



# General Assembly

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## Human Rights Council

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Agenda items 2 and 7

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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**

**Database of all business enterprises involved in the activities  
detailed in paragraph 96 of the report of the independent  
international fact-finding mission to investigate the  
implications of the Israeli settlements on the civil, political,  
economic, social and cultural rights of the Palestinian people  
throughout the Occupied Palestinian Territory, including  
East Jerusalem**

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

### *Summary*

The United Nations High Commissioner for Human Rights has prepared the present report pursuant to Human Rights Council resolution 31/36 on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan.

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\* Reissued for technical reasons on 22 July 2020.

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



## I. Background

1. The present report is submitted to the Human Rights Council pursuant to its resolution 31/36, on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, adopted on 24 March 2016.<sup>1</sup>
2. In paragraph 17 of that resolution, the Human Rights Council requested the production of a database of all business enterprises involved in certain specified activities related to the Israeli settlements in the Occupied Palestinian Territory, to be updated annually, and to transmit the data therein in the form of a report to the Council.
3. In 2018, a report on the matter was submitted to the Human Rights Council at its thirty-seventh session (A/HRC/37/39). That report contained the methodology used to respond to the request of the Council.
4. Also in that report, it was noted that the Office of the United Nations High Commissioner for Human Rights (OHCHR) had reviewed information on 321 business enterprises following the transmittal of notes verbales to States, the issuance of an open invitation for submissions and on the basis of its own research. A total of 206 business enterprises were assessed at that time for further consideration.
5. It was also noted that, once OHCHR had been in contact with all 206 companies, and subject to determinations of their responses and non-responses, OHCHR expected to provide the names of the companies engaged in listed activities in a future update. Before the determinations on the companies were made public, OHCHR would notify the companies concerned.

## II. Mandate

6. The request for the production of a database made by the Human Rights Council in paragraph 17 of its resolution 31/36 was in follow-up to the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem (A/HRC/22/63). In paragraph 96 of its report, the fact-finding mission set out a list of activities that had raised particular human rights concerns (referred to as “listed activities”). In its resolution 31/36, the Council defined the database by reference to those listed activities, which are the following:
  - (a) The supply of equipment and materials facilitating the construction and the expansion of settlements and the wall, and associated infrastructure;
  - (b) The supply of surveillance and identification equipment for settlements, the wall and checkpoints directly linked with settlements;
  - (c) The supply of equipment for the demolition of housing and property, the destruction of agricultural farms, greenhouses, olive groves and crops;
  - (d) The supply of security services, equipment and materials to enterprises operating in settlements;
  - (e) The provision of services and utilities supporting the maintenance and existence of settlements, including transport;
  - (f) Banking and financial operations helping to develop, expand or maintain settlements and their activities, including loans for housing and the development of businesses;

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<sup>1</sup> While the Human Rights Council referred, in its resolution 31/36, to the occupied Syrian Golan, in paragraph 17 of that same resolution it requested the production of a database based on information contained in a report (A/HRC/22/63) that pertains to the Occupied Palestinian Territory only. Business enterprises involved in activities related to the occupied Syrian Golan are not therefore considered for the purposes of the present report.

- (g) The use of natural resources, in particular water and land, for business purposes;
- (h) Pollution, and the dumping of waste in or its transfer to Palestinian villages;
- (i) Captivity of the Palestinian financial and economic markets, as well as practices that disadvantage Palestinian enterprises, including through restrictions on movement, administrative and legal constraints;
- (j) The use of benefits and reinvestments of enterprises owned totally or partially by settlers for developing, expanding and maintaining the settlements.

7. The parameters of the database encompass business enterprises, whether domiciled in Israel, the Occupied Palestinian Territory or abroad, carrying out listed activities in relation to the Occupied Palestinian Territory (A/HRC/37/39, para. 5).

8. The database produced in response to the request made by the Human Rights Council in its resolution 31/36 includes only business enterprises involved in the 10 activities listed above. It does not cover all business activities related to settlements, nor does it extend to other business activities in the Occupied Palestinian Territory that may raise human rights concerns. In addition, while there may be other types of enterprises involved in significant business activities related to settlements, only business enterprises are considered; non-business enterprises are excluded from consideration.

### III. Definitions

9. The mandate set out in Human Rights Council resolution 31/36 requires the identification of three cumulative elements: (a) “business enterprises”; (b) “involved”; and (c) in one or more listed activities. For the purpose of the present report, each of those elements is understood as set out below.

#### **Business enterprises**

10. As OHCHR has already noted (A/HRC/37/39, para. 18):

When contacting companies, OHCHR included in the communications, wherever possible, all relevant entities with respect to that particular situation of concern, including parent companies and their subsidiaries, franchisors and franchisees, local distributors of international companies, partners and other entities in relevant business relationships. In some of these cases, further research by OHCHR revealed relevant business entities, such as parent companies or subsidiaries, that were not initially named in the submissions received in notes verbales from Member States or through the open call for submissions from interested stakeholders.

11. In assessing whether an entity was a “business enterprise”, for the purposes of the present report OHCHR considered the nature and substance of the entity’s functions and activities, irrespective of its specific corporate form or structure or of its characterization in the national law of the State of domicile.

#### **Involved**

12. In assessing whether an entity was “involved”, for the purposes of the present report OHCHR considered whether there were substantial and material business activities that had a clear and direct link to one or more of the listed activities, encompassing the following business forms:

- (a) A business enterprise itself engaged in a listed activity in the Occupied Palestinian Territory;
- (b) A parent company owning a majority share of a subsidiary engaged in a listed activity in the Occupied Palestinian Territory (a business enterprise owning a minority share in a subsidiary was not considered to be “involved” for the purposes of the present report);

(c) A business enterprise granting a relevant franchise or licence to a franchisee or licensee engaged in a listed activity in the Occupied Palestinian Territory.

13. In temporal terms, OHCHR required the involvement to have taken place during the period from 1 January 2018 to 1 August 2019.

#### **Listed activities**

14. As already noted in paragraph 6 above, the Human Rights Council defined the specific activities to be reflected in the database by reference to those set out by the fact-finding mission (A/HRC/22/63, para. 96).

15. Due to the specific formulation of certain listed activities, the additional considerations set out below were taken into account.

#### *Activities listed in paragraph 6 (a), (b), (c) and (d) above: activities of “supply”*

16. The activities listed in the report of the fact-finding mission and reproduced in para. 6 (a), (b) and (d) above involve the supply of equipment, services or materials for certain purposes, uses or effects. The notion of “supply” was considered to encompass, as relevant, processes of manufacture, provision and/or distribution of equipment, services and/or materials that have been employed for those purposes, uses or effects.

17. In relation to paragraph 6 (c), the listed activity is formulated more restrictively to indicate that the relevant equipment must be specifically supplied for the particular purpose of demolishing or destroying the forms of property set out in that subparagraph.

#### *Activity listed in paragraph 6 (g) above*

18. The activity listed in paragraph 6 (g) above refers to the use of natural resources, in particular water and land, for business purposes. As such, it includes business enterprises that are physically located in the Occupied Palestinian Territory and those that benefit commercially from the use of natural resources located in the Occupied Palestinian Territory, irrespective of their physical presence there.

## **IV. Methods of work**

19. In fulfilling the mandate contained in Human Rights Council resolution 31/36, OHCHR applied the comprehensive methodology already outlined in the previous report on the matter (A/HRC/37/39, paras. 7–25). The work done by OHCHR to produce the database, in full compliance with the above-mentioned resolution, is not and does not purport to constitute a judicial or quasi-judicial process of any kind or to provide any legal characterization of the listed activities or business enterprises’ involvement in them. Rather, it provides the Council with the requested factual determinations as to those business enterprises that were involved in the listed activities (A/HRC/37/39, para. 8).

20. The direct contact held between OHCHR and all screened business enterprises, in consultation with the Working Group on the issue of human rights and transnational corporations and other business enterprises, sought to ensure procedural fairness and consistency in the conclusions reached.

21. Since the previous report, a further analysis was carried out of the 206 business enterprises assessed, which in turn resulted in 188 business enterprises being identified for additional consideration. The enterprises that were not included for additional consideration were set aside, in particular, because there was insufficient factual basis in the submissions or in the public domain to support the contentions of their involvement in the listed activities. The 188 business enterprises were contacted between September 2017 and October 2018.

22. By letter, OHCHR informed each of the above-mentioned 188 business enterprises of the listed activities that they appeared to be involved in, based on the totality of information reviewed by it, and set out the basic facts of the enterprises’ alleged involvement in the listed activity or activities. The business enterprises were requested to

respond in writing within 60 days with an initial response, providing any clarification or update of the information. Moreover, they were informed that they could request that the substance of their written responses be kept confidential; a number of enterprises made such a request (A/HRC/37/39, para. 20). In some cases, lengthier processes of dialogue developed between OHCHR and business enterprises. In other cases, no response was received.

23. At the conclusion of that process, OHCHR assessed all the information available to it against the definitions of the three necessary elements set out in paragraph 9 above, whether, as a factual matter, the standard of reasonable grounds to believe involvement in the listed activities had been met.

## **V. OHCHR engagement with business enterprises**

24. OHCHR engaged with business enterprises throughout all stages of its work on the database. The direct communication facilitated the exchange of information and offered business enterprises the opportunity to provide views on their alleged involvement in listed activities. In several instances, business enterprises denied any involvement in the listed activities. These business enterprises were not included in the database. Some business enterprises requested further information on the methodology and mandate, to which OHCHR responded.

25. As already noted in the previous report (A/HRC/37/39, para. 22), responses from business enterprises included: (a) objection to the mandate of OHCHR and a refusal to provide a substantive response to the information presented; (b) rejection of the information presented and objected to being included in the database; (c) confirmation of the information presented concerning their involvement in one or more of the listed activities, and the provision of explanations; and/or (d) provision of updated information that indicated they were no longer involved in one or more of the listed activities.

26. OHCHR responded to business enterprises' queries on the mandate and presented, as necessary, further detailed information concerning the alleged involvement in listed activities.

27. All those business enterprises that met the standard of proof for inclusion in the database were informed in writing of their inclusion and of the procedure by which they could be removed. OHCHR invited the business enterprises to continue to engage with it, in line with the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex).

28. OHCHR rescreened all business enterprises prior to the submission of the present report to confirm that the activity or activities for which they were included in the database met the applicable standard of proof during the period under review.

29. A number of business enterprises communicated to OHCHR that they were no longer involved in the relevant activity or that the nature of their involvement had fallen outside the scope of the mandate. In those cases, OHCHR assessed the information provided and discontinued its consideration of those business enterprises no longer assessed to be involved in the listed activities.

30. Where business enterprises did not provide additional information or clarifications, OHCHR relied on desk research to assess the information received from Member States and other stakeholders.

## **VI. Database of business enterprises**

31. OHCHR found that 112 of the 188 business enterprises considered for inclusion in the database met the required standard of reasonable grounds to believe that they were

involved in one or more of the listed activities (see table below). The remaining 76 business enterprises did not meet the standard of proof and were not included in the database.<sup>2</sup>

#### Business enterprises involved in listed activities

<i>No.</i>	<i>Business enterprise</i>	<i>Subparagraph of listed activity</i>	<i>State concerned</i>
1.	Afikim Public Transportation Ltd.	(e)	Israel
2.	Airbnb Inc.	(e)	United States of America
3.	American Israeli Gas Corporation Ltd.	(e), (g)	Israel
4.	Amir Marketing and Investments in Agriculture Ltd.	(g)	Israel
5.	Amos Hadar Properties and Investments Ltd.	(g)	Israel
6.	Angel Bakeries	(e), (g)	Israel
7.	Archivists Ltd.	(g)	Israel
8.	Ariel Properties Group	(e)	Israel
9.	Ashtrom Industries Ltd.	(g)	Israel
10.	Ashtrom Properties Ltd.	(g)	Israel
11.	Avgol Industries 1953 Ltd.	(g)	Israel
12.	Bank Hapoalim B.M.	(e), (f)	Israel
13.	Bank Leumi Le-Israel B.M.	(e), (f)	Israel
14.	Bank of Jerusalem Ltd.	(e), (f)	Israel
15.	Beit Haarchiv Ltd.	(g)	Israel
16.	Bezeq, the Israel Telecommunication Corp Ltd.	(e), (g)	Israel
17.	Booking.com B.V.	(e)	Netherlands
18.	C. Mer Industries Ltd.	(b)	Israel
19.	Café Café Israel Ltd.	(e), (g)	Israel
20.	Caliber 3	(d), (g)	Israel
21.	Cellcom Israel Ltd.	(e), (g)	Israel
22.	Cherriessa Ltd.	(g)	Israel
23.	Chish Nofei Israel Ltd.	(g)	Israel
24.	Citadis Israel Ltd.	(e), (g)	Israel
25.	Comasco Ltd.	(a)	Israel
26.	Darban Investments Ltd.	(g)	Israel
27.	Delek Group Ltd.	(e), (g)	Israel

<sup>2</sup> With respect to three listed activities (see para. 6 (c), (i) and (j) above), OHCHR did not find any business enterprise satisfying the standard of reasonable grounds to believe involvement consistent with the definitions set out above.

<i>No.</i>	<i>Business enterprise</i>	<i>Subparagraph of listed activity</i>	<i>State concerned</i>
28.	Delta Israel	(g)	Israel
29.	Dor Alon Energy in Israel 1988 Ltd.	(e), (g)	Israel
30.	Egis Rail	(e)	France
31.	Egged, Israel Transportation Cooperative Society Ltd.	(e)	Israel
32.	Energix Renewable Energies Ltd.	(g)	Israel
33.	EPR Systems Ltd.	(e), (g)	Israel
34.	Extal Ltd.	(g)	Israel
35.	Expedia Group Inc.	(e)	United States
36.	Field Produce Ltd.	(g)	Israel
37.	Field Produce Marketing Ltd.	(g)	Israel
38.	First International Bank of Israel Ltd.	(e), (f)	Israel
39.	Galshan Shvakim Ltd.	(e), (d)	Israel
40.	General Mills Israel Ltd.	(g)	Israel
41.	Hadiklaim Israel Date Growers Cooperative Ltd.	(g)	Israel
42.	Hot Mobile Ltd.	(e)	Israel
43.	Hot Telecommunications Systems Ltd.	(e)	Israel
44.	Industrial Buildings Corporation Ltd.	(g)	Israel
45.	Israel Discount Bank Ltd.	(e), (f)	Israel
46.	Israel Railways Corporation Ltd.	(g), (h)	Israel
47.	Italek Ltd.	(e), (g)	Israel
48.	J.C. Bamford Excavators Ltd.	(a)	United Kingdom of Great Britain and Northern Ireland
49.	Jerusalem Economy Ltd.	(g)	Israel
50.	Kavim Public Transportation Ltd.	(e)	Israel
51.	Lipski Installation and Sanitation Ltd.	(g)	Israel
52.	Matrix IT Ltd.	(e), (g)	Israel
53.	Mayer Davidov Garages Ltd.	(e), (g)	Israel
54.	Mekorot Water Company Ltd.	(g)	Israel
55.	Mercantile Discount Bank Ltd.	(e), (f)	Israel
56.	Merkavim Transportation Technologies Ltd.	(e)	Israel
57.	Mizrahi Tefahot Bank Ltd.	(e), (f)	Israel
58.	Modi'in Ezrachi Group Ltd.	(e), (d)	Israel
59.	Mordechai Aviv Taasiot Beniyah 1973 Ltd.	(g)	Israel
60.	Motorola Solutions Israel Ltd.	(b)	Israel

<i>No.</i>	<i>Business enterprise</i>	<i>Subparagraph of listed activity</i>	<i>State concerned</i>
61.	Municipal Bank Ltd.	(f)	Israel
62.	Naaman Group Ltd.	(e), (g)	Israel
63.	Nof Yam Security Ltd.	(e), (d)	Israel
64.	Ofertex Industries 1997 Ltd.	(g)	Israel
65.	Omodo Ltd.	(e)	United Kingdom
66.	Bank Otsar Ha-Hayal Ltd.	(e), (f)	Israel
67.	Partner Communications Company Ltd.	(e), (g)	Israel
68.	Paz Oil Company Ltd.	(e), (g)	Israel
69.	Pelegas Ltd.	(g)	Israel
70.	Pelephone Communications Ltd.	(e), (g)	Israel
71.	Proffimat S.R. Ltd.	(g)	Israel
72.	Rami Levy Chain Stores Hashikma Marketing 2006 Ltd.	(e), (g)	Israel
73.	Rami Levy Hashikma Marketing Communication Ltd.	(e), (g)	Israel
74.	Re/Max Israel	(e)	Israel
75.	Shalgal Food Ltd.	(g)	Israel
76.	Shapir Engineering and Industry Ltd.	(e), (g)	Israel
77.	Shufersal Ltd.	(e), (g)	Israel
78.	Sonol Israel Ltd.	(e), (g)	Israel
79.	Superbus Ltd.	(e)	Israel
80.	Supergum Industries 1969 Ltd.	(g)	Israel
81.	Tahal Group International B.V.	(e)	Netherlands
82.	TripAdvisor Inc.	(e)	United States
83.	Twitoplast Ltd.	(g)	Israel
84.	Unikowsky Maoz Ltd.	(g)	Israel
85.	YES	(e)	Israel
86.	Zakai Agricultural Know-how and inputs Ltd.	(g)	Israel
87.	ZF Development and Construction	(g)	Israel
88.	ZMH Hammermand Ltd.	(g)	Israel
89.	Zorganika Ltd.	(g)	Israel
90.	Zriha Hlavin Industries Ltd.	(g)	Israel



**Business enterprises involved as parent companies**

<i>No.</i>	<i>Business enterprise</i>	<i>Subparagraph of listed activity</i>	<i>State concerned</i>
91.	Alon Blue Square Israel Ltd.	(e), (g)	Israel
92.	Alstom S.A.	(e), (g)	France
93.	Altice Europe N.V.	(e)	Netherlands
94.	Amnon Mesilot Ltd.	(e)	Israel
95.	Ashtrom Group Ltd.	(g)	Israel
96.	Booking Holdings Inc.	(e)	United States
97.	Brand Industries Ltd.	(g)	Israel
98.	Delta Galil Industries Ltd.	(g)	Israel
99.	eDreams ODIGEO S.A.	(e)	Luxembourg
100.	Egis S.A.	(e)	France
101.	Electra Ltd.	(e)	Israel
102.	Export Investment Company Ltd.	(e), (f)	Israel
103.	General Mills Inc.	(g)	United States
104.	Hadar Group	(g)	Israel
105.	Hamat Group Ltd.	(g)	Israel
106.	Indorama Ventures P.C.L.	(g)	Thailand
107.	Kardan N.V.	(e)	Netherlands
108.	Mayer's Cars and Trucks Co. Ltd.	(e)	Israel
109.	Motorola Solutions Inc.	(b)	United States
110.	Natoon Group	(e), (d)	Israel
111.	Villar International Ltd.	(g)	Israel

**Business enterprises involved as licensors or franchisors**

<i>No.</i>	<i>Business enterprise</i>	<i>Subparagraph of listed activity</i>	<i>State concerned</i>
112.	Greenkote P.L.C.	(g)	United Kingdom

**VII. Removal from the database**

32. A business enterprise may provide information indicating that it is no longer involved in the relevant listed activity. Should there be reasonable grounds to believe that, based on the totality of the information available, the business enterprise is ceasing or is no longer involved in the relevant activity, the business enterprise would be removed from the database.

## **VIII. Recommendation**

33. With reference to any updating of the database, OHCHR would recommend that the Human Rights Council establish a group of independent experts, with a time-bound mandate, to report directly to the Council for such a purpose.

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