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## Human Rights Council

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Agenda items 2 and 7

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

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

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

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

#### *Summary*

The present report, submitted pursuant to Human Rights Council resolution 52/35, provides an update on the implementation of the provisions of the resolution during the period from 1 November 2022 to 31 October 2023.

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\* The present report was submitted to the conference services for processing after the deadline for technical reasons beyond the control of the submitting office.



## I. Introduction

1. The present report, submitted pursuant to Human Rights Council resolution 52/35, provides an update on the implementation of the resolution's provisions from 1 November 2022 to 31 October 2023. The United Nations High Commissioner for Human Rights reports on the advancement of Israeli settlements in the occupied West Bank, including East Jerusalem, effectively transferring the civilian population of Israel to the occupied territory while displacing the Palestinian population from their land, in violation of international law.<sup>1</sup>
2. The High Commissioner examines the displacement of Palestinians through settler violence and State violence; a trend that accelerated dramatically in the weeks following the attacks carried out on 7 October 2023 by the Izz al-Din al-Qassam Brigades (the armed wing of Hamas) and other Palestinian armed groups on Israel. The High Commissioner provides updates on other developments that could also contribute to acts of forcible transfer, including: the transfer of powers from the military administration to the Israeli civilian government; the consolidation and expansion of Israeli settlements; the establishment of new outposts; impunity for settler violence; forced evictions, demolitions and non-issuance of building permits; settlement of land title; ongoing construction of bypass roads and the wall;<sup>2</sup> restrictions on movement and access to lands; closure or confiscation of land for military "firing zones"; and restrictions on civil society activities.
3. The findings of the High Commissioner are based on direct monitoring 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 other related reports of the Secretary-General and of the High Commissioner submitted to the General Assembly and the Human Rights Council.<sup>3</sup>

## II. Legal framework

4. International human rights law and international humanitarian law apply concurrently in the Occupied Palestinian Territory of Gaza, the West Bank, including East Jerusalem, and the occupied Syrian Golan. This includes the obligations contained in the international human rights treaties to which Israel is a State party,<sup>4</sup> as well as the Regulations respecting the Laws and Customs of War on Land of 1907 (Hague Regulations) and the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), which are binding upon Israel as the occupying Power under international humanitarian law.

## III. Update on settlement activity and its impact on human rights

### *Legal reforms and policy initiatives of the Government of Israel*

5. During the reporting period, Israel took steps detailed below to transfer administrative powers, previously under the authority of the military commander in the occupied West Bank (within what is called the Civil Administration), to Israeli government offices whose primary focus is to provide services within the territory of the State of Israel. This raises concerns about the violation of the basic premise of the law of occupation, namely that occupation is

<sup>1</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 49.

<sup>2</sup> The wall, as referred to in International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136.

<sup>3</sup> A/72/564, A/72/565, A/75/376, A/76/336, A/77/493, A/78/554, A/HRC/37/38, A/HRC/37/42, A/HRC/37/43, A/HRC/40/42, A/HRC/43/67, A/HRC/46/65, A/HRC/49/25, A/HRC/49/85 and A/HRC/52/76.

<sup>4</sup> See [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=84&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=84&Lang=EN).

a temporary measure neither causing nor implying any transfer of sovereignty.<sup>5</sup> The law of occupation is therefore guided by the principle that the occupying Power shall preserve the status quo ante in the Occupied Palestinian Territory.<sup>6</sup>

6. The policies of the current Government of Israel appear aligned, to an unprecedented extent, with the goals of the Israeli settler movement to expand long-term control over the West Bank, including East Jerusalem, and to steadily integrate this occupied territory into the State of Israel. The Government, in its guiding principles, expressly claimed the “exclusive and indisputable right” of the Jewish people to “all parts of the Land of Israel”, including the West Bank and the Syrian Golan.<sup>7</sup> This position is supplemented by the Basic Law: Israel – The Nation-State of the Jewish People of 2018, in which the right to self-determination is stated to be “unique to the Jewish people”, and the development of Jewish settlements is viewed as a “national value”.<sup>8</sup> The coalition agreements also indicated that the Government would promote a policy of “application of sovereignty” over the West Bank<sup>9</sup> through institutional and legislative changes and major settlement expansion, including through the “regularization” of settler outposts.<sup>10</sup>

7. On 27 December 2022, the Knesset amended the Basic Law: The Government, enabling the creation of the post of “Additional Minister” within the Ministry of Defence.<sup>11</sup> Bezalel Smotrich, the founder of the settler organization Regavim and leader of the far-right Religious Zionism party, who resides in the Kedumim settlement, was appointed as Additional Minister. While the Minister of Defence retains security powers, the Additional Minister, formally under the supervision of the Minister of Defence, assumes governing powers in the West Bank, including land designations, planning, and coordination of demolitions.<sup>12</sup> Among other responsibilities, the Additional Minister supervises a newly created and staffed Settlement Administration unit,<sup>13</sup> responsible for: (a) managing and directing the Coordination of Government Activities in the Territories unit and the Civil Administration of Israel; (b) regularizing settlements; (c) implementing an “equal citizenship reform” in the West Bank aimed at improving services and infrastructure for settlers only; and (d) updating “security legislation”, which involves implementing reforms through military orders.<sup>14</sup> On 18 June 2023, the Government of Israel delegated the authority of the Minister of Defence to approve interim settlement planning stages to the Additional Minister,<sup>15</sup> enabling the Additional Minister to expedite the approval process for new settlements.

8. These measures, including the transfer of wide administrative powers relating to settlements and land administration from the military authorities to Israeli civilian officials, who are elected and accountable to the population of Israel, could facilitate the annexation of the West Bank in violation of international law, including the Charter of the United Nations. Also, the transfer of powers, such as the power to implement the equal citizenship reform in the West Bank aimed at improving services and infrastructure exclusively for settlers, further

<sup>5</sup> Hague Regulations, art. 43; and Fourth Geneva Convention, art. 64. See Jean S. Pictet, ed., *Commentary: Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (Geneva, International Committee of the Red Cross, 1958), p. 275. See also Tristan Ferraro, *Occupation and Other Forms of Administration of Foreign Territory* (Geneva, International Committee of the Red Cross, 2012), p. 7, footnote 1.

<sup>6</sup> See [www.icrc.org/en/doc/war-and-law/contemporary-challenges-for-ihl/occupation/overview-occupation.htm](http://www.icrc.org/en/doc/war-and-law/contemporary-challenges-for-ihl/occupation/overview-occupation.htm).

<sup>7</sup> See <https://main.knesset.gov.il/mk/government/pages/coalitionagreements.aspx> (in Hebrew), on file.

<sup>8</sup> *CCPR/C/ISR/CO/5*, para. 10.

<sup>9</sup> Article 118 of the coalition agreement between the Prime Minister and the Religious Zionism party. See <https://main.knesset.gov.il/mk/government/Documents/CA37-RZ.pdf> (in Hebrew).

<sup>10</sup> *Ibid.*, see, for example, arts. 142–199.

<sup>11</sup> See Israel, Basic Law: The Government (Amendment No. 11).

<sup>12</sup> Memorandum of Understanding and Division of Powers and Responsibilities between the Minister of Defence and the Additional Minister in the Ministry of Defence.

<sup>13</sup> See [www.gov.il/he/departments/policies/dec168-2023](http://www.gov.il/he/departments/policies/dec168-2023) (in Hebrew).

<sup>14</sup> Memorandum of Understanding, para. 8.

<sup>15</sup> Jeremy Sharon, “Netanyahu hands Smotrich full authority to expand existing settlements”, *The Times of Israel*, 18 June 2023; and Government decision 657, available at [www.gov.il/he/departments/policies/dec657-2023](http://www.gov.il/he/departments/policies/dec657-2023) (in Hebrew).

institutionalizes long-standing systematic discrimination, oppression and violence against the Palestinian people.

#### *Settlement consolidation and expansion*

9. The Israeli non-governmental organization Peace Now reported, in September 2023, that there were just under 700,000 Israeli settlers in the West Bank, including East Jerusalem. This total consisted of approximately 465,000 settlers in the West Bank, concentrated in Area C,<sup>16</sup> residing in approximately 300 settlements and outposts, and approximately 230,000 settlers in East Jerusalem, in addition to approximately 3,000 who were residing within Palestinian neighbourhoods in East Jerusalem.<sup>17</sup> The Central Bureau of Statistics of Israel reported that, as of 31 December 2022, there were 468,300 Jewish Israelis in the West Bank, excluding East Jerusalem,<sup>18</sup> compared with 455,700 as of 31 December 2021.<sup>19</sup> On 18 May 2023, Additional Minister Smotrich, doubling as the Minister of Finance, reportedly presented a two-year plan to induce 500,000 more settlers to move to the West Bank.<sup>20</sup>

10. During the reporting period, the size of existing Israeli settlements expanded markedly. Approximately 24,300 housing units within existing Israeli settlements in the West Bank in Area C were advanced or approved; the highest on record since monitoring began in 2017.<sup>21</sup> This included approximately 9,670 in East Jerusalem. As an indication of progress in the implementation of approved construction plans to expand existing settlements, Israel published tenders inviting bids from construction firms for approximately 1,350 housing units, including approximately 90 in East Jerusalem.<sup>22</sup>

11. According to the Central Bureau of Statistics, construction began for approximately 1,280 housing units in the first half of 2023 in Area C. All of these Israeli settlements are illegal under international law, because they amount to the transfer by Israel of its population into an occupied territory.<sup>23</sup>

#### *Outposts*

12. During the reporting period, according to data from Peace Now, the number of Israeli settler outposts increased to 162.<sup>24</sup> All such outposts and land confiscations are illegal under international humanitarian law, as well as Israeli domestic law.<sup>25</sup> Outposts are often strategically placed and play a key role in the takeover of Palestinian land. They can be centred around a single caravan or a few modular structures, gradually taking over the larger area around them for herding or farming. Many outposts expand to communities made up of hundreds of settlers.

13. During the reporting period, an unprecedented nine new Israeli settlement outposts were “legalized” by the Government of Israel, enabling the further development of these

<sup>16</sup> Area C constitutes more than 60 per cent of the West Bank. It is the only contiguous territory in the West Bank, and effectively separates the Palestinian-controlled Areas A and B into more than 160 enclaves surrounded by Israeli security forces. Area C, prior to “gradually” being transferred to Palestinian jurisdiction in accordance with the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II Accords), is administered by Israel, which includes near exclusive control over law enforcement, access, movement, planning and construction.

<sup>17</sup> See <https://peacenow.org.il/en/30-years-after-oslo-the-data-that-shows-how-the-settlements-proliferated-following-the-oslo-accords>. See also Omer Yaniv and others, “Jerusalem: facts and trends 2023” (Jerusalem Institute for Policy Research, 2023), p. 15.

<sup>18</sup> See [www.cbs.gov.il/he/publications/doclib/2023/2.shnatonpopulation/st02\\_17.pdf](http://www.cbs.gov.il/he/publications/doclib/2023/2.shnatonpopulation/st02_17.pdf).

<sup>19</sup> Ibid.

<sup>20</sup> A/78/554, para. 6.

<sup>21</sup> Monitoring by the Office of the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority (on file).

<sup>22</sup> Ibid.

<sup>23</sup> Fourth Geneva Convention, art. 49.

<sup>24</sup> Information on file with OHCHR.

<sup>25</sup> Israel, Ministry of Foreign Affairs, “Summary of the opinion concerning unauthorized outposts”, 10 March 2005.

Israeli settlements.<sup>26</sup> These newly “legalized” outposts include approximately 335 housing units spread over 1,100 dunams (approximately 100 hectares) of land.<sup>27</sup>

14. On 22 March 2023, the Knesset passed Amendment No. 7 to the Law on the Implementation of the Disengagement Plan, removing entry and stay restrictions on Israeli citizens in areas in the north of the West Bank that had previously been evacuated as part of the Disengagement Plan of 2005. Allowing the presence of settlers in these areas will enable the eventual establishment of new Israeli settlements.

15. On 2 August 2023, the High Court of Justice of Israel dismissed a long-standing petition to dismantle an outpost established in the former settlement of Homesh, in the northern West Bank, which had previously been dismantled in 2005 as part of the Disengagement Plan.<sup>28</sup> This decision paves the way for the re-establishment of the Homesh settlement. During the reporting period, settlers also re-entered the previously evacuated Evyatar outpost, reportedly endorsed by the Government of Israel.<sup>29</sup> The Evyatar outpost has been set up and evacuated multiple times since 2021, and has become symbolic for supporters of Israeli settlement of the West Bank.

#### *Settler violence*

16. During the reporting period, there was a dramatic increase in the intensity, severity and regularity of Israeli settler violence against Palestinians, which is accelerating the displacement of Palestinians from their land, in circumstances that may amount to forcible transfer. This violence further spiked following the attacks on 7 October 2023 carried out by the Izz al-Din al-Qassam Brigades and other Palestinian armed groups on Israel and the subsequent military response of Israel in Gaza. Israel continues to fail to comply with its obligations under international humanitarian law<sup>30</sup> and international human rights law<sup>31</sup> to protect Palestinians from acts committed by Israeli settlers, and to effectively prevent and ensure accountability for settler violence. Israeli security forces continue to actively support or consistently collaborate with settlers in such violence.<sup>32</sup>

17. Prior to 7 October 2023, settler violence had been increasing across the West Bank. In the first nine months of 2023, an average of three incidents of settler violence occurred each day (totalling 835 incidents), the highest on record, compared with an average of two a day in 2022 (totalling 856 incidents) and one a day in 2021 (totalling 540 incidents, which was then the highest on record since the United Nations started recording data in 2006).<sup>33</sup>

18. Between 7 and 31 October 2023, the Office for the Coordination of Humanitarian Affairs recorded 203 settler attacks against Palestinians, which increased the daily average to 8.<sup>34</sup> OHCHR monitored the killing of eight Palestinians (all males), including one child (a boy), all by the use of firearms by settlers. There were also 142 incidents of damage to Palestinian property. Out of the 203 settler attacks recorded by the Office for the Coordination of Humanitarian Affairs, more than one third involved threats with firearms, including shooting. Almost half of all incidents involved Israeli forces accompanying or actively supporting Israeli settlers while carrying out their attacks. United Nations monitoring

<sup>26</sup> For how this process works, see [A/HRC/52/76](#), paras. 14 and 15.

<sup>27</sup> See <https://peacenow.org.il/en/the-security-and-political-cabinet-approved-the-establishment-of-9-new-settlements-by-authorizing-10-illegal-outposts-in-the-occupied-territories>.

<sup>28</sup> Tor Wennesland, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, briefing to the Security Council on the situation in the Middle East, 21 August 2023, available at <https://unsco.unmissions.org/briefing-security-council-situation-middle-east-delivered-special-coordinator-tor-wennesland>.

<sup>29</sup> Tani Goldstein, “2023 sets record for settlement construction and outpost legalization – watchdog”, *The Times of Israel*, 8 August 2023.

<sup>30</sup> Hague Regulations, art. 43.

<sup>31</sup> International Covenant on Civil and Political Rights, art. 6 (1); and Human Rights Committee, general comment No. 31 (2004), para. 8.

<sup>32</sup> [A/75/376](#), para. 17; [A/76/336](#), paras. 17–23; [A/77/493](#), paras. 13–19 and 33–40; and [A/78/554](#), para. 51.

<sup>33</sup> Information provided by the Office for the Coordination of Humanitarian Affairs.

<sup>34</sup> *Ibid.*

highlighted an acceleration in the displacement of Palestinian communities accompanying the increase in settler violence after 7 October 2023, further emptying Area C of the Palestinian population. By 31 October 2023, nearly 900 Palestinians had been forcibly displaced from their homes in the West Bank since 7 October 2023.<sup>35</sup>

19. On 11 October 2023, between 8 and 10 masked Israeli settlers, 4 of whom were carrying rifles and pistols, attacked the town of Qusra, south of Nablus. During the ensuing confrontations, one settlement security guard shot and injured in the neck 28-year-old Awad Mahmood Ahmed Odeh. His 6-year-old daughter was also injured by firearms fired by settlers. While withdrawing, settlers continued shooting and killed three Palestinians, including a 17-year-old boy. The settlers' use of firearms took place in the presence of Israeli security forces. The following day, settlers, in the presence of Israeli security forces, attacked the funeral procession of the three Palestinians killed the previous day, killing 62-year-old Ibrahim Ahmed Mahmoud Wadi and his 25-year-old son, Ahmed Ibrahim Ahmed Wadi.

20. The increase in settler violence after 7 October 2023 coincided with the olive harvest season in the West Bank. OHCHR documented multiple incidents of settlers attacking, including with firearms, Palestinians harvesting their olives, forcing them to leave their land and in several cases stealing their harvest and poisoning or vandalizing their trees. OHCHR also documented cases of Israeli security forces preventing Palestinian farmers from harvesting and ordering them to leave their lands, claiming "the state of war" as the ground to do so.

21. Prior to 7 October 2023, settler attacks, sometimes labelled as "pogroms" by Israeli authorities,<sup>36</sup> had occurred in which mobs of dozens and sometimes hundreds of settlers carried out coordinated attacks, often in retaliation for attacks committed by Palestinians against settlers.<sup>37</sup> On 20 June 2023, four Israeli settlers were killed by two armed Palestinian men near the Israeli settlement of Eli in the West Bank. During an intense wave of settler violence that followed between 20 and 25 June 2023, 28 attacks against Palestinian villages across the northern and central West Bank left a Palestinian dead, killed by Israeli security forces, and 54 others injured – 37 by Israeli security forces, 16 by Israeli settlers and 1 undetermined (injured either by Israeli security forces or settlers). In one incident on 21 June 2023, more than 300 Israeli settlers attacked the Palestinian village of Turmus'ayya, north-west of Ramallah. In the ensuing confrontations, one Palestinian was shot and killed by Israeli security forces and eight others were injured following the random firing of live ammunition by Israeli security forces. On the same evening, in Urif, south of Nablus, hundreds of Israeli settlers reportedly attacked Palestinians, their property and other structures, including a school and a mosque. Over the following days, settlers attacked other Palestinian villages between Nablus and Ramallah, including Jalud, Sinjil, Deir Dibwan, Umm Safa, Al Mughayyir and, again, Turmus'ayya.

22. Settlement expansions, promoted by the Government of Israel, accompanied these waves of settler violence. On 26 June 2023, the Higher Planning Committee of the Civil Administration advanced plans for more than 5,500 housing units in Israeli settlements in Area C. Some 750 housing units near Eli were reportedly added to the agenda after the attack of 20 June 2023 there.<sup>38</sup> Plans advanced reportedly included the retroactive regularization, under Israeli law, of outposts adjacent to Eli.<sup>39</sup> On 23 June 2023, the Minister of National Security of Israel, Ben-Gvir, visited the Israeli settlement outpost of Evyatar and called upon

<sup>35</sup> Ibid.

<sup>36</sup> "Pogrom" was the term used by Israeli security forces to describe the wave of settler attacks in February 2023; see <https://edition.cnn.com/2023/06/15/middleeast/huwara-west-bank-settler-attack-cmd-intl/index.html>.

<sup>37</sup> Such settler attacks included those carried out on 26 February 2023 in Huwwarah: see case study in [A/78/554](#), paras. 54–74.

<sup>38</sup> Tor Wennesland, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, briefing to the Security Council on the situation in the Middle East, 27 June 2023, available at [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_27\\_june\\_2023\\_scr2334\\_0.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_27_june_2023_scr2334_0.pdf).

<sup>39</sup> "Settlers set up several unauthorized outposts in West Bank overnight: report", *The Times of Israel*, 24 June 2023.



settlers to “run to the hilltops”, in reference to the hilltop settler youth,<sup>40</sup> adding that, “Here, there should be a full settlement, not only here, but in all the hills around us. We should settle the Land of Israel, and at the same time, launch a military operation, take down buildings and eliminate terrorists. Not just one or two, but dozens and hundreds and, if needed, thousands.”<sup>41</sup>

23. There were further concerns that Israeli settler violence was being facilitated by senior ministers of the Government of Israel. In August 2023, the Minister of National Security told the media that: “I am handing out arms to anyone who can defend themselves.”<sup>42</sup> After 7 October 2023, the Minister of National Security announced that the Government would purchase 10,000 rifles to arm Israeli civilians, including those in West Bank settlements.<sup>43</sup> By the end of the reporting period, Israeli security forces had reportedly handed out some 8,000 weapons to “settlement defence squads” and “regional defence battalions” in the West Bank.<sup>44</sup> OHCHR documented, after 7 October 2023, cases of settlers wearing full or partial Israeli army uniforms and carrying army rifles, and harassing and attacking Palestinians, including shooting them at point-blank range. These developments have also further blurred the line between settler violence and State violence, including violence with the declared intent to forcibly transfer Palestinians from their land.

24. Settler violence often occurred in close proximity to settler outposts. In the first nine months of 2023 (1 January to 6 October), four of the eight Palestinians killed by settlers were killed near newly established settlement outposts, including the case of 18-year-old Qusay Jamal Mohamed Mu’tan in Burqa, east of Ramallah (see below).<sup>45</sup> Burqa, another Palestinian village north-west of Nablus,<sup>46</sup> has been particularly negatively affected by the Homesh outpost.<sup>47</sup> In one incident, on 24 May 2023 during night hours, tens of armed Israeli settlers from the Homesh outpost, accompanied by Israeli security forces, entered Burqa, attacking residents and damaging homes, water tanks and livestock shelters. Three Palestinians were injured by live ammunition and one by shrapnel.<sup>48</sup> A few hours before the incident, diplomats from the European Union had carried out a solidarity visit to Burqa, following the adoption by Israeli authorities of measures towards the “regularization” of the Homesh outpost. Other settler attacks on the Burqa community, in collaboration with Israeli security forces, occurred on 31 May 2023, with 45 residents treated for inhaling tear gas; and, on 4 June 2023, involving live ammunition hitting properties with families inside and three vehicles being set on fire.<sup>49</sup>

<sup>40</sup> The hilltop settler youth are young, religious and often violent settlers who regularly come down from their outposts in the West Bank to attack nearby Palestinians. There are concerns that not only does Israel fail to protect Palestinians from this group, but that it actively cooperates with them: see Yuval Abraham, “Revealed: the IDF unit turning ‘hilltop youth’ settlers into soldiers”, *+972 Magazine*, 3 May 2023.

<sup>41</sup> Hagar Shezaf, “‘Run to the hilltops’: Ben-Gvir calls on settlers to establish more illegal outposts”, *Haaretz*, 23 June 2023.

<sup>42</sup> “Israel’s Ben-Gvir: ‘My right to life is more important than Arabs’ freedom of movement’”, *Haaretz*, 23 August 2023.

<sup>43</sup> Joel Gunter, “Palestinians under attack as Israeli settler violence surges in the West Bank”, BBC News, 21 October 2023.

<sup>44</sup> Civil society organizations also reported that the Minister of National Security had given orders not to enforce laws against settlers who had committed offences against Palestinians; see <https://s3.eu-west-1.amazonaws.com/files.yesh-din.org/Urgent+letter+regarding+the+alleged+instruction+not+to+investigate+ideologically+motivated+crime+FINAL+291123.pdf>.

<sup>45</sup> OHCHR monitoring.

<sup>46</sup> Distinct from the Burqa community near Ramallah affected by the outpost of Migron.

<sup>47</sup> See <https://fmap.org/resource/settlement-annexation-report-august-10-2023/#5>.

<sup>48</sup> Office for the Coordination of Humanitarian Affairs, “Protection of civilians report, 16–29 May 2023”, 2 June 2023, available at [www.ochaopt.org/poc/16-29-may-2023](http://www.ochaopt.org/poc/16-29-may-2023).

<sup>49</sup> OHCHR monitoring.

25. Palestinian herding communities in the West Bank remained particularly vulnerable to settler violence and forcible transfer.<sup>50</sup> A total of 1,105 persons from 28 Palestinian herding communities – approximately 12 per cent of the herding community’s population – were displaced from their homes between January 2022 and the beginning of September 2023, citing settler violence and prevention of access to grazing land by settlers as the primary reason. Again, existing trends further accelerated after 7 October 2023. Between 7 October and 31 October 2023, in 15 herding communities across the West Bank, at least 136 households, totalling 878 persons, including 435 children, were displaced through settler violence and access restrictions.<sup>51</sup>

26. According to OHCHR monitoring, settler violence after 7 October 2023 often followed a distinctive pattern. It led to the displacement of Palestinian herding communities, which appeared aimed at expanding effective Israeli control in Area C and which may amount to forcible transfer. Settlers arrived masked, armed and sometimes wearing the uniforms of Israeli security forces. They destroyed Palestinians’ tents, solar panels, water pipes and tanks, hurling insults and threatening that, if the Palestinians did not leave within 24 hours, they would be killed. OHCHR monitored the displacement of the 12 remaining families of the Al Ganoub herding community in Hebron, between 9 and 31 October 2023.<sup>52</sup> A 77-year-old member of the community told OHCHR that: “We used to have settlers attacking us with sticks, while recently they would come into the community in larger numbers and armed with automatic rifles.” Settlers from the Asfar settlement threatened to kill the members of the community if they did not leave. By 1 November 2023, 52 Palestinians, including 31 children, had been forced from their land, leaving the area completely cleared of Palestinians. On 30 October 2023, settlers established a new caravan atop the rubble of a Palestinian house destroyed in an earlier settler attack. OHCHR also monitored other similar cases, including the displacement of the Wadi as Seeq community in Ramallah on 12 October 2023, made up of 30 families, totalling 142 persons, including 40 children; and of the community of Hizma in East Jerusalem, consisting of two families, totalling 17 Palestinians, who left on 8 and 30 October 2023.

27. Prior to 7 October 2023, OHCHR had already been monitoring this trend against Palestinian herding communities in the South Hebron Hills, which raises concerns of forcible transfer through settler violence sanctioned by Israel as the occupying Power, due to the pervasive lack of accountability and of preventive actions by the Israeli security forces. It included a family in Wedadie, which had been subjected to repeated attacks by Israeli settlers from the Havat Meitarim outpost, some 500 metres away. On 19 July 2023, the two households of the Wedadie community left, consisting of 13 persons, including 9 children. The family described how prolonged violence and intimidation from Israeli settlers, which even included reported harassment from drones,<sup>53</sup> had driven them from the land that they had lived on “for at least 72 years”.<sup>54</sup> By the end of October 2023, three more families from the nearby community of Khirbet ar Ratheem had been forced from their land by the same Israeli settlers.

28. OHCHR monitoring revealed how different members of Palestinian herding communities experienced threats and violence from Israeli settlers in different ways. Women from the Wedadie community described gender-based violence, including gender-specific insults aimed at degrading and intimidating them. One of the women forced to leave, who was pregnant at the time, described settlers coming to her house during the day in the spring of 2023, when the men were away herding: “Around 20–50 meters from us, they would start shouting, yelling and curse us with words like ‘bitch, prostitute’ with hand signs, including

<sup>50</sup> Office for the Coordination of Humanitarian Affairs, “Displacement of Palestinian herders amid increasing settler violence”, 21 September 2023; and B’Tselem, “The pogroms are working – the transfer is already happening”, 21 September 2023.

<sup>51</sup> Information provided by the Office for the Coordination of Humanitarian Affairs. See also [www.btselem.org/settler\\_violence/20231019\\_forcible\\_transfer\\_of\\_isolated\\_communities\\_and\\_families\\_in\\_area\\_c\\_under\\_the\\_cover\\_of\\_gaza\\_fighting](http://www.btselem.org/settler_violence/20231019_forcible_transfer_of_isolated_communities_and_families_in_area_c_under_the_cover_of_gaza_fighting).

<sup>52</sup> [A/77/493](#), paras. 48–67, for detailed case study on settler violence and forcible transfer in Al Ganoub.

<sup>53</sup> See Gideon Levy and Alex Levac, “Yet another shepherding community is driven out by settler violence”, *Haaretz*, 22 July 2023.

<sup>54</sup> OHCHR interview.



pointing to us with the middle finger.” She described how the Israeli settlers “would always come with long weapons and dogs”, leaving her feeling “scared and unsafe”. At night, settlers would enter their houses and vandalize their belongings, violating any sense of privacy or safe space for the women. Scared for herself and her unborn child, she said she had no option but to leave her house and husband behind in Wedadie and move to the town of Al Samu. On moving, the impact on her economic and social rights was immediate: “In Wedadie we used to have water from the wells, but now we must buy and pay for water ... since we moved from Wedadie, we don’t have any source of income, as my husband used to herd the livestock and make a living from it.”

29. OHCHR monitored the case of 26 Palestinian Bedouin families, totalling 132 persons, forced from their land in Ein Samiya, east of Ramallah and adjacent to the Kochav HaShahar settlement.<sup>55</sup> Collaboration between Israeli settlers and the Israeli security forces extended to the harassment, threats and violence perpetrated.<sup>56</sup> One member of the community forced off his land in Ein Samiya<sup>57</sup> described an incident on 15 May 2023 involving the Israel Police and Israeli settlers: “I told the police officer that the sheep were mine, and they were all registered at the Palestinian Ministry of Agriculture as I vaccinate them every year. I said that I could prove that they were mine. The officer answered that the settlers would take them now and once I brought the proof that they were mine, he would bring them back to me.”<sup>58</sup> When he then tried to prevent the settlers from taking his 75 sheep – 37 of which they took – the police officer handcuffed him and then punched him in the stomach when he continued to resist. The police then arrested and detained him. In other similar cases of collaboration between the State and settlers, on 25 July 2023, in the West Bank villages of Tuba and El Abid in the South Hebron Hills, Israeli soldiers reportedly escorted armed Israeli settlers when they broke into the homes of Palestinians.<sup>59</sup>

#### *Accountability for settler violence*

30. Despite the continuing increase in the number and severity of incidents of settler violence during the reporting period, indictments and convictions of perpetrators remained low.<sup>60</sup> During the reporting period, the non-governmental organization Yesh Din looked at 190 incidents of settler violence, recording that, in 66 incidents (35 per cent of the total), an investigation was opened after Palestinians filed a complaint. Of those investigations, 26 were closed without filing an indictment and 38 incidents were still under investigation. Only two investigations have led to the filing of indictments – 3 per cent of all investigations – with both cases ongoing.<sup>61</sup>

31. Of the 123 incidents for which Palestinian victims of settler attacks decided not to file a complaint, 86 reported to Yesh Din that their main reason for not doing so was their lack of faith in the Israeli authorities to apprehend the perpetrators. Thirteen reported fear of retaliation from the Israeli authorities or the Israeli settlers as their primary reason, including fear of further violence or loss of their work permits. After 7 October 2023, access to justice moved even further out of reach, when settlements, within which the police stations that have law enforcement powers over Israelis are located, became off limits for Palestinians due to the restrictions on movement and the increased risk that they would be shot or attacked.

32. The killing of 18-year-old Mr. Mu’tan in Burqa, east of Ramallah, on 4 August 2023 was emblematic of the absence of protection from, and accountability for, violence

<sup>55</sup> A/78/554, para. 43.

<sup>56</sup> See also [www.youtube.com/watch?v=NkMtI9oI6j8](https://www.youtube.com/watch?v=NkMtI9oI6j8).

<sup>57</sup> The family finally decided to leave on 22 May 2023, moving from Area C to different locations in Area B.

<sup>58</sup> OHCHR interviews.

<sup>59</sup> Hagar Shezaf, “Israeli settlers break into Palestinian homes accompanied by soldiers”, *Haaretz*, 25 July 2023. See [www.youtube.com/watch?v=mfQSOvSVCHo](https://www.youtube.com/watch?v=mfQSOvSVCHo) and <https://youtu.be/Zczby7LmTVo>. See also [www.btselem.org/settler\\_violence\\_updates\\_list?f%5B0%5D=nf\\_location%3A212898](http://www.btselem.org/settler_violence_updates_list?f%5B0%5D=nf_location%3A212898).

<sup>60</sup> See <https://s3.eu-west-1.amazonaws.com/files.yesh-din.org/law+data+dec+22/Law+data+22+ENG.pdf> and <https://s3.eu-west-1.amazonaws.com/files.yesh-din.org/LAW+ENFORCEMENT+AGAINST+ISRAELI+SOLDIERS+2017-2021/YeshDin++Data+12.22++English.pdf>.

<sup>61</sup> Information provided by Yesh Din, on file.

committed by Israeli settlers.<sup>62</sup> He was shot in the neck by an Israeli settler from a distance of 30 metres. Another Palestinian man, aged 47, was shot in his left thigh from a distance of 7 metres – according to the victim, by the same settler who had shot Mr. Mu'tan. Another witness interviewed said the perpetrator was “well known in the area as he had already attacked farmers many times”, and that this had been communicated to Israeli security forces. Earlier in the day, five Israeli settlers from neighbouring outposts had confronted Palestinian farmers and herders on their farmland, threatening to kill them if they did not leave the area. The Minister of National Security justified the killing of Mr. Mu'tan, calling it self-defence,<sup>63</sup> despite the incident taking place in the village of Burqa and the police assessment negating the claim of self-defence.<sup>64</sup> In a public show of support, members of the Knesset visited two of the Israeli settlers suspected of perpetrating the violence, including the main suspect of the murder of Mr. Mu'tan, while they were in detention.<sup>65</sup> They were both subsequently released, with the main suspect released on house arrest on 15 August 2023, following an order by the Jerusalem District Court.<sup>66</sup> A source in the Office of the State Prosecutor predicted that no indictment would be filed and that the case would be closed, which suggests that there will be no accountability for the killing of Mr. Mu'tan.<sup>67</sup>

33. The absence of accountability for settler violence is a key factor in the ongoing coercive environment, raising continued concerns about the forcible transfer of Palestinians. The lack of accountability is a manifestation of a dual system of criminal justice that has discriminatory effects on Palestinians. Policing and judicial bodies administered by the Israeli military in the Occupied Palestinian Territory for more than 56 years have steadily entrenched systematic patterns of violation of Palestinians' due process and fair trial rights.<sup>68</sup> Israel, as the occupying Power, has adopted laws and policies enabling a discriminatory system of administering justice – based on grounds of race and religion – providing Jewish Israelis in the occupied West Bank with access to civilian-administered justice with greater human rights protections compared with the military justice administered to Palestinians.<sup>69</sup>

#### *Forced evictions, demolitions and non-issuance of building permits*

34. During the reporting period, Israeli authorities continued to implement eviction and demolition orders against Palestinians based on discriminatory planning policies, laws and practices, including on the grounds that properties lacked building permits. This practice, focused on areas in Area C, Hebron Governorate (particularly, the South Hebron Hills) and East Jerusalem, is in violation of the obligations of Israel under international law, including the law of occupation that prohibits the destruction of property not justified by military necessity.<sup>70</sup> It also violates the international human rights obligations of Israel, including in relation to non-discrimination<sup>71</sup> and the rights of Palestinians to an adequate standard of

<sup>62</sup> In violation of the obligations of Israel under article 6 of the International Covenant on Civil and Political Rights, as well as articles 43 and 46 of the Hague Regulations and articles 27 and 64 of the Fourth Geneva Convention.

<sup>63</sup> Troy O. Fritzhand, “Israeli ministers back settler killing of Palestinian during Burqa clashes”, *The Jerusalem Post*, 6 August 2023.

<sup>64</sup> See [www.haaretz.co.il/news/law/2023-08-11/ty-article/.premium/00000189-e30f-d9cf-a7eb-fb2fe9f50000](http://www.haaretz.co.il/news/law/2023-08-11/ty-article/.premium/00000189-e30f-d9cf-a7eb-fb2fe9f50000) (in Hebrew).

<sup>65</sup> Josh Breiner and Noa Shpigel, “‘He acted in self-defense’: two Israeli lawmakers visit hospitalized settler suspected of murdering Palestinian”, *Haaretz*, 6 August 2023.

<sup>66</sup> “Court releases main suspect in killing of Palestinian in Burqa to house arrest”, *The Times of Israel*, 15 August 2023.

<sup>67</sup> See [www.haaretz.co.il/news/law/2023-08-11/ty-article/.premium/00000189-e30f-d9cf-a7eb-fb2fe9f50000](http://www.haaretz.co.il/news/law/2023-08-11/ty-article/.premium/00000189-e30f-d9cf-a7eb-fb2fe9f50000) (in Hebrew).

<sup>68</sup> Including under the International Covenant on Civil and Political Rights, arts. 9, 10, 14, 17 and 26.

<sup>69</sup> See Kathleen Cavanaugh, “The Israeli military court system in the West Bank and Gaza”, *Journal of Conflict and Security Law*, vol. 12, No. 2 (Spring 2007); and Luigi Daniele, “Enforcing illegality: Israel's military justice in the West Bank”, *Questions of International Law* (November 2017).

<sup>70</sup> Fourth Geneva Convention, arts. 53 and 147 (“grave breach”). Under article 8 (2) (iv) of the Rome Statute of the International Criminal Court, such acts are subject to prosecution under international criminal law.

<sup>71</sup> Universal Declaration of Human Rights, arts. 2 and 7; International Covenant on Civil and Political Rights, arts. 2 (1) and 4 (1); and International Covenant on Economic, Social and Cultural Rights, art. 2 (2).

living.<sup>72</sup> The Human Rights Committee stated, in 2022, that the systematic practice of demolitions and forced evictions based on discriminatory policies had led to the separation of Jewish and Palestinian communities in the Occupied Palestinian Territory, which amounted to racial segregation.<sup>73</sup>

35. For Palestinians in Area C, it remains virtually impossible to acquire a permit from Israeli authorities to build a home, in violation of the principle of non-discrimination.<sup>74</sup> On 20 July 2023, the head of infrastructure at the Civil Administration stated that, “90–95% of Palestinian requests for permits are rejected ... On the Israeli side, 60–70% of the plans are discussed and approved”.<sup>75</sup> According to Peace Now, only approximately 2 per cent of Palestinian building applications are approved in Area C.<sup>76</sup> During the reporting period, Palestinian-owned structures were demolished by Israel at one of the fastest rates on record:<sup>77</sup> 917 Palestinian-owned structures in the West Bank, including 210 in East Jerusalem, were demolished.<sup>78</sup> This resulted in the displacement of 1,015 Palestinians. Demolished structures included 285 residential buildings, 117 donor-funded structures and 57 water, sanitation and hygiene facilities.<sup>79</sup>

36. Of the 210 demolitions in East Jerusalem, 89 were self-demolitions by their owners (affecting 107 structures, including 84 residential structures) to avoid paying fines and charges imposed by the Israeli authorities, epitomizing the coercive environment that Palestinians live in.<sup>80</sup> Most of these self-demolitions – 27 per cent – occurred in Jabal al Mukabbir area in East Jerusalem.

37. Particularly in the Old City and surrounding areas of East Jerusalem, claims continued to be initiated by Jewish settler organizations to forcibly evict Palestinians and take over their property. In one emblematic case, on 11 July 2023, an elderly Palestinian couple were forcibly evicted from their home in the Old City, where they had lived since 1953. The eviction followed a decision by the Supreme Court that the protected tenancy of Nora Gheith, 68 years old, and Mustafa Sub Laban, 72 years old, would be terminated, making way for the property to be seized by Galicia Trust, which had been trying to evict the family since 2010. International humanitarian law prohibits Israel from imposing its own laws in occupied territory, which includes the use of Israeli laws to evict Palestinians from their homes. Furthermore, the laws in themselves are inherently discriminatory against Palestinians, in violation of the international human rights obligations of Israel.<sup>81</sup>

#### *Settlement of land title*

38. In occupied East Jerusalem, Israeli authorities further advanced the process of settlement of land title, with a view to establishing definitive land ownership registration. According to Israeli non-governmental organizations that monitor this process, as of 31 October 2023, the process had been initiated in some 206 blocks, each of which includes several plots of land, advanced in 58 blocks and finalized in 34 blocks, including 18 that were finalized during the reporting period.<sup>82</sup>

39. The settlement of land title appears to be used to increase Israeli control over additional territory in occupied East Jerusalem. In particular, it appears to be aimed at areas lined up for settlement expansion or new settlement construction; areas in which Jewish ownership claims have been advanced over Palestinian land; and areas in which the process

<sup>72</sup> International Covenant on Economic, Social and Cultural Rights, art. 11.

<sup>73</sup> CCPR/C/ISR/CO/5, para. 42.

<sup>74</sup> E/C.12/ISR/CO/4, paras. 50 and 51.

<sup>75</sup> See <https://main.knesset.gov.il/en/news/pressreleases/pages/press20723r.aspx>.

<sup>76</sup> See <https://peacenow.org.il/en/approvals-for-palestinians-in-area-c-2009-2020>.

<sup>77</sup> Information provided by the Office for the Coordination of Humanitarian Affairs.

<sup>78</sup> The number was 914 in the previous reporting period.

<sup>79</sup> Information provided by the Office for the Coordination of Humanitarian Affairs.

<sup>80</sup> A/HRC/52/76, paras. 32 and 50.

<sup>81</sup> International Covenant on Civil and Political Rights, arts. 2 (1) and 4 (1); and International Covenant on Economic, Social and Cultural Rights, art. 2 (2).

<sup>82</sup> Data from Ir Amim and Bimkom, on file. See also Ir Amim and Bimkom, *The Grand Land Theft* (2023).

could lead to the declaration of Palestinian property as “absentee” based on the Absentee Property Law and handed over to the Custodian of Absentee Property. The finalization of this process would therefore place thousands of Palestinians at risk of forced eviction and forcible transfer.

#### *Freedom of movement*

40. Israel continued to develop bypass roads in Area C to connect settlements and outposts to each other, to Israel and to Jerusalem.<sup>83</sup> In May 2023, the Ministry of Transport and Road Safety committed to spending 3.5 billion new Israeli shekels (\$941 million) over the next two years to upgrade and pave new roads serving Israeli settlements. As well as being highly discriminatory in being built to serve the needs of settlements and settlers, they also segment Palestinian governorates into isolated enclaves, undermining the feasibility of a contiguous Palestinian State. Furthermore, those roads hinder connectivity and restrict Palestinians’ freedom of movement in the West Bank in a highly discriminatory and oppressive manner, leading to further human rights violations, including by hampering access to livelihoods and essential services.

41. Following the attacks of 7 October 2023, the violation of Palestinians’ right to freedom of movement in the West Bank worsened drastically after Israeli authorities closed entrances to most Palestinian towns and villages and most checkpoints connecting the West Bank to East Jerusalem, and established new checkpoints across the West Bank. This was combined with an increased presence of Israeli security forces and armed settlers on the roads, further inhibiting Palestinians’ freedom of movement through intimidation and violence and exacerbating the coercive environment, increasing the risk of forcible transfer. The stringent and discriminatory restrictions imposed,<sup>84</sup> which did not apply to settlers, particularly affected already isolated and vulnerable communities. This included H2 in Hebron, where Israel placed 7,000 Palestinians under a de facto curfew until 21 October 2023 and ordered the closure of all shops and services. From 21 October 2023 to the end of the reporting period, Palestinian residents were allowed to leave H2 to access goods and services only three times a week, two hours a day, while settlers could move freely in and out of the area. In East Jerusalem, Israel imposed further restrictions on Palestinians’ access to the Old City and Al Aqsa Mosque, including through checking personal identification documents and restricting access to the Old City’s residents.

#### *The wall*

42. The ongoing construction of the wall, 85 per cent of which runs inside the West Bank carving off around 10 per cent of the territory, is increasingly restricting Palestinians’ freedom of movement and access to land, especially agricultural land, property and natural resources.<sup>85</sup> The Israeli military is reportedly imposing new obstacles on Palestinians trying to access West Bank lands across the wall, including farmers.<sup>86</sup> This included new restrictions after 7 October 2023 on Palestinians trying to cultivate their lands inside the seam zone, namely areas in the West Bank trapped between the wall and the Green Line border.<sup>87</sup> In 2004, the International Court of Justice found the construction of the wall built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, to be contrary to international law.<sup>88</sup>

#### *Military firing zones*

43. Nearly 30 per cent of Area C, primarily in the Jordan Valley, totalling 18 per cent of the West Bank, in which some 6,200 Palestinians currently live, has now been designated by

<sup>83</sup> A/78/554, paras. 24–28.

<sup>84</sup> Still in place at the end of the reporting period.

<sup>85</sup> CCPR/C/ISR/CO/5, para. 14.

<sup>86</sup> See [https://hamoked.org.il/newsletters/stand\\_with\\_HaMoked\\_eng.php](https://hamoked.org.il/newsletters/stand_with_HaMoked_eng.php).

<sup>87</sup> See <https://hamoked.org/document.php?dID=Updates2382>.

<sup>88</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136, at para. 163.

Israel as closed military “firing zones”.<sup>89</sup> Palestinians are prohibited from entering the military firing zones without authorization from the Israeli authorities, which is rarely granted, detrimentally affecting rights, including by hindering access to land, housing and livelihoods and by restricting freedom of movement. In those zones, Israel prohibits Palestinian construction, including homes and infrastructure, and regularly demolishes and confiscates Palestinian-owned property, contributing to the forcible transfer of Palestinians.<sup>90</sup>

44. Pressure mounted on some 1,150 residents, including more than 500 children, of 12 Palestinian herding communities in the South Hebron Hills to leave Israeli-designated Firing Zone 918 in Masafer Yatta, following the decision of the High Court of Justice to approve their eviction in May 2022.<sup>91</sup> Israeli authorities demolished or confiscated 33 structures in Masafer Yatta, including a donor-funded school in Isfey al Fauqa. The Jinba, Khirbet al Fakheit and Khirbet al Majaz schools in Masafer Yatta also remain vulnerable to demolition pursuant to the alleged violation of Israeli building permit regulations.<sup>92</sup> Every structure in Al ‘Aqaba village, in the northern Jordan Valley, remains vulnerable to demolition due to the designation by the Israeli Military Commander that the village is situated within the boundaries of Firing Zone 900.

#### *Restrictions on civil society*

45. During the reporting period, civil society actors continued to face retaliation by Israeli authorities for advocating for the human rights of Palestinians, including in the context of Israeli settlement expansion. Their harassment is exacerbated by lengthy legal proceedings in military courts, which detract from their human rights work and further dim the prospects of justice and accountability for victims. Moreover, in Israeli military courts, 96 per cent of cases lead to convictions and 99.6 per cent of those were the result of plea bargains,<sup>93</sup> the defendant bearing the burden of proof, rather than the prosecution.<sup>94</sup> During the reporting period, human rights defenders Sami Hureini, Issa Amro and Nasser Nawajah all faced trials for their work against settlements in the West Bank. On 22 August 2023, following his peaceful participation in a demonstration in Masafer Yatta on 8 January 2021, Mr. Hureini, founder of Youth of Sumud, was convicted of assault and obstruction of a soldier, despite serious concerns about due process. On 25 June 2023, after a seven-year-long legal battle, Mr. Amro, founder of Youth Against Settlements, was exonerated in relation to two of his six convictions in connection with his human rights work – one of only a tiny fraction (0.3 per cent) of cases at military courts that result in exoneration.<sup>95</sup> Like many others, to avoid lengthy court proceedings and possible heavy sentencing, B’Tselem field researcher Mr. Nawajah, who had been accused of “assaulting a soldier” while documenting a case of settler violence in the South Hebron Hills in September 2021, accepted a plea bargain in July 2023 on the lesser charge of “obstructing a soldier”, which reduced the penalty to a fine and a suspended sentence of one and a half months.

46. The situation of human rights defenders attempting to document settler-related violations worsened further after 7 October 2023, as illustrated by the case of Mr. Amro. On 7 October 2023, Mr. Amro was prevented from accessing his house and the offices of Youth Against Settlements in Hebron H2 by an Israeli settler dressed in an army uniform along with two Israeli soldiers. The settler lives in Hebron H2 and is well known in the community for instigating attacks against Palestinians. Mr. Amro told OHCHR that he was subsequently arrested and detained for a day in a caravan located at a military post in the nearby settlement

<sup>89</sup> Office for the Coordination of Humanitarian Affairs, “Protection of civilians report, 8–21 August 2023”, 28 August 2023, available at [www.ochaopt.org/poc/8-21-august-2023](http://www.ochaopt.org/poc/8-21-august-2023).

<sup>90</sup> A/HRC/52/76, paras. 16 and 17.

<sup>91</sup> See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/13/130/004/n89&fileName=13004130.N89&type=2> (in Hebrew).

<sup>92</sup> See also Office for the Coordination of Humanitarian Affairs, “Fact sheet: Masafer Yatta communities at risk of forcible transfer, June 2022”, 6 July 2022, available at [www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022](http://www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022).

<sup>93</sup> See [www-meida-org-il.translate.goog/12407?\\_x\\_tr\\_sl=iw&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=iw](http://www-meida-org-il.translate.goog/12407?_x_tr_sl=iw&_x_tr_tl=en&_x_tr_hl=iw).

<sup>94</sup> Naama Baumgarten-Sharon and Yael Stein, *Presumed Guilty: Remand in Custody by Military Courts in the West Bank* (B’Tselem, 2015), pp. 61 and 62.

<sup>95</sup> See [www-meida-org-il.translate.goog/12407?\\_x\\_tr\\_sl=iw&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=iw](http://www-meida-org-il.translate.goog/12407?_x_tr_sl=iw&_x_tr_tl=en&_x_tr_hl=iw).



of Ramat Yashai. During his detention, he described being subjected to ill-treatment and sexual violence at the hands of the soldiers, including being threatened with rape and being repeatedly beaten, kicked and spat on.

#### IV. Settlements in the occupied Syrian Golan

47. The Israeli plan to double the settler population in the Syrian Golan by 2027 is ongoing – both in terms of an increase in the number of Israeli settlements in the occupied Syrian Golan and also in the size of the Israeli settler population. Today, the Israeli settlers are distributed among 35 different settlements.<sup>96</sup>

48. Beside settlement expansion, commercial activity, such as the construction of wind turbines, has been approved. This may have potentially detrimental health effects on the population of the occupied Syrian Golan and further worsen the overall human rights situation and continue to limit the access of the Syrian population to land and water. In addition, the project could affect the right to adequate housing, through land-grabbing and further potential displacement of the members of the Druze community.<sup>97</sup>

49. On 20 June 2023, Israel commenced work on a wind turbine project near the towns of Majdal Shams and Mas'adah in the occupied Syrian Golan. Israel Police provided onsite protection for works reportedly<sup>98</sup> carried out by the Israeli Energix company. As a result, clashes erupted between Syrians protesting against the construction of the wind turbines and Israel Police officers, reportedly resulting in minor injuries to three protesters and three police officers. As a consequence, by July 2023, the Prime Minister of Israel had postponed the project, acknowledging its unfeasibility given the opposition from Arab villagers.<sup>99</sup>

#### V. Conclusions

50. **The establishment and continuing expansion of settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territories that it occupies, which is strictly prohibited under international humanitarian law,<sup>100</sup> as consistently confirmed by the competent United Nations organs, including the International Court of Justice.<sup>101</sup> Such transfers amount to a war crime that may engage the individual criminal responsibility of those involved.<sup>102</sup> On 30 June 1980, the Security Council reaffirmed the overriding necessity for ending the prolonged occupation of Arab territories occupied by Israel since 1967, including Jerusalem.<sup>103</sup>**

51. **Entering the fifty-sixth year of Israeli military occupation of Palestinian territory and the Syrian Golan, Israeli settlements in the West Bank, under laws and policies that are inherently discriminatory against Palestinians, continue to become more expansive, deeply entrenched and increasingly difficult to reverse. The ongoing expansion of Israeli settlements involves numerous human rights violations against Palestinians, including their rights to self-determination, equality and non-discrimination. These violations, which have become more serious over the reporting period, create a coercive**

<sup>96</sup> A/78/127-E/2023/95, para. 113.

<sup>97</sup> A/78/529.

<sup>98</sup> Adi Hashmonai and Jack Khoury, “Druze protesters clash with police in Golan Heights over wind turbine construction”, *Haaretz*, 20 June 2023.

<sup>99</sup> Adi Hashmonai, Fadi Amun and Jack Khoury, “Netanyahu pauses wind turbine construction after Druze spiritual leader warns of unprecedented ‘consequences’”, *Haaretz*, 24 June 2023.

<sup>100</sup> Fourth Geneva Convention, art. 49, sixth paragraph.

<sup>101</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136; Security Council resolutions 465 (1980) and 2334 (2016); General Assembly resolutions 71/97 and 72/86; and Human Rights Council resolution 31/36.

<sup>102</sup> Fourth Geneva Convention, art. 49, sixth paragraph. See also Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

<sup>103</sup> Security Council resolution 476 (1980).



environment that displaces Palestinians from their homes and their lands and that could amount to forcible transfer.

52. Despite numerous reports on the question of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and the incompatibility of these settlements with international law, the international community has failed, both individually and collectively, to take adequate, feasible and effective measures to ensure the compliance of Israel with its international obligations.<sup>104</sup>

53. The drastic acceleration, particularly after 7 October 2023, of long-standing trends of discrimination, oppression and violence against Palestinians that accompany Israeli occupation and settlement expansion have taken the West Bank to the brink of catastrophe. To address the current crisis and the wider context of occupation, it is critical for States Members of the United Nations, including the primary duty bearer, Israel, to find a viable political solution that finally addresses the associated and underlying human rights violations of the Palestinian people.

## VI. Recommendations

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

(a) Immediately and completely cease and reverse the establishment and expansion of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and all other related activity, in accordance with relevant United Nations resolutions, including Security Council resolutions 497 (1981) and 2334 (2016);

(b) Rescind all policies and practices that contribute to a coercive environment and increase the risk of forcible transfer of Palestinians;

(c) Cease and reverse the transfer of powers from the military administration to the Israeli civilian government over the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, and ensure that all measures taken as occupying Power are fully consistent with international law;

(d) Fulfil its obligations under international humanitarian law and international human rights law regarding the protection of all Palestinians and their housing, land and property from violence by Israeli settlers, and ensure that all allegations of settler violence are promptly, effectively, impartially and transparently investigated, and that perpetrators are prosecuted in accordance with due process and fair trial guarantees and, if found guilty, punished with penalties commensurate with the gravity of the offences;

(e) Ensure that all members of Israeli security forces and the Israel Police alleged to have supported, facilitated or participated in acts of settler violence are investigated and held to account in accordance with international standards;

(f) Ensure that victims of gross violations of international human rights law and serious violations of international humanitarian law have their right to remedy and reparation upheld;

(g) Reform planning policies, laws and practices that enable discriminatory eviction and demolition orders against Palestinians and that create a coercive environment that forces Palestinians to self-demolish their own properties;

(h) Repeal laws that discriminate against Palestinian residency in the occupied West Bank, including East Jerusalem;

<sup>104</sup> International Law Commission, articles on responsibility of States for internationally wrongful acts, art. 41 and part three.

(i) **Ensure that civil society actors can freely conduct their activities without harassment, including for groups monitoring and reporting on human rights violations caused by Israeli settlements;**

(j) **Take immediate steps to dismantle the wall in the Occupied Palestinian Territory, in line with the Advisory Opinion of the International Court of Justice, as a step towards ensuring Palestinians' full access to their lands and livelihoods and the enjoyment of their right to self-determination;**

(k) **Cease and reverse the establishment of the dual system of justice that has discriminatory effects on Palestinians, as well as other laws and policies resulting in patterns of systematic discrimination against Palestinians;**

(l) **End the 56-year military occupation of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, as part of a broader process towards achieving equality, justice, democracy, non-discrimination and the fulfilment of all human rights for all Palestinians.**

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