviction order was rejected by the Israeli Enforcement and Collections Authority on 30 January. However, on April 25, the Jerusalem Magistrates Court ordered the Salem family's challenge be reheard. This remains pending along with an injunction on the implementation of the eviction order as at 31 May.<sup>60</sup> Four other Sheikh Jarrah families also received a reprieve, on 1 March the Supreme Court of Israel allowed them to stay in their homes as protected tenants, until the conclusion of the process of settlement of land titles. The ruling may provide a precedent and protect other families similarly facing eviction. However, on 19 January, 12 Palestinians (six male, six female), including five children, were displaced when their house was demolished – the Salhie family had moved there before 1967.

26. Pursuant to international humanitarian law, private property in occupied territory must be respected and cannot be confiscated by the occupying Power.<sup>61</sup> The eviction proceedings in these and other similar cases are based on the application of two Israeli laws, the Absentee Property Law and the Legal and Administrative Matters Law, which is seemingly inconsistent with this obligation.<sup>62</sup> Therefore, evictions are contrary to the obligations of Israel under international law.

27. Demolitions, following the discriminatory Israeli planning-regime, and resulting forced evictions entail numerous human rights violations.<sup>63</sup> They also affect Palestinian women and girls disproportionately.<sup>64</sup> The Human Rights Committee has concluded: “such systematic practice of demolitions and forced evictions based on the discriminatory policies has led to the separation of Jewish and Palestinian communities in the Occupied Palestinian Territory, which amounts to racial segregation”.<sup>65</sup> They also breach the obligations of Israel as the occupying Power,<sup>66</sup> and further exacerbate the coercive environment increasing the risk of forcible transfer. Along with forcible transfer, extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly are also a grave breach of the Fourth Geneva Convention and thus amount to war crimes.<sup>67</sup>

<sup>58</sup> Ir Amim, “Urgent: Nearly 100 Palestinians are under threat of immediate displacement from Waddi Qaddum, East Jerusalem”, 30 May 2022.

<sup>59</sup> [A/HRC/49/85](#), para. 32.

<sup>60</sup> Nir Hasson, “Israeli Court orders rehearing in Sheikh Jarrah Family's Case, postponing eviction”, *Haaretz*, 26 April 2022.

<sup>61</sup> Hague Regulations, art. 46.

<sup>62</sup> [A/75/376](#), paras. 40–56.

<sup>63</sup> [A/72/564](#), paras. 25, 49–50.

<sup>64</sup> [CEDAW/C/ISR/CO/6](#), paras. 32–33.

<sup>65</sup> [CCPR/C/ISR/CO/5](#), para. 42.

<sup>66</sup> Fourth Geneva Convention, arts. 53.

<sup>67</sup> Fourth Geneva Convention, arts. 49, 53 and 147; Hague Regulations, arts. 46 and 56.



## IV. Impact of settlements on human rights

### A. Settlement-related violence

#### Settler violence

28. Settler violence against Palestinians intensified, with 575 incidents of settler violence resulting in Palestinian deaths, injuries and/or property damage occurred in the reporting period, compared with 430 in the previous period, marking an alarming continued increase since 2017.<sup>68</sup> Two Palestinians (one man, one boy) were killed and 197 were injured by settlers (compared with 4 killed and 145 injured during the previous reporting period).<sup>69</sup> In addition, two Palestinians (one woman, one boy) were killed either by settlers or by Israeli security forces. Three settlers (all men) were killed by Palestinian attackers and, according to Israeli sources, 131 were injured (compared with 2 killed and 99 injured during the previous reporting period).<sup>70</sup> Damage to Palestinian property increased, with 12,985 trees and 518 vehicles vandalized. Monitoring by the Office of the United Nations High Commissioner for Human Rights (OHCHR) shows that settler violence also had an impact on women's mobility, further reinforcing negative aspects of traditional gender roles.

29. On 17 August 2021, four settlers abducted and assaulted 15-year-old Tareq Zubeidi from Silat Ad-Dhahr village, Jenin. He told OHCHR that while out with friends near the evacuated Homesh outpost they were accosted by settlers, one armed with a gun. While the others managed to run, Tareq was caught, kicked and beaten with sticks. He was then tied to the front of a car and driven towards Homesh, where he said he was again beaten, including by other settlers. He also said the settlers used pepper spray on him and burned the soles of his feet; his injuries – visible when interviewed by OHCHR – were consistent with burns from a car's cigarette lighter and with his testimony. In addition to the physical pain, the assault left him with fear and anxiety.

30. The family had reportedly called the police about the abduction,<sup>71</sup> but did not file a formal complaint owing to a lack of faith in the Israeli justice system and fear of reprisal, particularly cancellation of Israeli work permits. Following media coverage,<sup>72</sup> an Israeli security forces statement said that they had responded to a report about Palestinians throwing stones and had seen Israeli settlers pursuing a Palestinian whom the soldiers had then returned to his family.

31. On 30 August, the United Nations Special Coordinator for the Middle East Peace Process referred to this "heinous act" saying he expected that the Israeli authorities would undertake an investigation.<sup>73</sup> None has been announced yet. The incident illustrates the Palestinian predicament: settlers abuse with little or no action from the Israeli security forces and Palestinians, fearing retribution, rarely file official complaints. When investigations take place, action against settlers is rare. Such impunity encourages further attacks.

<sup>68</sup> Office for the Coordination of Humanitarian Affairs, on file.

<sup>69</sup> Office for the Coordination of Humanitarian Affairs, on file.

<sup>70</sup> Unlike United Nations-documented Palestinian injuries, these were not confirmed by medical sources.

<sup>71</sup> Jack Jeffery and Imad Isseid, "Palestinian teen recalls alleged beating, torture at hands of settlers" *The Times of Israel*, 10 September 2021.

<sup>72</sup> Gideon Levy and Alex Levac, "Shackled, beaten, strung up on a tree: Palestinian teen brutally attacked by settlers", *Haaretz*, 26 August 2021; "Israeli settlers abduct, brutally assault 15-year-old boy", Defense for Children International, Palestine, 27 August 2021. Available at: [https://www.dci-palestine.org/israeli\\_settlers\\_abduct\\_attack\\_15\\_year\\_old\\_palestinian\\_boy](https://www.dci-palestine.org/israeli_settlers_abduct_attack_15_year_old_palestinian_boy).

<sup>73</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_30\\_august\\_2021\\_0.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_august_2021_0.pdf)

32. Some settler attacks were met with wide condemnation.<sup>74</sup> However, most everyday attacks that harass, injure and terrorize, rarely garner attention. Settler attacks on Israeli security forces led to sharp political reactions in Israel.<sup>75</sup> In November, the Israel Defense Forces chief of staff was reported to have issued an unambiguous directive that soldiers must act to stop violent attacks, including by settlers. Little, however, appears to have changed in practice so far.<sup>76</sup>

### Israeli Security Forces use of force

33. In addition to settler violence, there were many instances where Israeli security forces used force to restrict and suppress Palestinian demonstrations against the settlement enterprise and outposts, including in Beita.<sup>77</sup> As a result, at least eight Palestinians were killed (three men, five boys) and 8,241 injured (7,321 men, 10 women, 910 children). In many incidents monitored by OHCHR, the use of firearms by Israeli security forces appears to have been unnecessary or disproportionate, including using firearms without warning, where there was no threat to life or of serious injury or without first resorting to less extreme means, including less-lethal weapons.<sup>78</sup>

34. On 5 November, Israeli security forces shot and killed a 15-year-old Palestinian boy in Deir Al-Hattab, Nablus. Four boys had joined protests against a recently established outpost. Confrontations ensued. Subsequently, one boy was shot in the stomach with live ammunition. The use of firearms causing death of persons not posing an imminent threat to life or of serious injury may constitute a violation of the prohibition of the arbitrary deprivation of life and may, depending on the circumstances, amount to an act of wilful killing, a war crime in the context of military occupation.<sup>79</sup>

35. Incidents where Israeli security forces are actively supporting or joining settler attacks against Palestinians appear to be growing.<sup>80</sup> On 3 July, Israeli security forces shot and killed a 21-year-old Palestinian man in his brother's house in Qusra village, south-east of Nablus, while he defended himself against an attack from 20–30 settlers, including a settlement guard. An Israeli security forces statement said that the man was shot after he threw a suspicious object that exploded near soldiers.<sup>81</sup> According to eyewitnesses, there was no explosion. In addition to raising concerns about excessive use of firearms, this incident also highlights the role of Israeli security forces participating in, and providing security cover for settlers carrying out, acts, that may amount to criminal offences, against Palestinians and their property.

36. Settler and Israeli security forces activities and use of firearms are increasingly interwoven, with their distinction becoming increasingly difficult to discern. In one attack in Tuwani village, Hebron, on 26 June, a settler was recorded on video firing a

<sup>74</sup> [A/HRC/49/85](#), para. 20.

<sup>75</sup> Judah Ari Gross, "Gantz orders 'aggressive' crackdown on settler violence after soldiers attacked", *The Times of Israel*, 14 October 2021.

<sup>76</sup> Amos Harel, "Settler attacks on Palestinian spike, reflecting Israel's systemic failure", *Haaretz*, 19 November 2021.

<sup>77</sup> [A/HRC/49/85](#), paras. 42–49.

<sup>78</sup> International Covenant on Civil and Political Rights, art. 6; [CCPR/C/GC/36](#), para. 12; and principles 9, 10 and 14 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

<sup>79</sup> International Covenant on Civil and Political Rights, art. 6 and Fourth Geneva Convention, art. 147.

<sup>80</sup> [A/76/336](#), para. 44; [A/HRC/49/85](#), para. 54; and [S/2022/504](#).

<sup>81</sup> Jack Khoury, "Palestinian shot dead by Israeli army amid clashes near evacuated settlement outpost", *Haaretz*, 3 July 2021.

rifle at Palestinians<sup>82</sup> which, according to eyewitnesses, had been handed to him by a soldier in an Israeli security forces vehicle. Israeli security forces later claimed that he had snatched the rifle but, while the soldier was reportedly questioned, no action was apparently taken against the settler.<sup>83</sup> Similarly, on 24 April, three Palestinians aged 16, 58 and 60 were injured by live ammunition near Surif, Hebron, after a confrontation ensued following settlers blocking a road. One injured man told OHCHR that both settlers and Israeli security forces were firing and it was not clear who had injured him. The spokesperson for the Israeli security forces claimed that there had been no injuries, saying soldiers used only “protest dispersal methods”.<sup>84</sup> Firearms must never be used simply to disperse an assembly.<sup>85</sup> Israeli Police opened an investigation in September.<sup>86</sup> No further update was available as at 31 May.

37. At least two other Palestinians were killed in circumstances where it was not possible to determine whether the perpetrator was a member of the Israeli security forces or a settler. On 16 June, a 29-year-old woman was shot and killed near Hizma checkpoint, north-east of Jerusalem, by a man who was either off-duty Israeli security forces personnel or a settler. In the second instance, a 16-year-old was shot and killed in the old city of Jerusalem on 17 November by a settler and Israeli security forces. These follow two similar killings monitored by OHCHR in May 2021.<sup>87</sup>

38. As the occupying Power, in most settler-related violence, Israel has repeatedly failed in its responsibility to protect the Palestinian population and their property against violence, and in many cases has used arbitrary force against Palestinians.<sup>88</sup> Widespread impunity for this violence remained a serious concern. Those developments further exacerbated the coercive environment in many Palestinian communities described in previous reports and increased the risk of forcible transfer.

39. Systematic and increasingly severe settler violence with the acquiescence and support of Israeli security forces (including arbitrary use of force and firearms) puts at risk Palestinians’ rights to life and security of the person, and contributes to a worsening coercive environment for them.<sup>89</sup>

40. Nine instances of attacks with participation or involvement of civilian security coordinators against Palestinians or their property were reported.<sup>90</sup> The Office of the United Nations High Commissioner for Human Rights has also verified instances where settlement guards participated in settler attacks on Palestinians.<sup>91</sup> Civilian security coordinators and settlement guards are often paid for, trained, and armed by Israeli security forces, granted certain law enforcement powers, and subject to the military discipline system.<sup>92</sup> As such, they are agents of the State, with Israel bearing responsibility for their actions.<sup>93</sup> Yet, as civilians officially hired by the Israeli

<sup>82</sup> See <https://www.youtube.com/watch?v=gkXiR1d3tKg>.

<sup>83</sup> Yaniv Kubovich and Hagar Shezaf, “After four months, Israel probes incident of settler who fired soldier’s weapon at Palestinians”, *Haaretz*, 28 October 2021.

<sup>84</sup> Basil Adra, “After blocking West Bank road, settlers open fire and wound Palestinians”, 27 April 2022. Available at: <https://www.972mag.com/settlers-soldiers-shoot-palestinians-surif/>.

<sup>85</sup> *CCPR/C/GC/37*, para. 88.

<sup>86</sup> Yaniv Kubovich and Hagar Shezaf, “After four months, Israel probes incident of settler who fired soldier’s weapon at Palestinians”, *Haaretz*, 28 October 2021.

<sup>87</sup> *A/HRC/49/85*, para. 22.

<sup>88</sup> Hague Regulations, arts. 43 and 46; Fourth Geneva Convention, art. 27.

<sup>89</sup> *A/HRC/49/85*, para. 19; *A/76/336*, para. 19.

<sup>90</sup> Yesh Din, on file.

<sup>91</sup> For example, on 14 July, 25 February and 23 March in Yitzhar, Esh Kodesh and Maskiyot respectively.

<sup>92</sup> Yesh Din, “The Lawless Zone: the transfer of policing and security to the civilian security coordinators in the settlements and outposts”, 17 September 2014.

<sup>93</sup> Fourth Geneva Convention, art. 29; *CCPR/C/GC/36*, para. 15, International Law Commission Draft Articles on State Responsibility, art. 8.

regional settlement councils and living within the settlements and outposts, civilian security coordinators and guards invariably identify with the goals of their communities and often appear to expand their role beyond security to de facto expansion of settlement lands, leading to regular friction with Palestinians.<sup>94</sup> Former soldiers have also claimed that, in practice, the civilian security coordinators often direct lower ranking Israeli security forces personnel and commanders.<sup>95</sup>

### Accountability

41. According to official Israeli statistics, there were 19 indictments of Israelis for “ideologically-based offences” in the West Bank in 2021, following 87 investigations undertaken by Israeli police.<sup>96</sup> The increase in indictments is welcome (there were five in 2020, eight in 2019). There is still a lack of transparency with respect to details. The 87 investigations are a limited proportion of the 575 documented instances of settlers causing injury or damage. One indictment appears to be of a 19-year-old settler on 22 November for assaulting three Israeli human rights activists who were assisting Palestinians in the olive harvest.<sup>97</sup> An Israeli who harms a non-Palestinian in the West Bank is six-times more likely to be indicted (19 per cent) than if they harmed a Palestinian (3 per cent).<sup>98</sup>

42. On 7 February, research was released showing that 92 per cent of the 1,395 investigative files studied relating to settler violence against Palestinians between 2015 and 2021 were closed without an indictment, while only approximately 3 per cent of investigations led to convictions.<sup>99</sup> This is consistent with Israeli police data: charges were filed in under 4 per cent of settler violence cases from 2018 to 2020.<sup>100</sup> In contrast, 90 per cent of investigations of Palestinians (between 2014 and 2018) led to indictments in military courts, with 96 per cent of the cases prosecuted resulting in conviction, most of which were based on plea deals (99.6 per cent from 2018 to April 2021).<sup>101</sup>

43. The number of complaints being filed by Palestinians is reportedly decreasing.<sup>102</sup> In its consideration of the periodic report submitted by Israel, the Human Rights Committee noted with concern “the underreporting by victims for lack of trust in the authorities and fear of reprisals, and the lack of access by victims to justice and effective remedies”.<sup>103</sup> The Committee noted that States must exercise due diligence, investigate ex officio and punish private acts, such as violence, that would impair the enjoyment of the International Covenant on Civil and Political Rights (ICCPR) and caused harm.<sup>104</sup>

44. In a rare development, on 27 April the Jerusalem Magistrates Court convicted seven Israeli men and acquitted another of incitement to violence and terror for their

<sup>94</sup> A/HRC/28/44, para. 22.

<sup>95</sup> Avshalom Zohar Sal, “The Israeli occupation problem isn’t just a few violent settlers”, *Haaretz*, 20 January 2022; and Breaking the Silence, “Settler violence in the West Bank. Soldiers’ Testimonies 2012–2020”. Available at: <https://www.breakingthesilence.org.il/inside/wp-content/uploads/2021/07/OnDuty-Testimonies-En.pdf>.

<sup>96</sup> See [https://www.gov.il/BlobFolder/dynamiccollectorresultitem/hr-0007/he/human-rights-replay\\_investigation-and-prosecutionof-offences-against-palestinians.pdf](https://www.gov.il/BlobFolder/dynamiccollectorresultitem/hr-0007/he/human-rights-replay_investigation-and-prosecutionof-offences-against-palestinians.pdf).

<sup>97</sup> Hagar Shezaf, “Israeli charged for assault on activists helping Palestinians during olive harvest”, *Haaretz*, 22 November 2021.

<sup>98</sup> Yesh Din, “Law enforcement on Israeli civilians in the West Bank (settler violence). Yesh Din figures 2005–2021”, December 2021.

<sup>99</sup> Ibid.

<sup>100</sup> Hagar Shezaf, “Charges are pressed only in 4% of settler violence cases”, *Haaretz*, 7 February 2022.

<sup>101</sup> Hagar Shezaf and Maya Horodniceanu, “Israel’s other justice system has rules of its own”, *Haaretz*, 25 April 2022.

<sup>102</sup> Hagar Shezaf, “Charges are pressed only in 4% of settler violence cases”, *Haaretz*, 7 February 2022.

<sup>103</sup> CCPR/C/ISR/CO/5, para. 24.

<sup>104</sup> CCPR/C/21/Rev.1/Add.13, para. 8.

actions during a 2015 “hate wedding”. The men were recorded dancing at a wedding with weapons and stabbing pictures of a Palestinian toddler killed in a previous settler attack in Duma.<sup>105</sup> The appeal against acquittal of five children acquitted by the Jerusalem Juvenile Court in September 2021 remained pending.<sup>106</sup>

45. Two settlers were also reportedly held in administrative detention in March and April for 7 and 10 weeks, respectively. One was initially arrested for a violent attack on Palestinians and Israeli activists near Burin in January.<sup>107</sup> The incident, recorded on video, also led to the injury of some Israelis and attracted wide condemnation.<sup>108</sup> The other detainee had previously been released after completing a one-year sentence in juvenile detention in January 2022 for attacking a Palestinian.<sup>109</sup> Upon his release, a convoy of settlers drove through Huwwarah village, injuring three Palestinians and damaging 20 vehicles and two storefronts by stone-throwing. Video recordings show the Israeli security forces, which had accompanied the settler convoy, standing by during the violence.<sup>110</sup>

46. In its authoritative interpretation on the right to life, the Human Rights Committee has stressed that instances “in which a serious risk of deprivation of life was caused by the use of potentially lethal force” be investigated.<sup>111</sup> Where the Israel Defense Forces are required to carry out investigations according to their own policy,<sup>112</sup> there is lack of transparency. Although Israeli security forces have reportedly said that they were “looking into the incident” on 5 November when a child was shot (para. 34 above), no criminal investigation has been announced.<sup>113</sup> Between 1 January 2017 and 31 October 2021, 428 Palestinians (including 91 children) were killed by Israeli security forces in law enforcement operations in the Occupied Palestinian Territory. OHCHR is aware of 82 criminal investigations opened, of which at least 13 were closed without further action. Only five resulted in indictments – three leading to convictions for minor offences. Impunity remains pervasive for incidents of excessive use of force by Israeli security forces in law enforcement.

47. In March, the Human Rights Committee raised concerns about: “(a) a significant increase in the number and severity of settler violence in recent years; (b) the involvement of Israeli security forces in such violence; and (c) a very low rate of indictments and convictions of perpetrators, fostering a general climate of impunity.”<sup>114</sup> Such conclusion raises serious concerns of the adherence by Israel to its obligations under international human rights law and as an occupying Power.

<sup>105</sup> Hagar Shezaf, “‘Wedding of hate’: seven Israelis convicted of incitement to terrorism” *Haaretz*, 27 April 2022.

<sup>106</sup> [A/HRC/49/85](#), para. 21.

<sup>107</sup> Josh Breiner, “Israeli settler suspected of terrorist activities to be placed in administrative detention”, *Haaretz*, 11 March 2022.

<sup>108</sup> *The Times of Israel*, “Coalition members condemn latest settler attack, with some calling to raze outposts”, 22 January 2022.

<sup>109</sup> Hagar Shezaf, “Rare administrative detention for Jewish Israeli approved by Defense Minister Gantz” *Haaretz*, 11 April 2022.

<sup>110</sup> Hagar Shezaf, “Three Palestinians reportedly wounded as settlers hurl stones in West Bank”, *Haaretz*, 24 January 2022; Tovah Lazaroff, “Huware shop owner recalls attack: the soldiers stood and looked”, *The Jerusalem Post*, 25 January 2022.

<sup>111</sup> [CCPR/C/GC/36](#), para. 27.

<sup>112</sup> ReliefWeb “New investigation policy regarding Palestinian casualties from IDF fire in Judea and Samaria”, 6 April 2011.

<sup>113</sup> Gideon Levy and Alex Levac, “A rock hit an Israeli soldier. he responded by shooting at the Palestinian protesters, killing a boy”, *Haaretz*, 11 November 2021.

<sup>114</sup> [CCPR/C/ISR/CO/5](#), para. 24.

## B. Case study: farm outposts, settler violence, and apparent forcible transfer in Al-Ganoub

48. Settlement-related violence has been linked to broader takeovers of land in the West Bank,<sup>115</sup> including for farm outposts.<sup>116</sup> Farm outposts have grown rapidly, there's a total of 77, with 66 having been established over the last decade and 46 between 2017 to 2021.<sup>117</sup> Farm outposts are strategically deployed and extensively backed by Israeli authorities,<sup>118</sup> despite being illegal even under Israeli law. While largely built on "State lands", the few residents of these outposts and their herds use a much larger area of pastureland, reportedly leading to the takeover of between 25,000<sup>119</sup> and 60,000 acres (nearly 7 per cent of Area C).<sup>120</sup>

49. Israeli security forces play a significant role in ensuring the protection of such outposts and settlers, including by providing security cover during attacks against Palestinians.<sup>121</sup> In addition to broader Area C limitations and regular demolitions and forced evictions,<sup>122</sup> the violent settler attacks, combined with restrictions on pastureland and water resources are key elements of the coercive environment, which is effectively forcing Palestinian herders to move out of those areas.<sup>123</sup>

50. Al-Ganoub is a small herder community, near Sa'ir, north-east of Hebron, located in Area C. The coercive environment, and settler violence in particular, have led seven families to move from their homes and community since mid-2018 – most recently in May 2022 – while the 14 remaining families live under serious threat of possible forcible transfer.

51. In 1983, the settlement of Asfar (also called Metzad) was established south of Al-Ganoub, initially as a military outpost on privately-owned Palestinian land. Following Israeli authorities' allocation of "State land", the settlement municipal boundaries comprise nearly 4,000 dunums. Settlers also apparently expanded their control over 3,600 dunums outside municipal boundaries, much of which is privately-owned by Palestinians.

52. In 1992, the Asfar settlers established a residential outpost on a nearby hilltop, again on land previously requisitioned for "security needs". Although it was abandoned, in 2000, it was repopulated by different settlers and named Pnei Kedem.<sup>124</sup> These settlers now cultivate more than 350 dunums of mostly privately-owned Palestinian land. Recently, four new farm outposts have been established in the area: Pnei Kedem farm (2018); Pnei Kedem east, (2020), Pnei Kedem north (2021, with an additional extension further north) and Metzad farm (2020).<sup>125</sup>

<sup>115</sup> A/76/336, para. 48 and "State Business: Israel's misappropriation of land in the West Bank through settler violence", November 2021, B'Teselem.

<sup>116</sup> A/76/336, paras. 41–43.

<sup>117</sup> See Kerem Navot, "The Wild West: grazing, seizing and looting by Israeli settlers in the West bank", May 2022, p. 17. Available at: [https://www.keremnavot.org/\\_files/ugd/a76eb4\\_169d342c74c9428bbdf6a07e2706eff5.pdf](https://www.keremnavot.org/_files/ugd/a76eb4_169d342c74c9428bbdf6a07e2706eff5.pdf).

<sup>118</sup> Yesh Din, "Plundered pastures", December 2021.

<sup>119</sup> Ibid.

<sup>120</sup> Kerem Navot, "The Wild West: grazing, seizing and looting by Israeli settlers in the West bank", May 2022, p. 17. Available at: [https://www.keremnavot.org/\\_files/ugd/a76eb4\\_169d342c74c9428bbdf6a07e2706eff5.pdf](https://www.keremnavot.org/_files/ugd/a76eb4_169d342c74c9428bbdf6a07e2706eff5.pdf).

<sup>121</sup> A/76/336, paras. 44 and 49.

<sup>122</sup> A/72/564 and A/73/410, para. 32.

<sup>123</sup> See "Unshattered: Palestinian herders struggling under military occupation and settler violence. A photo essay from the Hebron Hills". Available at: <https://www.ochaopt.org/unshattered>.

<sup>124</sup> United Nations Office for the coordination of Humanitarian Affairs, "The humanitarian impact of de facto settlement expansion: the case of Asfar", 13 December 2016.

<sup>125</sup> See <http://maps.keremnavot.org/herding/?lang=en>.



53. Settler violence has been a concern for Al-Ganoub residents for decades, largely by settlement and outposts guards, with support from Israeli security forces stationed within the settlement-controlled area.<sup>126</sup> However, the intensity of the violence significantly increased following the establishment and growth of the farm outposts. On 8 February, approximately 50 settlers attacked 75-year-old community representative Abdelfattah Shalaldeh (Abu Jamal) and his family in Al Ganoub: “I was playing with my grandchildren on our land that we inherited and owned before the Ottoman time.” He told OHCHR that initially a group of 10–15 settlers with three dogs started throwing stones at the family tent from a distance, and then attacked after a larger group arrived. While his wife and grandchildren fled, Abu Jamal stayed because he could not run and because he believed he wouldn’t be harmed owing to his age. He was beaten by settlers armed with axes and batons and kicked while on the ground, while another group attacked his nephew who lives nearby and tried to intervene.

54. The attack ended as the Israeli security forces arrived. Umm Jamal, Abu Jamal’s wife, told OHCHR that the Israeli security forces were watching from a distance but did not intervene until the settlers were leaving. According to eyewitnesses, the settlers were not stopped by the Israeli security forces, who instead threatened to shoot some of the family who had arrived and begun to throw stones at the retreating settlers. The attack left Abu Jamal with multiple fractures in the face and hand, and injuries on the head, neck and face. His nephew was taken to the hospital suffering from internal bleeding in his stomach. The family filed a complaint with the Israeli police on 13 February, providing photos and videos, but had not received any update as at 31 May.<sup>127</sup>

55. This was not an isolated incident. During the reporting period, the Office for the Coordination of Humanitarian Affairs documented five other such instances of settler violence against herder families of Al-Ganoub causing injury and/or damage. These ranged from attacks with knives and sticks (17 March), injuring livestock (22 January), stealing livestock (27 March) and destruction of olive trees (2 February). Other incidents of trespassing, harassment and threatening behaviour, including settlers chasing herders and livestock away from pastureland with dogs, often remain undocumented. Settler attacks effectively reduce pastureland and thus force the Palestinian herders to move away. Abu Jamal told OHCHR that since 2018, the pastureland surrounding the residential area in Al-Ganoub had decreased from a radius of 1 km to merely 100 metres, while the farm outposts controlled 5,000 dunums of pastureland that Al-Ganoub herders used to access.

56. Israeli authorities also use the discriminatory planning regime to put additional pressure on Palestinian residents.<sup>128</sup> On 4 August, Israeli security forces and Israeli Civil Administration officials demolished a residential tent and destroyed a water tank belonging to one family, resulting in the forced eviction of eight people, including four children. Meanwhile demolition orders against the outposts are not enforced.<sup>129</sup> Unlike nearby settlements, Al-Ganoub residents have no access to water or electricity networks, leaving them dependent on expensive water tankers and unreliable solar panels.<sup>130</sup> There has also apparently been a reduction in private services, as providers of water, wood, fodder and taxis fear settler attacks near Al-Ganoub.

<sup>126</sup> United Nations Office for the coordination of Humanitarian Affairs, “The humanitarian impact of de facto settlement expansion: the case of Asfar”, 13 December 2016.

<sup>127</sup> B’Tselem, “Al-Qanub, Hebron District: dozens of settlers attack family tent compound with stones, injuring two family members”, 7 March 2022.

<sup>128</sup> A/73/410, para. 32; A/HRC/49/85, para. 53.

<sup>129</sup> Yesh Din, “Plundered pastures”, December 2021, p. 14.

<sup>130</sup> United Nations Office for the coordination of Humanitarian Affairs, “The humanitarian impact of de facto settlement expansion: the case of Asfar”, 13 December 2016.

57. The most recent family to leave Al-Ganoub on 6 May are Ziyad Shalaldeh and Umm Abed, with their four children and his aged parents. Ziyad was born and lived throughout in Al-Ganoub. The family lived in a large tent, with separate sections for kitchen and dairy production, with 80 sheep in another structure. Ziyad showed OHCHR documents to prove his ownership of seven dunums of land cultivated with fruit trees and with two water cisterns – part of the 183 dunums of pastureland owned by the extended family in Area C.

58. The family lived in an isolated part of Al-Ganoub with the path to them passing through a training site for Israeli security forces and leading to the settlement, while a farm outpost was only 100 metres away. This made them more susceptible to settler attacks. For example, on 30 April, approximately 10 settlers with batons and pepper spray trespassed into their yard and stole seven newborn goats and assaulted their 15-year-old daughter who tried to record the incident on video. Ziyad reported this incident to the Office for the Coordination of Humanitarian Affairs but said that threats and chasing them off their lands had become so common in recent months that he had not reported them, such as on 14 October when settlers chased him while he was herding his sheep. He told OHCHR that, in March alone, settlers attacked the family at least four times, stealing items including a fence and fodder stands and frequently swimming in their cistern used for drinking-water.

59. Ziyad told OHCHR that the continuing anxiety caused by the attacks had left the family no option but to move out. As the family was packing and loading their belongings on 6 May, they were attacked by a group of around 40 masked settlers, who tried to steal or damage their belongings. One sheep was killed, their solar panel unit and a water-tank damaged, and other belongings were stolen. According to Ziyad, the settlers piled their clothes and textiles in a nearby cave and burned them. Umm Abed told OHCHR that she ran to the military camp 500 metres away, but the Israeli security forces remained at a distance until the settlers themselves began to leave. The soldiers did not pursue the settlers and merely told the family to file a complaint with the Israeli police. Although the family filed a complaint, Ziyad said he had little hope as Al-Ganoub residents have previously filed several complaints, without any action taken.

60. Other families have resorted to other coping mechanisms, including moving to areas furthest from the outposts within the same community. Others have moved out temporarily. Yacoub and Asma Shalaldeh moved away from July 2021 to January 2022 with their five children. According to Yacoub, the violence intensified around in 2016 and 2017 when one particular settler erected a tent in the area and led regular attacks. By early 2018, the outpost had grown, and the settler claimed that the pastureland and wells were guaranteed to him by the authorities. Yacoub's brother, Jamel, was one of the early ones to leave in July 2018 after an attack on his son by the settlers. After another serious incident in early July 2021 – when Yacoub said he was attacked by five masked settlers who stole five sheep while another 20 sheep escaped – he, too, decided to move.

61. Both the Shalaldeh families moved to Al-Maniya, 13 kilometres away from Al-Ganoub, near a landfill and sewage treatment plant. They told OHCHR that they had no desire to leave Al-Ganoub but had no choice as the situation had become unbearable for them.

62. The forced move away has significantly challenged Ziyad and Umm Abed's family, in particularly their ability to continue with their traditional way of life as herders. Umm Abed told OHCHR that although they owned a plot of land at the edge of Sa'ir town, living there was not feasible as animals weren't permitted in that residential area. Instead, they temporarily lived on a relative's plot in Al-Maniya. The

limited pastureland in Al Maniya, however, means that the family has to purchase fodder to feed the animals, making it unsustainable in the long-term.

63. Although there have not been any settler attacks in Al-Maniya, Ziyad said that they were facing threats of expulsion from the Israeli security forces and Israeli Civil Administration along with restrictions on pastureland due to the nearby Israeli military area. According to Ziyad, since moving, Israeli Civil Administration officials have repeatedly told him to leave. On 30 May, Israeli Civil Administration threatened to demolish his structure and confiscate his belongings.<sup>131</sup>

64. Families in Al-Maniya are also struggling with deteriorated access to water and education. In the absence of wells, Ziyad said they relied largely on expensive water tanks, while the children have dropped out of school – it is 6 kilometres away – owing to lack of transportation. The family also fears the health effects of living next to a landfill site. Umm Abed told OHCHR that the younger children were constantly vomiting owing to the smell.

65. The forced displacement has had a disproportionate impact on women and girls. Asma Shalalkeh told OHCHR that the absence of toilet facilities at Al Maniya meant that she and her daughter could only relieve themselves once a day – after dusk – as they needed to find private space in the nearby hills. This became more difficult during their menstrual periods. She also highlighted the lack of transportation, which made all the women more reliant on the men, as they did not drive, reinforcing traditional gender roles. This has also had an impact on access to health services, which are at a village 6 kilometres away. Asma also raised concerns about lack of privacy owing to the regular intrusion by small observation drones apparently flown by Israeli security forces, making them feel insecure and forced to wear headscarves even inside their own tent. Ziyad told OHCHR that they moved their teenage daughter from Al Maniya to stay with relatives in Sa'ir owing to concerns about her safety.

66. Palestinian herding communities have a unique social and traditional way of life, built around their herds, which relies on access to pastureland and water resources. The coercive environment in Al-Ganoub – in particular the increasing settler violence – is making it difficult for them to sustain their traditional way of life. For some families, the increased threat to family members was the final straw which forced them to leave their communities, even at significant costs to their livelihoods, family and social ties. Such an involuntary move by members of the protected population from their place of ordinary residence raises serious concern that forcible transfer may have taken place.<sup>132</sup>

67. The Pnei Kedem farm outpost website states: “in conjunction with the Ministry of Agriculture ... we have created a business plan to raise a herd of 400 sheep. A herd creates a permanent presence over a large area, thereby contributing to security.”<sup>133</sup> This is placed in a larger context: “The ranch is located in a strategic area, which safeguards a local nature reserve, and encompasses lands providing for essential future growth.”<sup>134</sup> Such statements are consistent with the findings of other studies: that farm outposts and subsequent violence are part of a long-standing Israeli plan for Area C to clear the area by forcing Palestinian herders away and take over the land for settlement expansion.<sup>135</sup>

<sup>131</sup> On 14 June, the Israeli Civil Administration demolished the structures and forcibly evicted the family – they now live in a small tent provided by the ICRC.

<sup>132</sup> A/73/410, para. 58. See also International Criminal Court, “Elements of crimes”, The Hague, 2011.

<sup>133</sup> See <https://gush-etzion.org.il/project/pnei-kedem-ranch/>.

<sup>134</sup> Ibid.

<sup>135</sup> According to Karem Navot, an organization that monitors Israeli policies in the West Bank; and Yesh Din, “Plundered pastures”, December 2021.

## V. Settlements in the occupied Syrian Golan

68. Settlement expansion in the occupied Syrian Golan took a new dimension on 26 December 2021 when the Israeli Cabinet approved a special plan to build 7,300 residential units in existing settlements, including “Katzrin”, for 23,000 new Israeli settlers within the next five years. The plan also includes the establishment of two new settlements (“Asif” and “Matar”) with 2,000 units each.<sup>136</sup>

69. In his remarks to the Cabinet meeting on 26 December 2021, the Prime Minister of Israel at the time stated that the goal of this plan was “to double the population of the Golan Heights” in order “to advance the interests of the State of Israel”, stating that “the Golan Heights [were] Israeli”<sup>137</sup>. The Secretary-General reaffirms the continuing validity of Security Council resolution 497 (1981), by which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.<sup>138</sup>

70. The existing 34 settlements, as well as the plan to expand them and establish new ones, and the Israeli commercial activity, including the large-scale wind turbine project, continue to limit the Syrian population’s access to land and water, in violation of a wide range of their human rights, including the rights to food, to health, and to adequate housing.

## VI. Conclusions and recommendations

71. 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, as consistently confirmed by the competent United Nations organs, including the International Court of Justice.<sup>139</sup> It may also amount to a war crime.<sup>140</sup>

72. Settlement of titles constitutes an irreversible act of sovereignty by a permanent regime and subverts the principle that occupation is inherently temporary.<sup>141</sup> Ongoing action in this regard in the occupied West Bank, including East Jerusalem, is illegal under international law and increases the risk of illegal appropriation of property and of possible forcible transfer.<sup>142</sup>

73. The steady increase in violence by settlers with the acquiescence and support of Israeli security forces, and the continuing impunity for such acts highlight the unwillingness of the Israeli authorities to uphold its obligations as the occupying Power to ensure as far as possible public order and life and protect the Palestinian population against all acts or threats of violence. Growing instances of Israeli security forces using force in the context of settler attacks

<sup>136</sup> Ministry of Foreign Affairs, “Cabinet approves special plan to develop the Golan Heights”, 26 December 2021. Available at: <https://www.gov.il/en/departments/news/cabinet-approves-special-plan-to-develop-golan-heights-26-dec-2021>.

<sup>137</sup> Ministry of Foreign Affairs, “PM Bennet’s remarks at the start of the special Cabinet meeting on the Golan Heights”, 26 December 2021. Available at: <https://www.gov.il/en/departments/news/pm-bennet-s-remarks-at-the-special-cabinet-meeting-26-dec-2021>.

<sup>138</sup> A/74/357, para. 70.

<sup>139</sup> A/76/336, para. 59.

<sup>140</sup> Fourth Geneva Convention, art. 49 (6). See also Rome Statute of the International Criminal Court art. 8 (2) (b) (viii).

<sup>141</sup> Hague Regulations, arts. 43 and 55.

<sup>142</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136.

against Palestinians, or jointly using force, including firearms, in the same incident is making distinction in violence increasingly difficult to discern.

74. There was an almost total failure to ensure accountability for apparent unlawful killing of Palestinians, including in instances that raise concerns of extrajudicial executions and wilful killing. This is indicative of the climate of impunity which prevails with respect to Israeli security forces excessive force against Palestinians, including in the contexts of settlement.

75. Systematic demolitions of Palestinian homes, based on discriminatory laws and policies, are ongoing and result in forced evictions: a gross violation of human rights.<sup>143</sup> Forced evictions resulting from demolitions in the Occupied Palestinian Territory are a key factor in the creation of a coercive environment. They have a negative impact on a wide range of human rights and increase the risk of forcible transfer.

76. Outposts, including farms, play a vital role in limiting Palestinian pastureland, including on privately-owned land, and effectively add further restrictions on Palestinian movement and livelihood. This adds to the coercive environment and along with increasing settler violence is forcing some Palestinians to leave their home, raising concerns of possible forcible transfer.

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

78. The Secretary-General recommends that Israel:

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

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

(c) Promptly review operations and policies of Israeli security forces to ensure consistency with the obligations of Israel as occupying Power to protect the Palestinian population;

(d) Ensure that all incidents of violence by settlers and Israeli security forces against Palestinians and damage to their property, are promptly, effectively, thoroughly, and transparently investigated; that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are provided with effective remedies, including adequate compensation, in accordance with international standards;

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

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

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<sup>143</sup> Commission on Human Rights resolution 2004/28, para. 1.