

Title: UNSC: Deterioration of situation in Israel/Palestinian territories
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Response: Routine, Information Only

Summary

The 18 October UNSC debate on the Middle East Peace Process highlighted a deteriorating situation in Israel and the Palestinian Territories. The impending demolition of Palestinian village, Khan al-Ahmar, and recent medium range missile fire from Gaza into Israel were seen as potential catalysts for broadening the conflict beyond skirmishes on the Gaza border. Many cautioned that the demolition was adversely impacting the viability of a two-state solution, and reiterated their opposition to any unilateral moves that might affect the status of Jerusalem. There was no specific mention of recent developments on Australia's policy in the Middle East.

On 18 October 2018, the UNSC held its quarterly open debate on the Situation in the Middle East, including the Palestinian Question.

2. UN Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, briefed the Council (statement attached), focusing on the situation in Gaza and the West Bank, and on the stagnated peace process. Mladenov's statement built on the increasingly dire tone of his recent briefings to the Council, warning that "Gaza is imploding" and that recent medium range missile attacks on Israel forewarn a dangerous escalation in the conflict. In Gaza, all key indicators - humanitarian, economic, security and political – were deteriorating. Gaza was "on the brink" of a large-scale conflict, despite efforts by the UN and Egypt to stabilise the situation. While short-term solutions could help (particularly, Israel lifting movement and access controls, Hamas ceasing provocations and the Palestinian Authority returning to control of Gaza), a longer-term political agreement Israel and the Palestinians was required. Mladenov also focused on the slated demolition of Palestinian village Khan al-Ahmar in the E1 area, an area slated for new Israeli settlements that threatened the contiguity of any eventual Palestinian state. The UN Humanitarian Coordinator, along with the European Union, France, Germany, Italy, Spain, the UK, the Arab League and others have called on Israel not to go ahead with its plan to demolish the village.

3. At the invitation of Bolivia, Hagai El-Ad, the CEO of Israeli human rights organisation B'Tselem addressed the Council (statement attached). El-Ad focused on Israeli settlement activity, painting it as a coordinated and systematic policy aimed at breaking up the Palestinian people. El-Ad compared Israel's occupation with historical racial segregation laws of the US and to South African apartheid. El-Ad also raised the repression of civil society groups in Israel, including B'Tselem, and issued a message to Prime Minister Netanyahu that Israeli people opposed to the occupation should not be considered "treasonous". El-Ad criticised Israel's disregard for the international community's denunciation of settlement activity, asking for more action and claiming that "the rules based international order will not defend itself" against Israel.

4. During his statement, Israeli Permanent Representative Danon directly addressed Mr El-Ad in Hebrew. As Hebrew is not an official UN language, there was no translation of Danon's comment, however according to a media translation (Jerusalem Post), Danon said the following; "You're a wretched collaborator. Mr. El-Ad, you are a citizen of the State of Israel who is serving our enemies. They are using you against us. IDF soldiers guard you, and you came here to defame them. Shame on you." We have requested a translation from the Israeli Mission but we are yet to receive a response.

5. This Israeli comment provoked the UK and the Netherlands to request that all members speak in one of the six translated UN languages and called for the UNSC President to interject if any member departed from this protocol. Sweden and Bolivia called on Israel to refrain from personal attacks in the Chamber. Sweden, France, UK, Netherlands and Poland thanked El-Ad for addressing the Council. The US called the B'Tselem statement "distorted and one-sided".

6. Beyond addressing B'Tselem, the Israeli statement (attached, minus comments made in the Hebrew) focused on Palestinian Authority payments to "terrorists" and on criticising Palestinian Authority President Abbas. Israel said that the payments to "terrorists" exacerbated a "culture of hate" and violence. Israel referred positively to Israeli, US and Australian policy of ceasing payments to the Palestinian Government until it stops payments to "terrorists". The Palestinian statement (attached) fell along familiar lines.

7. The US once again refrained from any detailed commentary on Israel/Palestine issues, using the debate to criticise Iran. In its statement (attached), the US focused on "Student Basij Day", an Iranian celebration to commemorate child martyrs. The US accused the Iranian Revolutionary Guard Corps of operating a training program for children to fight in Syria. The US said that recently announced US sanctions on a network of Iranian institutions that supported the "Basij Resistance Force", would also apply to any foreign entity conducting business with the designated institutions.

8. Other statements focused on the status of the Peace Process, and cautioned that the situation on the ground, particularly Israeli settlement activity, was putting the two-state solution beyond reach. France warned that the "status quo" was in reality a continuing deterioration, fuelled by violence and mistrust. The slated Israeli demolition of the Palestinian village of Khan al-Ahmar featured in almost all UNSC member statements, in terms which echoed Special Coordinator Mladenov's views. France said that Israel's planned activity was a "red line" for the international community. The UK said this demolition, in an area of strategic importance, "threatens the prospects for a two-state solution". The Netherlands highlighted that EU and Netherlands funded buildings would be confiscated or demolished in Israel's planned activity.

9. The UK, Sweden and the Netherlands raised the pledged donations of a combined USD122 million in new funding to UNRWA, following the September ministerial conference in New York.

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Sent by: s 22(1)(a)(ii)

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UNSC/General

▼ New Distribution

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Title: Israel/PTs: Human Rights: Forthcoming OHCHR Reports**MRN:** s 47E(d) s 22(1)(a)(ii)**To:** Canberra; UN New York**Cc:** RR : Europe Posts, Middle East Posts**From:** Ramallah**From File:****EDRMS****Files:****References:** The cable has the following attachment/s -
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A-75-50471-Advance-Unedited-Version.docx**Response:** Routine, Information Only

Summary

The UN OHCHR will shortly release two reports by the Secretary General on the impact of Israeli practices and settlements in the Palestinian Territories, on the human rights of the Palestinian population. The reports highlight a number of issues of concern, including: a high number of incidents of demolitions and forced evictions; possible excessive use of force by security forces in the context of law enforcement operations; high levels of settler violence against Palestinians and their property, generally conducted with impunity; and the adverse impact of settlement expansion on Palestinian lives.

On 15 October, the UN Office of the High Commissioner for Human Rights (OHCHR) briefed diplomatic missions on two forthcoming reports by the Secretary-General for Human Rights to the General Assembly. The reports, on 'Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem', and on 'Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan', are attached. The two reports cover the period from 1 June 2019 to 31 May 2020.

2. In presenting the reports, OHCHR highlighted a number of ongoing issues of concern. These include a 'larger than usual' number of incidents in which Israeli authorities have demolished houses, access roads and livelihood structures. Some of the structures destroyed have been donor-funded, while there has also been cases in which health and education infrastructure has been affected (either deliberately or collaterally). In many cases, authorities have demolished the residences of family members of Palestinians responsible for attacks against Israelis, representing a form of collective punishment. Demolitions have reportedly been particularly prevalent in East Jerusalem, and have continued despite the COVID-19 pandemic. Demolitions are also frequently associated with forced evictions.

3. OHCHR expressed serious concern over the possible excessive use of force by Israeli security forces in the context of law enforcement operations, highlighting in particular the use of live ammunition against Palestinians participating in the 'Great March of Return' demonstrations along the Gaza-Israel border fence. According to OHCHR, in the vast majority of the incidents in which Israeli security forces killed or injured demonstrators, those demonstrating did not seem to represent an imminent threat of death or serious injury to the Israeli forces.

4. The OHCHR reports also note that settler violence against Palestinians has continued at high levels despite the COVID-19 pandemic, resulting in substantial property damage. In the majority of cases of settler violence, Israeli security forces have failed to protect the Palestinian population. Very few cases of settler violence result in the perpetrator being held accountable. NGOs have told Post (s 22(1)(a)(iii)) separately that there is likely under-reporting of settler violence in some areas. Obstacles to reporting

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include a lack of physical access to police stations (often located within settlement areas), a lack of trust in Israeli judicial processes, and a fear of repercussions.

5. The OHCHR reports note the advancement of new and existing settlements and the adverse impact settlement expansion has had on Palestinian lives, including restricting the freedoms of movement and privacy and access to work and education. Of particular concern to OHCHR are plans for new settlements in East Jerusalem and surrounding areas (including E1), which would isolate East Jerusalem from the rest of the West Bank and threaten to fragment the contiguity of the West Bank.

6. In its recommendations, OHCHR called for Israel to immediately and completely cease all settlement activities in the Palestinian Territories, including East Jerusalem; to immediately halt demolitions and forced evictions; to take all measures to ensure the protection of Palestinians and their property from settler violence; and to ensure that all incidents of settler and Israeli security forces violence against Palestinians be systematically investigated and perpetrators punished.

7. While the reports cover the reporting period of 1 June 2019 to 31 May 2020, their release coincides with a major settlement announcement. On 14–15 October, the Higher Planning Council for Judea and Samaria (the Defence Ministry body responsible for authorising settlement construction) advanced plans for nearly 5,000 new homes in the West Bank. Several hundred of the approvals were for homes already constructed illegally, which will be retroactively regulated. The vast majority of plans advanced were for settlements deep in the West Bank and outside the large blocs. The approvals brought the annual total of housing units advanced to 12,159, nearly 4,000 more than the number of units approved in 2019 (the watchdog NGO Peace Now reports that 2020 is already a record year for settlement construction).

8. In a 15 October statement, UN Special Envoy Nickolay Mladenov criticised the announcement and called on authorities to cease immediately all settlement construction, saying that it was illegal under international law and a major obstacle to peace. Mladenov highlighted in particular his concern over the significant number and location of the authorised housing units, which he said would undermine the prospect of establishing a contiguous and independent Palestinian state. The Palestinian Authority (PA) also condemned the announcement, with a spokesman for PA President Abbas saying that Israel had exploited improving relations in the Gulf and 'blind support' from the Trump Administration. However, the Yesha umbrella council of settler mayors welcomed the announcement, saying that the reconvening of the Defence Ministry body after seven months was a result of their pressure campaign on the Netanyahu government.

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Item 52 of the provisional agenda*

**Report of the Special Committee to Investigate Israeli
Practices Affecting the Human Rights of the Palestinian
People and Other Arabs of the Occupied Territories**

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

Report of the Secretary-General**

Summary

Submitted pursuant to General Assembly resolution [74/89](#), the present report examines Israeli practices affecting the human rights of Palestinians in the Occupied Palestinian Territory, including East Jerusalem. It covers the period from 1 June 2019 to 31 May 2020.

* [A/75/150](#).

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



I. Introduction

1. Submitted pursuant to General Assembly resolution [74/89](#), the present report covers the period from 1 June 2019 to 31 May 2020. It is based on monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory and on information collected by other United Nations entities and non-governmental organizations, as well as other sources. It should be read in conjunction with the report of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, and the reports of the United Nations High Commissioner for Human Rights submitted to the Human Rights Council at its forty-third session.¹

2. Through trends and cases documented by OHCHR, the report illustrates the multiple obstacles to the enjoyment of human rights in the Occupied Palestinian Territory stemming from Israeli policies and practices. Owing to space constraints, the report does not address all issues of concern, nor does it address all cases documented during the reporting period. Developments related to settlement construction and related violations of international law are described in the report of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory.

II. Legal framework

3. International human rights law and international humanitarian law apply concurrently in the Occupied Palestinian Territory. A detailed analysis of the applicable legal framework can be found in the report of the Secretary-General to the Human Rights Council at its thirty-fourth session.²

III. Implementation of General Assembly resolution [74/89](#)

4. The human rights situation in the Occupied Palestinian Territory remained dire. During the reporting period, 83 Palestinians (79 male, 4 female), including 17 children, were killed and 7,958 injured by Israeli Security Forces (ISF), and four Israelis, including one child (a girl), were killed and 107 injured by Palestinians. Of the Palestinians killed, 61 were in Gaza and 22 in the West Bank, including East Jerusalem. Most incidents monitored by OHCHR raised serious concerns about excessive use of force by ISF,³ in some cases possibly amounting to arbitrary deprivation of life, including extrajudicial execution.⁴ Lack of accountability for excessive use of force and other violations by ISF remained pervasive.⁵

A. Conduct of hostilities

5. Palestinian armed groups reportedly fired 548 rockets and 170 mortar rounds towards Israel, and ISF fired 486 missiles and 118 shells into Gaza.⁶ There were three

¹ [A/HRC/43/21](#), [A/HRC/43/70](#) and [A/HRC/43/67](#).

² [A/HRC/34/38](#), paras. 3–12.

³ The term “excessive use of force” is used in the present report to refer to incidents in the context of law enforcement operations where force was not used in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). These may entail situations in which force was used unnecessarily and/or disproportionately and/or in pursuit of an illegal law enforcement objective and/or in a discriminatory manner.

⁴ See sect. III.B below.

⁵ [A/HRC/43/21](#).

⁶ United Nations, Department of Safety and Security.

serious escalations in hostilities between Israel and Palestinian armed groups. As a result, 16 Palestinian civilians were killed, including three women and eight children,⁷ and 127 Palestinians were injured.⁸ Nine Israeli civilians were injured by rockets fired indiscriminately from Gaza. During one escalation, following the targeted killing of a Palestinian Islamic Jihad military leader in Gaza on 12 November 2019, heavy exchange of fire between Palestinian armed groups and ISF lasted until 14 November 2019 and killed 36 Palestinians, including 16 civilians and 20 members of armed groups. In one incident, on 14 November 2019, the Israeli Air Force struck two houses belonging to an extended family in Deir al-Balah with at least four missiles, killing nine individuals, including five children and two women, and injuring 12 others, including 11 children. In a statement issued following an internal review of the incident, the Israeli military said that, while militant activity had taken place at the targeted site in the past, including during the November 2019 escalation, it was not an area from which the public was excluded and there had in fact been civilians present at the time of the strike.⁹ This incident raises serious concern about a failure by Israel to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury of civilians and damage to civilian objects, in accordance with international humanitarian law.¹⁰ Concerns also remain regarding the indiscriminate launching of rockets and mortar shells towards Israel by Palestinian armed groups in Gaza. Incendiary balloons were also launched towards Israel from Gaza, with some reportedly damaging lands and crops in Israel.

B. Excessive use of force by Israeli security forces in the context of law enforcement

6. The Secretary-General has repeatedly expressed serious concern about possible excessive use of force by ISF against Palestinians in the context of law enforcement operations.¹¹ In Gaza, Palestinians continued to be killed and injured in the context of “Great March of Return” demonstrations along the Gaza-Israel fence, although the number of such incidents decreased compared with the previous reporting period, partly as a result of the suspension of the weekly demonstrations in December 2019.¹² ISF killed 10 Palestinians, including four children, at the fence, and injured some 850 Palestinians with live ammunition, including 287 children.¹³ Some of those injured sustained permanent disabilities. In the vast majority of the incidents monitored by OHCHR in which ISF killed or injured demonstrators, victims did not seem to represent an imminent threat of death or risk of serious injury to anyone.

7. Media reports surfaced starting in July 2019 suggesting that the open-fire regulations of ISF governing the use of force in the context of the “Great March of Return” demonstrations had been revised to instruct soldiers to shoot primarily below the knee after it had emerged that in many cases firing at the lower limbs above the knee had caused death.¹⁴ These reports continued to surface notwithstanding the

⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR) monitoring.

⁸ United Nations, Office for the Coordination of Humanitarian Affairs.

⁹ Israel Defense Forces, “Summary of ‘Black Belt’”, 24 December 2019.

¹⁰ International Committee of the Red Cross, “Practice relating to rule 15”, customary international humanitarian law database (IHL database), available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule15.

¹¹ A/74/468, paras. 10–11; A/73/420, para. 48; and A/72/565, para. 13.

¹² A/74/468, para. 11.

¹³ Information provided by OHCHR and the United Nations, Office for the Coordination of Humanitarian Affairs.

¹⁴ B’Tselem, “After the supreme court praised the open-fire policy, the military admits: we killed protestors for no reason”, 24 July 2019; www.ynet.co.il/articles/0,7340,L-5569938,00.html; Amos Harel, “Israel takes tactical risk in Gaza to serve strategic goal”, *Haaretz*, 19 September 2019; and A/HRC/43/21, para. 35.

Military Advocate General of Israel denying, in a letter addressed to the Association for Civil Rights in Israel in August 2019, that any change or revision of the instructions provided to soldiers at the fence had occurred since the beginning of the large-scale demonstrations in March 2018.¹⁵ OHCHR continued documenting the persistence of injuries to the upper limbs or torso which, in certain cases, had caused death. For instance, on 4 October 2019, ISF killed a 28-year-old demonstrator, Hamdan Ayish, shooting at his chest with live ammunition, while he was standing around 150 metres from the fence, east of Jabalia. According to eyewitnesses, ISF fired tear gas and rubber-coated bullets at paramedics who attempted to rescue him. On 11 October 2019, 14-year-old Alaa El A'basi was hit in the back of his head with a tear gas canister 300 metres from the fence, east of Khan Younis. His skull was shattered, leaving him a quadriplegic until he died, on 31 January 2020.

8. In the West Bank, including East Jerusalem, ISF killed 22 Palestinians, including four children. Three of the victims, including one child, were killed in the context of demonstrations, 10 during search and arrest operations and nine during attempted or alleged attacks by Palestinians against ISF or settlers. Several incidents raised concerns that ISF had used excessive and, in some cases, entirely unnecessary force, in some cases possibly amounting to arbitrary deprivation of life, including extrajudicial execution. On 30 May 2020, ISF killed Iyad Hallaq, an autistic 31-year old Palestinian who was walking from his home in the Wadi al-Jawz neighbourhood to a vocational training centre for persons with special needs in Jerusalem's Old City. According to eyewitnesses, ISF shot him more than once with live ammunition in the upper part of the body as he was lying on the ground, hiding in a dumpsite, having panicked when ISF shouted at him. While the police claimed to have believed he was armed, he was not carrying any weapon or posing any threat when he was shot.¹⁶ The Police Internal Investigations Department opened an investigation into the killing. On 13 May 2020, in Al-Fawwar refugee camp, in Hebron, ISF killed Zaid Qaisiya, a 17-year-old Palestinian. ISF was retreating following an arrest operation, responding to the throwing of stones and Molotov cocktails by Palestinians, and shot him in the head with live ammunition as he reached the rooftop of a four-story building 200–300 metres away. According to multiple witnesses interviewed by OHCHR, the victim was not involved in any confrontation when or before he was shot.

9. Under international human rights standards, the use of potentially lethal force for law enforcement purposes is an extreme measure which should be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat.¹⁷ Many of the incidents reported above raise concerns regarding excessive use of force in violation of international human rights standards in certain cases, possibly resulting in arbitrary deprivation of life. Only in rare cases did Israeli authorities announce the opening of military investigations.¹⁸ During the reporting period, only one conviction was recorded, on 29 October 2019, for the killing of a 14-year old Palestinian during the Gaza demonstrations. The perpetrator, a soldier, was sentenced to one month in prison, which was commuted to military-related labour.¹⁹ The Secretary-General and the High Commissioner for Human Rights have

¹⁵ Letter dated 15 August 2019 from the Military Advocate General to the Association for Civil Rights in Israel. See also Hilo Glazer, “‘42 knees in one day’: Israeli snipers open up about shooting Gaza protesters”, *Haaretz*, 6 March 2020.

¹⁶ OHCHR, “Israeli security forces yet again use lethal force against a Palestinian not presenting an imminent threat of death or serious injury, killing him”, press statement, 2 June 2020.

¹⁷ Human Rights Committee, general comment No. 36 (2018) on the right to life, para. 12; and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

¹⁸ As at 30 July 2019, military police investigations had been opened only for the killing of 13 Palestinians during the “Great March of Return”. [A/HRC/43/21](#), para. 24.

¹⁹ [A/HRC/43/21](#), para. 25.

repeatedly expressed concern over the lack of accountability for excessive use of force by ISF against Palestinians.²⁰

C. Detention and ill-treatment

10. Concerns about arbitrary detention by Israeli authorities persisted. As at 31 May 2020, 4,236 Palestinians, including 27 women and 142 children (all boys), were in Israeli detention on alleged security offences, a decrease from 5,106 (including 34 women and 201 boys) as at 31 May 2019.²¹ Most Palestinian detainees and prisoners continued to be held inside Israel. The transfer of protected persons, including those accused of offences, to the territory of the occupying Power is prohibited under the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) of 1949 and has a negative impact on the right of the detainees to receive visitors, especially relatives, who reside in the West Bank and Gaza.²²

11. The practice of administrative detention by Israeli authorities remained of serious concern,²³ with 352 Palestinians, including one woman and two children, held in administrative detention as at 31 May 2020.²⁴ Administrative detention is permitted only in the most exceptional circumstances and subject to strict safeguards to prevent arbitrariness.²⁵ Administrative detention continued to be used against journalists and human rights defenders.²⁶ For instance, on 19 April 2020, ISF arrested Mohammad Izghayyer, a human rights defender with Youth against Settlements in Hebron, and, by a 4 May 2020 decision of a military court, placed him under administrative detention for four months.²⁷ Mr. Izghayyer, who had been acquitted of charges of stone throwing and organizing illegal demonstrations, had previously been under administrative detention, from 3 May to 2 September 2019, following a court decision based on a secret file to which neither he nor his lawyer had access. The Secretary-General and the High Commissioner for Human Rights have repeatedly condemned and called on Israeli authorities to end administrative detention for inordinately lengthy periods as a factor perpetuating arbitrary detention of Palestinians.²⁸ According to the Committee against Torture, this practice may also amount to a form of ill-treatment.²⁹

12. Hundreds of Palestinian prisoners in Israel joined three separate mass hunger strikes to protest against punitive measures (including solitary confinement) and demand an improvement in detention conditions. In addition, 10 detainees, including one woman,³⁰ pursued individual hunger strikes against their administrative detention. In some cases, prolonged hunger strikes generated severe health deterioration, and

²⁰ Ibid., para. 20; [A/72/565](#), paras. 51 and 58; and [A/73/420](#), para. 57.

²¹ [A/74/468](#), paras. 16–17. Data provided by the Israeli Prison Service to B'Tselem. The figures refer to a head count of prisoners at a given time and do not reflect the overall number of prisoners arrested and released in a given period.

²² Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), arts. 27, 49 and 116.

²³ [A/HRC/43/70](#), paras. 55–56.

²⁴ As at 31 May 2019, there were 485 administrative detainees, including one woman. Data provided by the Israeli Prison Service to B'Tselem.

²⁵ International Covenant on Civil and Political Rights, art. 9; Fourth Geneva Convention, art. 78; and Human Rights Committee, general comment No. 35 (2014) on liberty and security of person, paras. 15 and 64.

²⁶ [A/HRC/43/70](#), para. 52.

²⁷ OHCHR monitoring.

²⁸ [A/69/347](#), paras. 29 and 83; [A/HRC/37/42](#), para. 17; and [A/HRC/34/38](#), para. 56.

²⁹ [CAT/C/ISR/CO/4](#), para. 17; and [CAT/C/ISR/CO/5](#), paras. 22–23.

³⁰ Information provided by the Palestinian Prisoners' Commission and the Palestinian Prisoners' Club.

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four detainees were hospitalized in critical condition. The Palestinian Prisoners' Commission and the Palestinian Prisoners' Club raised concerns about medical negligence and reported that measures such as solitary confinement were enforced by the Israel Prison Service to punish or pressure hunger strikers.³¹

13. The consequences of the coronavirus disease (COVID-19) pandemic on Palestinian prisoners also raised concerns. On 8 March 2020, the Minister of Public Security of Israel ordered the Israel Prison Service to put a freeze on visits to prisoners by lawyers and family members. This had a particular impact on Palestinians imprisoned for security offences who, even under normal circumstances, are denied access to phone calls. Most restrictions remained in force at the end of the reporting period, notwithstanding several petitions filed by human rights organizations. Only tightly regulated phone calls were allowed for children and women, and access by lawyers was later authorized in exceptional circumstances. On 20 March 2020, the Minister of Public Security of Israel authorized the release of some 500 prisoners to house arrest to ease overcrowding and reduce the risk of infection. This decision did not include Palestinians from the West Bank and Gaza detained or imprisoned for security offences, including those in pretrial detention, notwithstanding the general calls made by the High Commissioner for Human Rights and the Executive Director of the United Nations Children's Fund.³² The Palestinian Prisoners' Commission raised concerns about the lack of adequate medical and hygiene supplies, while inmates reportedly organized protests in March 2020.

14. Extremely concerning cases of possible torture and ill-treatment of Palestinians in Israeli detention were documented during the reporting period. In the aftermath of the Ein Bubin attack of 23 August 2019, in which a 17-year-old Israeli girl was killed and her father and brother injured when a homemade bomb exploded near a spring in the vicinity of the Dolev settlement,³³ Israeli authorities arrested a series of individuals suspected of being linked to the attack or with organizations allegedly involved in its preparation, particularly the Popular Front for the Liberation of Palestine.³⁴ Dozens were arrested and many reported through their lawyers that they were systematically subjected to ill-treatment in detention. "Special interrogation methods" were reportedly used by the Internal Security Agency, based on internal guidelines previously approved by the Attorney General and upheld by the High Court of Justice.³⁵ In many of the cases, detainees were kept in incommunicado detention, not allowed to meet with even their lawyers.

15. For instance, Samer Al A'rbeed was arrested twice, in August 2019 and on 25 September 2019, and allegedly subjected to severe torture and ill-treatment while in detention. The ill-treatment allegedly continued despite a court order to take him to a doctor and have a medical check undertaken on 26 September. On 27 September 2019, he was hospitalized with life-threatening injuries, with fractures to 11 ribs and

³¹ See <http://cda.gov.ps/index.php/ar/2017-05-23-08-02-54/17-ar-blog-news/7204-470-2020>; and www.facebook.com/ppsmo/photos/a.273555462709160/2714682495263099/?type=1&theater.

³² OHCHR, "Urgent action needed to prevent COVID-19 'rampaging through places of detention' – Bachelet", 25 March 2020; and Henrietta Fore, Executive Director of the United Nations Children's Fund (UNICEF), "Children in detention are at heightened risk of contracting COVID-19 and should be released", statement, New York, 13 April 2020.

³³ Yotam Berger, Yaniv Kubovich and Jack Khoury, "17-year-old Israeli murdered in West Bank terror attack; father and brother wounded", *Haaretz*, 23 August 2019.

³⁴ Yaniv Kubovich, Hagar Shezaf and Jack Khoury, "Shin Bet: dozens of Palestinian faction members arrested for planning West Bank terror attacks", *Haaretz*, 18 December 2019.

³⁵ On 26 November 2018, the High Court of Justice upheld the legality of the guidelines and widened the circumstances in which "special interrogation methods" can be used against suspected terrorists. Israel, High Court of Justice, *Firas Tbeish v. Attorney General*, Case No. HCJ 9018/17, Judgment, 26 November 2018. See also [A/74/468](#), para. 16.

muscle decomposition that led to kidney failure and damage to his lungs.³⁶ He was denied contact with his lawyer for 35 days, with the ban approved by the High Court of Justice. On 15 December 2019, a military court indicted Mr. Al A'rbeed on 21 counts, including for his alleged role in the Ein Bubin attack. During initial hearings on 17 February 2020, his lawyer raised preliminary arguments on the inadmissibility of any confession extracted through torture. The Ministry of Justice of Israel announced the opening of a preliminary examination into alleged ill-treatment of Mr. Al A'rbeed.³⁷ At the end of the reporting period, no announcement had been made about the outcome.

16. Another person arrested in the wake of the Ein Bubin attack was Mays Abu Ghosh, a journalism student at Birzeit University. She was arrested on 29 August 2019 and allegedly repeatedly subjected to physical and psychological torture and ill-treatment for a month, including slapping, stress positions, lengthy interrogation sessions, deprivation of sleep and repeated threats to the security of her person, including the threat of sexual violence, and her family. While she had informed the judge of her treatment while in detention, according to her lawyer, this information was removed from the Court's records. Convicted on 3 May 2020 on the basis of a plea bargain, she was sentenced to 16 months of imprisonment on charges of membership of an unlawful association³⁸ and "making contacts with the enemy" in relation to her participation in a conference in Lebanon. In its decision, the Court stated that there were "significant evidentiary difficulties concerning the interrogations of the defendant and other detainees who incriminated her" and noted that those difficulties could harm the weight given to the confessions and would possibly harm their admissibility.

17. On 26 August 2019, ISF raided the house of Qassam Shibli and allegedly heavily beat him before arresting him. He was taken to hospital with serious injuries to his legs and genitals, then transferred to the Russian Compound interrogation centre in Jerusalem, where he was kept in incommunicado detention for 80 days, with no access to a lawyer. He reported being subjected to heavy beatings, stress positions and denial of basic hygiene needs. He also reported being psychologically ill-treated, having to witness the detention and interrogation of his family members.³⁹ On 15 December 2019, he was charged with 20 crimes, including for alleged involvement in the Ein Bubin attack. On 31 August 2019, his brother, Karmel Shibli, was arrested.

18. These and other cases monitored by OHCHR raise serious concerns that, following the Ein Bubin attack, ISA may have used torture and ill-treatment in a systematic manner as a tool to extort information or obtain confessions, or as a form of punishment. Under international human rights law, the prohibition of torture is absolute and non-derogable. No exceptional circumstances whatsoever can be invoked to justify acts of torture, and perpetrators must be held criminally responsible.⁴⁰

19. Reports of arrest and detention of family members of Palestinian detainees, including female family members, as a form of pressure or punitive measure also raise grave concerns. On 1 September 2019, ISF raided the house of the parents of Qassam

³⁶ OHCHR, press briefing note on Israel and the Occupied Palestinian Territory, 11 October 2019.

³⁷ Yaniv Kubovich and Jack Khoury, "Israel's Justice Ministry investigating Palestinian suspect's 'torture' by Shin Bet officers", *Haaretz*, 30 September 2019.

³⁸ The conviction referred to her membership in the student association "Al Qutub Al Tollaby", which Israeli authorities claim is affiliated with the Popular Front for the Liberation of Palestine.

³⁹ OHCHR monitoring.

⁴⁰ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 2, 4 and 5; Committee against Torture, general comment No. 2 (2007) on the implementation of article 2, para. 1; Human Rights Committee, general comment No. 20 (1992) on the prohibition of torture or other cruel, inhuman or degrading treatment or punishment; and Fourth Geneva Convention, arts. 3 and 32.

and Karmel Shibli. Their father was interrogated and photographed while handcuffed. On 8 September 2019, he was summoned for interrogation in Ofer military prison, where he was put on the phone with one of his sons, allegedly giving the impression that he was under arrest.⁴¹ Their mother was arrested on 1 September 2019 and transferred to the Russian Compound interrogation centre, and later to Ofer prison for interrogation, before being put in solitary confinement in Hasharon prison. She was released after 16 days and, on 14 November 2019, she was convicted of incitement for Facebook posts, following a plea bargain. According to the testimonies of the detainees, the arrest and detention of their family members inflicted severe psychological pain on them. These arrests and detentions also raise concerns of arbitrary detention and collective punishment of persons who did not commit any crime.

20. Arbitrary arrest and ill-treatment of children in detention remained alarming, with 740 children reportedly arrested during the reporting period.⁴² Sworn testimonies from 81 children held in Israeli detention indicate the following patterns of ill-treatment: night arrests (47 per cent); use of blindfolds (74 per cent), hand-ties (96 per cent) and/or leg-ties (85 per cent); denial of food and water (47 per cent); denial of access to toilets (35 per cent); exposure to elements during initial detention (26 per cent); and verbal abuse (53 per cent) or physical violence (78 per cent). In 86 per cent of cases, children were denied access to a lawyer or parent before and during their interrogation, compelled to sign documents in Hebrew – a language many of them do not speak (52 per cent) – and not adequately informed about their rights (41 per cent). Seventeen children (21 per cent) were held in solitary confinement during interrogation.⁴³ On 19 February 2020, ISF arrested three brothers (aged 12, 14 and 17) near their house in Bayt Jala. While one of them was released shortly thereafter, the other two were moved to a military liaison office in Bayt Jala, then to the Atarut interrogation centre. They were released on bail after three days, pending an accusation of stone throwing. The children stated that, throughout their arrest, detention and interrogation, they were repeatedly subjected to ill-treatment, including kicking, slapping and punching. They were also forced to hold stress positions and were exposed to the cold weather for prolonged periods of time.

21. The conditions under which children were detained in Israeli prisons also raise concerns. Over 30 children were moved to Damon prison in Israel from Ofer prison in the West Bank in January 2020. Many of them reported a lack of access to proper food, hygiene and ventilation, and exposure to cold weather and humidity. Those who complained reportedly faced a severe response by the prison administration, including night raids in cells, beatings, subjection to stress positions, solitary confinement and denial of family visits for prolonged periods of time.

22. Reflecting the negative consequences of detention on children's development,⁴⁴ international human rights law requires the detention of children to be used only as a measure of last resort and for the shortest appropriate period of time.⁴⁵ When detained, children should be treated in a manner which takes into consideration the needs of persons of their age, and they should never be subjected to torture or other cruel,

⁴¹ OHCHR monitoring.

⁴² Figures provided jointly by Addameer Prisoners Support and Human Rights Association, the Palestinian Prisoners' Club and the Palestinian Prisoners' Commission.

⁴³ Sworn testimonies from 81 children detained from 1 June 2019 to 27 February 2020, collected and analysed by UNICEF from multiple sources, including affidavits taken by Israeli and Palestinian lawyers from children in detention and direct interviews conducted with children after release.

⁴⁴ Convention on the Rights of the Child, art. 6; and Committee on the Rights of the Child, general comment No. 24 (2019) on children's rights in the child justice system, paras. 82–95.

⁴⁵ Convention on the Rights of the Child, art. 37 (b).

inhuman or degrading treatment or punishment.⁴⁶ Detained children must be afforded fair trial guarantees, including freedom from self-incrimination, the right to prompt legal assistance, and the involvement of parents or guardians in legal proceedings.⁴⁷

D. Practices that may amount to collective punishment

23. Israeli practices that may amount to collective punishment – imposing punitive measures on individuals and communities for offences they did not commit – continued. Collective punishment is expressly prohibited by international humanitarian law.⁴⁸ The practices documented appear to be incompatible with several international human rights law provisions, including the rights to freedom of movement, to adequate housing and to fair trial and the presumption of innocence.⁴⁹

24. The Secretary-General has repeatedly expressed concern over the impact of the Gaza closures on the civilian population, underlining that they may amount to collective punishment.⁵⁰ Israeli authorities continued to adopt measures that aggravated the suffering of civilians, including by intermittently reducing or entirely closing the fishing zone and closing the crossings between Gaza and Israel, severely limiting the movement of people, fuel, gas and other essential supplies into and out of Gaza.

25. On several occasions, Israeli officials expressly cited violence emanating from Gaza as a reason for imposing such measures.⁵¹ On 26 August 2019, Israeli authorities reduced fuel deliveries to Gaza following rocket attacks the previous day, in a context in which the electricity and fuel crisis severely hampered the delivery of essential services.⁵² Fuel deliveries were restored to their previous levels at the beginning of September 2019.⁵³ On 16 February 2020, in reaction to the firing of two rockets from Gaza the day before, Israeli authorities cancelled the previously announced expansion of the Gaza fishing zone to 15 nautical miles, the restoration of 500 permits for business people and the resumption of cement delivery to Gaza.⁵⁴ These measures were subsequently lifted,⁵⁵ but on 24 February 2020, in response to a renewed escalation, Israeli authorities announced the closure of the crossings, except for humanitarian cases, and the full closure of the Gaza fishing zone;⁵⁶ those measures were lifted again on 27 February.

26. In February 2020, the Minister of Defence of Israel emphasized: “We use a tactic of reward and punishment [...] When there is quiet there are merchants, imports and exports, a fishing zone, and we do not attack them. When there are balloons, we close

⁴⁶ Ibid., arts. 37 (a) and 37 (c).

⁴⁷ Ibid., arts. 37 and 40; and Committee on the Rights of the Child, general comment No. 24, paras. 38–71.

⁴⁸ Regulations annexed to the Hague Convention IV of 1907, art. 50; and Fourth Geneva Convention, art. 33.

⁴⁹ International Covenant on Civil and Political Rights, arts. 12 and 14; International Covenant on Economic, Social and Cultural Rights, art. 11; and Fourth Geneva Convention, arts. 71–73.

⁵⁰ A/74/468, para. 22; A/73/420, para. 7; and A/72/565, para. 28.

⁵¹ Agence France-Presse and Ynetnews, “Israel strikes Gaza, cancels easing of restrictions”, 16 February 2020.

⁵² “Israel limits fuel shipments to Gaza after rocket fire, curbing power production”, *Times of Israel*, 26 August 2019.

⁵³ Tovah Lazaroff, “Israel restores Gaza fuel after 50 per cent cut”, *Jerusalem Post*, 2 September 2019.

⁵⁴ Agence France-Presse and Ynetnews, “Israel strikes Gaza, cancels easing of restrictions”, and Al-Jazeera, “ Hamas says Israel move to tighten blockade will increase tensions”, 16 February 2020.

⁵⁵ See <https://ar-ar.facebook.com/COGAT.ARABIC/photos/a.599677736849976/1575828479234892/?type=3&%20theater>.

⁵⁶ See <https://twitter.com/cogatonline/status/1232038099972165632/photo/1>.

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it all and bomb their bases and rocket factories.”⁵⁷ In view of their punitive effect on persons who did not commit violence, and their severe human rights impact on the entire population of Gaza, these measures may amount to collective punishment.⁵⁸

27. Israel continued to use its control over the movement of people and of the Palestinian population registry to maintain the separation between Gaza and the West Bank,⁵⁹ as part of a policy publicly acknowledged and implemented by Israeli authorities since Hamas took over Gaza in 2007.⁶⁰ This policy has been justified by Israeli authorities as being for security purposes. According to the human rights organization Gisha: Legal Center for Freedom of Movement, through the years, it appears to have also served broader political goals, including deepening the isolation of Gaza for punitive purposes, severing connections between Gaza and the West Bank and halting the prospects of territorial contiguity.⁶¹ The policy effectively prevents most Palestinians from Gaza from reaching the West Bank, with dramatic consequences for families, given that around a third of Gaza residents have relatives in the West Bank, including East Jerusalem, and that family visits do not represent an accepted criterion for obtaining an exit permit from Gaza.⁶²

28. The implementation of the policy has also increased pressure on West Bank residents to move to Gaza. The human rights organization Gisha has monitored cases in which West Bank residents requesting to temporarily relocate to Gaza for family purposes have been required to waive their right to return to the West Bank. For instance, since August 2019, Israel has referenced its separation policy as a basis for denying a woman married to a man from Gaza permission to travel with her children back to her family in the West Bank after she had been made to sign a declaration committing her to permanently settling in Gaza. Her case has been pending in court after a petition was filed by Gisha on her behalf.⁶³ The imposition of bans on travel within the Occupied Palestinian Territory raises concerns regarding Palestinians’ freedom of movement. In addition, refusing to allow West Bank residents living in Gaza to return to their homes may amount to their forcible transfer, which is prohibited under international humanitarian law.⁶⁴

29. Starting in June 2019, and throughout the reporting period, the neighbourhood of Isawiyah, East Jerusalem, experienced an exceptionally high presence of and violence by Israeli police for no apparent imperative security reason. ISF conducted regular day and night search and arrest operations, set up flying checkpoints at the two main entrances into the neighbourhood, systematically inspected vehicles and distributed stop-work and demolition orders. Such operations triggered repeated clashes, with residents throwing stones, Molotov cocktails and firecrackers, and ISF responding with live ammunition, sponge-tipped bullets, stun grenades and tear gas.

⁵⁷ Middle East Monitor, “Bennett adopts new tactics to release Israeli soldiers held in Gaza”, 20 February 2020.

⁵⁸ A/74/468, para. 22.

⁵⁹ A/73/420, para. 25; and A/HRC/34/38, paras. 62–68.

⁶⁰ Response by the Deputy Minister of Defense to a parliamentary question in 2014, see https://gisha.org/userfiles/File/HiddenMessages/parliamentary_question/galon/Danon_response_to_parliamentary_question_on_movement_of_goods.pdf. See also excerpts from the State’s response in Israel, High Court of Justice, *Azza Izzat and Others v. Minister of Defence*, Case No. HCJ 495/12, Judgment, 16 August 2012, para. 26. Available at www.gisha.org/UserFiles/File/LegalDocuments/495-12/495-12-Excerpts-from-state-response-16.08.12.pdf.

⁶¹ See https://gisha.org/UserFiles/File/publications/Area_G/From_Separation_to_Annexation_2020_EN.pdf; and Diamond Eitan and Bashi Sari, *Separating Land, Separating People: Legal Analysis of Access Restrictions between Gaza and the West Bank* (Tel Aviv, Gisha, 2015).

⁶² A/73/420, para. 25.

⁶³ Gisha, “Gisha petition against Israel’s refusal to allow a woman to return from Gaza to the West Bank with her children, in keeping with their registered address”, 24 September 2019.

⁶⁴ Fourth Geneva Convention, arts. 8 and 49.

Although Israeli officials stated that the deployment of ISF was prompted by Palestinian violence, data indicate that there had not been any increase in incidents targeting Israeli police or civilians in the preceding months.⁶⁵ ISF conducted 236 operations⁶⁶ in Isawiyah, resulting, according to Wadi Hilweh Information Centre, in the arrest of 856 Palestinians, including 223 children, during the reporting period. According to B'Tselem, only 80 indictments followed from these arrests, raising concerns that many individuals were subjected to arbitrary arrest and detention. Arrest operations particularly affected children, with Isawiyah accounting for around 43 per cent of documented cases of child detention in East Jerusalem.

30. There are also serious concerns as to the necessity and level of force used in the neighbourhood. On 27 June 2019, Mohammad 'Abeid, a 21-year-old Palestinian man, was shot and killed with live ammunition by an Israeli police officer during clashes between Palestinians and Israeli forces there. He was shot while he did not seem to pose a threat of death or serious injury to anyone. On 15 February 2020, ISF shot an eight-year old boy in the face with a sponge-tipped bullet while he was crossing the street, from a distance of about 50 metres.⁶⁷ The boy sustained serious fractures of the skull and underwent several surgeries, including removal of his left eye.⁶⁸

31. These developments had a significant impact on Isawiyah. Daytime raids, along with heavy police presence around schools, often ignited clashes with pupils, severely disrupting school days and commercial activities. A parents' committee called for two school strikes, in August and in November 2019, to protest against the lack of safety for their children and to urge the police not to operate in the vicinity of schools. In both instances, members of the parents' committee were arrested or summoned by the police.⁶⁹

32. The frequent and prolonged security operations have caused the living conditions of the entire population of Isawiyah to progressively deteriorate, with questions as to the purpose of the raids and their effectiveness in restoring law and order. The recurrence, scale and modalities of Israeli operations raise concerns that they may amount to a form of collective punishment of the population of Isawiyah.

33. In the West Bank, including East Jerusalem, Israeli authorities continued to subject the relatives of Palestinians responsible for attacks against Israelis and of alleged attackers, to punitive measures. The homes of nine Palestinian families and one uninhabited residential structure were thus punitively demolished during the reporting period, leading to the forced eviction of 30 Palestinians, including nine children.⁷⁰ In the aftermath of the Ein Bubin attack, Israeli authorities also demolished the homes of families of several suspects on punitive grounds. On 5 March 2020, in Al-Tirah and Bi'r Zayt, ISF demolished the family homes of two Palestinian men, Walid Hanatsheh and Yazan Maghames, accused of participating in the attack. On 11 May 2020, in Kubar village, ISF punitively demolished the second floor of a house belonging to the mother of Qassam Shibli, who was accused of participating in the Ein Bubin attack.⁷¹ The demolitions were carried out while the trial of the alleged perpetrators was ongoing.

⁶⁵ Figures from United Nations, Office for the Coordination of Humanitarian Affairs, Data on Casualties database, available at www.ochaopt.org/data/casualties. See also Eyal Hareuveni, *This is Jerusalem: Violence and Dispossession in al-'Esawiyah* (B'Tselem, 2020).

⁶⁶ Information provided by United Nations, Office for the Coordination of Humanitarian Affairs.

⁶⁷ OHCHR monitoring.

⁶⁸ Silwanic, "Pictures: after losing sight in his eye ... a decision to enucleate the child's eye", 22 February 2020.

⁶⁹ Nir Hasson, "Israel police hurl stun grenade at journalist during nightly raids on East Jerusalem", *Haaretz*, 29 August 2019; and Nir Hasson, "Israel police arrest East Jerusalem school strike organizer", *Haaretz*, 4 November 2019.

⁷⁰ Figures from United Nations, Office for the Coordination of Humanitarian Affairs.

⁷¹ See sect. III.C above.

34. On 9 September 2019, reversing its previous 2017 decision,⁷² the High Court of Justice ruled that the State could continue its longstanding practice of withholding the bodies of Palestinians killed by ISF “for the purpose of negotiating the return of bodies of Israeli soldiers or citizens”.⁷³ According to the Jerusalem Legal Aid and Human Rights Center, during the reporting period, Israeli authorities withheld the bodies of an additional 21 Palestinians killed by ISF, including five children, bringing to 61 the total number of bodies withheld as at 31 May 2020.⁷⁴ On 23 February 2020, an ISF bulldozer crushed and dragged away the body of a Palestinian man after he had reportedly been shot by ISF in Gaza, near Khan Yunis.⁷⁵ Israeli authorities said that the man had been placing an improvised explosive device close to the fence.⁷⁶

35. Punitive house demolitions and the withholding of bodies may amount to collective punishment, in violation of international humanitarian law. Such measures impose severe hardship on people for acts they have not committed, resulting in possible violations of a range of human rights, including the rights to family life, to adequate housing and to an adequate standard of living.⁷⁷ The Committee against Torture considers that the policy of punitive house demolitions violates article 16 (2) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁷⁸

E. Restrictions on freedom of movement and their impact on other rights

36. Israeli authorities continued to restrict freedom of movement across the Occupied Palestinian Territory, primarily through the permit regime regulating passage between Gaza and the West Bank, including East Jerusalem, and abroad. Such restrictions continued to disrupt Palestinians’ daily life, having an impact on other rights, including the rights to work, to an adequate standard of living, to education and to health. The closures in Gaza, including unilaterally defined access-restricted areas inside Gaza on land and at sea, continued to have a profound impact on the rights of Palestinians in Gaza. In January 2020, the number of people exiting Gaza via the Erez crossing point was the highest since 2007.⁷⁹ From March 2020, further movement restrictions were imposed by Israel and the de facto authorities in Gaza to contain the spread of COVID-19.

37. The impact of movement restrictions imposed by Israel on the right to health of Palestinians remained a serious concern.⁸⁰ Owing to the combined effect of Israeli closures (including restrictions on dual-use material) and uneven distribution of resources by the Palestinian Authority, movement of essential medical equipment and supplies into Gaza remained restricted, with 44 per cent of essential medicines and 30 per cent of essential medical disposables reported at less than a month’s stock as

⁷² [A/HRC/40/39](#), para. 12.

⁷³ Israel, High Court of Justice, *IDF Commander in the West Bank v. Mohamad Alayan*, Case No. 10190/17, Judgment, 9 September 2019.

⁷⁴ This number does not include the 253 bodies of Palestinians killed in hostilities and buried in graves marked only by numbers.

⁷⁵ Palestinian News and Information Agency, “European Union official says dragging body of Palestinian goes counter to all principles of human dignity”, 25 February 2020.

⁷⁶ Anna Ahronheim, “Palestinian Islamic Jihad bombards South after clash near Gaza border”, *Jerusalem Post*, 24 February 2020.

⁷⁷ International Covenant on Economic, Social and Cultural Rights, arts. 10 (1) and 11.

⁷⁸ [CAT/C/ISR/CO/5](#), para. 41.

⁷⁹ Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, briefing to the Security Council on the situation in the Middle East, reporting on resolution [2334 \(2016\)](#), 30 March 2020.

⁸⁰ [E/C.12/ISR/CO/4](#), paras. 11 and 58.

at 31 May 2020.⁸¹ Owing to the shortage and lack of specialized medical care, patients were often referred to hospitals outside of Gaza.⁸² Yet, referrals do not guarantee the approval of a medical exit permit by Israel, and patients and accompanying family members continued to face difficulties in obtaining them.⁸³ There was a slight increase in the percentage of permits approved, but an overall decrease in the number of patients exiting Gaza compared with the previous reporting period, also as a result of the COVID-19 pandemic.⁸⁴ According to the World Health Organization (WHO), 19,055 applications for medical exit permits were submitted in the reporting period, and Israel denied or delayed 6,667 of them (35 per cent). A Palestinian man diagnosed with brain cancer in February 2020 was referred for medical treatment at the Augusta Victoria Hospital in East Jerusalem. Permits to exit Gaza for him and his companions were denied or delayed three times, in April and May 2020, and he consequently missed three medical appointments. He is reportedly suffering from hemiplegia owing to brain cancer and, at the end of the reporting period, he remained in Gaza with no available treatment at his disposal. In the West Bank, including East Jerusalem, WHO reported 42 incidents affecting health care, including 13 incidents of ambulances delayed or denied access and access constraints on mobile clinics.

38. Movement restrictions imposed by Israeli authorities also affected the rights of Palestinians to work and to an adequate standard of living. Along the Gaza coast, the Israeli Navy continued to enforce unilaterally imposed access restrictions, aiming live ammunition, rubber-coated bullets and water cannons towards Gaza fishers while conducting arrest and seizure operations,⁸⁵ often within the authorized fishing zones. During the reporting period, 303 shooting incidents were reported, in which 12 fishers, including a child, were injured.⁸⁶ Moreover, 15 fishers, including three children, were arrested;⁸⁷ five boats were confiscated, and 13 boats and fishing equipment were damaged. In several cases monitored by OHCHR, fishers were subjected to excessive force and degrading treatment during arrest operations, such as being handcuffed, blindfolded and forced to undress and jump into the water.

39. In the West Bank, Israel continued to enforce restrictions against Palestinian communities living or farming in the so-called “seam zone”.⁸⁸ In September 2019, Israeli authorities published a new version of the access permit regulations, tightening the regime.⁸⁹ Consequently, farmers are allowed to enter the “seam zone” for only a restricted number of days per year, to be determined according to the type of crop they grow. Landowners growing olive trees (which constitute around 95 per cent of farmland inside the “seam zone”) started receiving permits limiting access to their lands to 40 days per year. The new regulation seems to redefine the purpose of an agricultural permit and to modify the entire purpose of the permit regime in relation to landowners, denying the right of landowners to freely reach their plots of land.

40. Under international human rights law, freedom of movement can be restricted only if the specific restrictions are provided by law; are necessary to protect national security, public order, public health or morals or the rights and freedoms of others; and are consistent with the other rights recognized in the International Covenant on

⁸¹ World Health Organization (WHO), Health Cluster Bulletin, April 2020; and WHO, Regional Office for the Eastern Mediterranean, *Right to Health in the Occupied Palestinian Territory: 2018* (Cairo, 2019).

⁸² A/74/468, para. 28.

⁸³ Only patients in need of life-saving or life-changing treatment unavailable in Gaza can apply for an Israeli permit to exit Gaza. See A/74/468, para. 28.

⁸⁴ A/74/468, para. 28.

⁸⁵ Ibid., para. 26.

⁸⁶ Al-Mezan Centre for Human Rights.

⁸⁷ Ibid.

⁸⁸ For an explanation of the term “seam zone”, see A/HRC/31/44, para. 14.

⁸⁹ “Procedures and instructions for the seam zone 2019”.

Civil and Political Rights.⁹⁰ At the same time, according to the Human Rights Committee, any restrictions should be necessary and proportionate.⁹¹

F. Israeli practices during the coronavirus disease pandemic

41. The final quarter of the reporting period was marked by the outbreak of the COVID-19 pandemic. Israel, the Palestinian Authority and the de facto authorities in Gaza enforced restrictions to contain the spread of the virus. Despite the generally good cooperation between Israel and Palestinian authorities in countering the outbreak,⁹² there were concerns that Israel failed, at times, to ensure proper access to health care to Palestinians in the Occupied Palestinian Territory, including East Jerusalem.⁹³ In a letter dated 7 April 2020, the Mayor of Jerusalem warned the Minister of Health of Israel about the serious shortage of medical, protective and coronavirus testing equipment at the hospitals in East Jerusalem despite repeated commitments by the Ministry,⁹⁴ while concerns were repeatedly raised and a petition submitted to the Israeli High Court of Justice about the testing and treatment of some 150,000 East Jerusalem Palestinians separated from the rest of the city by the wall.⁹⁵ However, in May 2020 testing procedures by Israeli authorities increased throughout East Jerusalem.⁹⁶ In Gaza, the COVID-19 crisis added further pressure on the overwhelmed health system. Despite the very low number of positive cases recorded,⁹⁷ officials of the Palestinian Ministry of Health in Gaza and WHO raised concern over the lack of specific equipment and materials and the lack of preparedness of the health sector to respond to potential future outbreaks.⁹⁸

42. ISF search and arrest operations in the West Bank, including East Jerusalem, continued despite the COVID-19 crisis, albeit at a lower intensity. Several incidents monitored suggest that, particularly during the initial period of the emergency, the required precautions to adequately protect Palestinians from infection during operations were not systematically taken. For instance, on 31 March 2020, ISF arrested three Palestinians, including two children, in the H2 area of Hebron without wearing personal protective equipment or observing distancing requirements.

43. There were also instances in which ISF operations proved challenging to efforts by the Palestinian Authority and local civil society organizations to combat the spread of COVID-19 in Palestinian neighbourhoods of East Jerusalem, in the H2 area of Hebron and in Area C of the West Bank. On 14 April 2020, the Palestinian Authority

⁹⁰ For an overview of restrictions on freedom of movement and their impact on other rights in the Occupied Palestinian Territory, see [A/HRC/31/44](#).

⁹¹ International Covenant on Civil and Political Rights, art. 12; and Human Rights Committee, general comment No. 27 (1999) on freedom of movement, paras. 11–18.

⁹² United Nations, “Palestinian-Israeli cooperation to combat COVID-19 pandemic under threat by new push for West Bank annexation, Special Coordinator warns Security Council”, SC/14167, 23 April 2020.

⁹³ Nir Hasson, “After weeks of warning, coronavirus spreading among Palestinians in East Jerusalem”, *Haaretz*, 14 April 2020; and Nir Hasson and Aaron Rabinowitz, “About 75 per cent of Jerusalem coronavirus cases are Haredi”, *Haaretz*, 8 April 2020.

⁹⁴ Hasson and Rabinowitz, “About 75 per cent of Jerusalem coronavirus cases are Haredi”.

⁹⁵ Israel, High Court of Justice, *Adalah and Others v. Ministry of Health*, Case No. HCJ 2471/20; and Adalah, “Adalah files urgent Israeli Supreme Court petition: coronavirus testing for 150,000 Palestinians in East Jerusalem”, 8 April 2020.

⁹⁶ See <https://m.facebook.com/649373828424341/posts/3386237994737897/>.

⁹⁷ As at 31 May 2020, 61 Palestinians in Gaza had tested positive for COVID-19.

⁹⁸ Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, briefing to the Security Council on the situation in the Middle East, including the Palestinian question, 20 May 2020; and United Nations, Office for the Coordination of Humanitarian Affairs, “Occupied Palestinian Territory: COVID-19 response plan”, 24 April 2020.

Ministry of Health opened a COVID-19 testing centre in Silwan, East Jerusalem, one of the neighbourhoods most affected by the outbreak of the virus. During the night, ISF raided the centre, as well as the houses of a volunteer at the centre and of the Fatah secretary in Silwan, and arrested both individuals, claiming they were violating Israeli legislation prohibiting uncoordinated Palestinian Authority activities in East Jerusalem. The centre consequently suspended operations and the Israeli authorities later opened another testing centre in the neighbourhood. In Hebron, attempts by the Palestinian liaison office to coordinate with ISF access for the Palestinian police into the H2 area to enforce COVID-19 restrictions among Palestinians living in the area were unsuccessful.

44. Israel has obligations under international human rights and international humanitarian law concerning the health of Palestinians in the Occupied Palestinian Territory.⁹⁹ Based on article 55 of the Fourth Geneva Convention, to the fullest extent of the means available to it, Israel has to ensure the medical supplies of Palestinians living in the Occupied Palestinian Territory. Based on article 56 of the Convention, it also has, to the fullest extent of the means available to it, the duty of ensuring and maintaining, with the cooperation of Palestinian authorities, the medical and hospital establishments and services, public health and hygiene, with particular reference to the adoption and application of prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Israel is also obligated to guarantee, without discrimination, the enjoyment of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, such as the right to the highest attainable standard of physical and mental health.¹⁰⁰

G. Restrictions on the rights to freedom of expression, peaceful assembly and association

45. Restrictions on the rights to freedom of expression, peaceful assembly and association by Israeli authorities continued, including arrests and detention, stigmatizing statements,¹⁰¹ publications aimed at discrediting human rights organizations working in or concerning the Occupied Palestinian Territory, reduction of their funding¹⁰² and restrictions on visas and movement. In November 2019, the Israel and Palestine Director of Human Rights Watch, Omar Shakir, was deported following a decision by the Israeli Supreme Court that his advocacy work against Israeli settlements constituted a call for boycott and thereby violated Israeli legislation barring foreign citizens who promote boycotts of the State of Israel from entering or remaining in the country.¹⁰³

46. Civil society actors, including human rights defenders and journalists, faced restrictions of movement, and some were reportedly subjected to harassment and intimidation, and in some cases assault, arrest and prosecution. On 24 October 2019, a photojournalist from East Jerusalem was released on condition of obtaining legal residence in East Jerusalem after spending nine months under administrative detention for allegedly violating the immigration laws of Israel. Previous attempts by the journalist, whose father and wife are also from East Jerusalem, to regularize his

⁹⁹ A/HRC/31/44, para. 7.

¹⁰⁰ International Covenant on Economic, Social and Cultural Rights, art. 12; and E/C.12/ISR/CO/4, paras. 8–11.

¹⁰¹ A/HRC/43/70, para. 64.

¹⁰² Israel, Ministry of Strategic Affairs and Public Diplomacy, “Terrorists in suits: blood money – European-funded Palestinian NGOs and their terror operatives. A case study: Addameer”, May 2020.

¹⁰³ A/HRC/43/70, para. 66. See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C19%5C660%5C029%5Cz16&fileName=19029660.Z16&type=2>; and Al-Jazeera, “HRW’s Omar Shakir pledges to continue work after Israel expulsion”, 25 November 2019.

residency were rejected by Israeli authorities.¹⁰⁴ He complained of ill-treatment during detention and pressure to accept deportation to Jordan. He submitted another application for family unification on 17 May 2020.

47. On 15 November 2019, a Palestinian journalist lost his left eye after being hit by bullet shrapnel during clashes, after ISF forcibly dispersed a peaceful sit-in of Palestinians in Surif, Hebron.¹⁰⁵ On 20 November 2019, the Ministry of Public Security of Israel ordered the closure of Palestine TV in East Jerusalem for six months, which was extended in April 2020 for six additional months. Based on this decision, on 6 December 2019, Israeli authorities briefly arrested two journalists and two camerapersons working for Palestine TV and confiscated broadcasting equipment.¹⁰⁶ One of the journalists was summoned for interrogation in relation to her reporting activities in Jerusalem, on 16 April and on 11 May 2020.

48. Israeli authorities intensified the arrest and detention of Palestinian political figures in Jerusalem. For example, the Palestinian Authority's Governor of Jerusalem, Adnan Geith, and the secretary-general of Fatah in East Jerusalem, Shadi Mtour, were repeatedly subjected to search, arrest and interrogation, and subsequently banned from attending meetings and events in East Jerusalem and from travelling to other parts of the West Bank.¹⁰⁷ Israeli authorities also raided and closed the premises of a number of Palestinian cultural centres and civil society organizations in East Jerusalem. On 17 May 2020, ISF officers raided the offices of the non-governmental organization Volunteer for Hope in Bayt Hanina, East Jerusalem, handed them an order signed by the Minister of Public Security of Israel to close the organization for six months based on the charge of carrying out uncoordinated activities on behalf of the Palestinian Authority in Jerusalem, and briefly arrested its female director.¹⁰⁸ In February 2020, ISF had raided the premises of the organization and the house of the director.

49. International human rights law guarantees the rights to freedom of expression, peaceful assembly and association.¹⁰⁹ These rights must be respected by Israel, and any restrictions must be imposed in accordance with the relevant provisions of international human rights law and international humanitarian law.

VI. Recommendations

50. **The following recommendations should be read in conjunction with the numerous recommendations contained in previous reports of the Secretary-General and of the United Nations High Commissioner for Human Rights.**

51. **The Secretary-General recommends that Israel:**

(a) **Ensure that any use of force is in compliance with international law and standards, including during law enforcement operations, by regulating the use of live ammunition, ensuring that security forces are adequately equipped and trained in the use of less-lethal weapons and adopting appropriate disciplinary and penal sanctions for members of security forces who do not respect such regulations;**

¹⁰⁴ A/74/468, para. 38.

¹⁰⁵ Al-Jazeera, "Palestinian journalists protest against wounding of colleague", 18 November 2019.

¹⁰⁶ Palestinian News and Information Agency, "Israeli police detain Palestine TV crew in Jerusalem, seizes equipment", 6 December 2019; and Jack Khoury and Reuters, "Israel detains Palestinian authority TV journalists in Jerusalem", *Haaretz*, 6 December 2019.

¹⁰⁷ See www.maannews.net/news/997657.html.

¹⁰⁸ See www.maannews.net/news/2006574.html.

¹⁰⁹ International Covenant on Civil and Political Rights, arts. 19, 21 and 22.

(b) Promptly subject to independent, impartial, prompt, thorough and effective criminal investigation all incidents of use of force in law enforcement operations that result in killing or injury, hold the individuals responsible accountable and provide appropriate redress to victims;

(c) Immediately end all practices that may amount to torture or other cruel, inhuman or degrading treatment or punishment, ensure that all allegations of such violations are promptly, impartially, thoroughly and independently investigated, hold perpetrators accountable and provide full reparation to victims, and guarantees of non-repetition of such practices;

(d) Put an end to arbitrary detention and ensure that the rights of detainees are respected, including all fair trial guarantees;

(e) End all practices that may amount to collective punishment;

(f) Immediately lift the closures in Gaza and ensure that the right to freedom of movement is guaranteed to all Palestinians in the Occupied Palestinian Territory. Any restrictions on freedom of movement must be in accordance with international law, including international human rights law;

(g) Fulfil its responsibilities as an occupying Power to ensure that Palestinians are provided with proper access to health care;

(h) Respect the rights of Palestinian children, including the right to life, and ensure that they are treated with due consideration for their age. They should be detained only as a measure of last resort and for the shortest appropriate period of time;

(i) Ensure that journalists, human rights defenders and civil society actors are able to conduct their activities without harassment or being subjected to legal proceedings that are in violation of international human rights law, and that their rights are respected and protected;

(j) Take all measures to ensure full respect for international humanitarian law, particularly in respect of civilians living under occupation, and in the conduct of hostilities, and ensure accountability for all violations of that law;

52. The Secretary-General recommends that authorities and Palestinian armed groups in Gaza:

Ensure respect for international humanitarian law, in particular the principles of distinction, proportionality and precaution, and accountability for all violations.

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**Report of the Special Committee to Investigate Israeli
Practices Affecting the Human Rights of the Palestinian
People and Other Arabs of the Occupied Territories**

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

Report of the Secretary-General**

Summary

The present report, prepared pursuant to General Assembly resolution 74/88, provides an update on Israeli settlement activities in the occupied West Bank, including East Jerusalem, and the occupied Syrian Golan, from 1 June 2019 to 31 May 2020, highlighting their impact on human rights.

* A/75/150.

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

I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 74/88, provides an update on the implementation of the resolution from 1 June 2019 to 31 May 2020. It is based on monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, and on information provided by other United Nations entities in the Occupied Palestinian Territory and by non-governmental organizations. The report should be read in conjunction with recent related reports of the Secretary-General and of the United Nations High Commissioner for Human Rights submitted to the General Assembly and to the Human Rights Council.¹ The quarterly reports of the Secretary-General to the Security Council on the implementation of resolution 2334 (2016) concerning the same period² also provide relevant information.

2. The report presents an update on settlement advancement and its impact on human rights, and examines in particular demolitions and evictions in East Jerusalem and Bethlehem. It also contains an update on Israeli settlements in the occupied Syrian Golan.

3. During the period under review, Israeli settlement activities increased in the occupied West Bank, including East Jerusalem. On 20 April 2020, the parties to the new coalition Government of Israel agreed on terms under which the Prime Minister could put forward a proposal to annex parts of the occupied West Bank.³ Demolitions of Palestinian property and forced evictions increased and settler violence continued at the high levels of the previous reporting period, including during the COVID-19 pandemic, and largely with impunity. These developments exacerbated the coercive environment described in previous reports of the High Commissioner for Human Rights.

II. Legal background

4. International human rights law and international humanitarian law are concurrently applicable in the Occupied Palestinian Territory, namely, Gaza and the West Bank, including East Jerusalem. This includes the de jure applicability 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 legal framework applicable in the Occupied Palestinian Territory and the occupied Syrian Golan can be found in previous reports of the Secretary-General.⁴

III. Activities related to settlements

5. During the reporting period, there was an increase in settlement plan advancements and tenders, particularly in East Jerusalem and surrounding areas. The announcement of the “Peace to Prosperity – A Vision to Improve the Lives of the Palestinian and the Israeli People” by the United States Government, on 28 January 2020, was followed by calls from members of the Government of Israel to annex parts of the occupied West Bank. The demolition of Palestinian structures in the West Bank, including in East Jerusalem, increased by 19 per cent compared to the previous reporting period and continued at slightly lower levels since the COVID-19 outbreak. Settler violence continued at high levels, resulting in significant property damage, in particular during the outbreak of COVID-19. In the majority of incidents of settler violence which OHCHR monitored, described below, Israeli Security Forces (ISF) failed to protect the Palestinian population, and for most incidents there was no accountability for violence perpetrated in those incidents.

¹ A/74/357, A/74/468, A/HRC/43/67, A/HRC/43/21, A/HRC/43/70.

² See June 2019 oral report (S/PV.8557), September 2019 oral report (S/PV.8557), December 2019 written report (S/2019/938), March 2020 oral report (S/2020/263) See <https://unsco.unmissions.org/security-council-briefings-0>.

³ https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_23_april_2020.pdf.

⁴ A/HRC/34/38 and A/HRC/34/39.

A. Settlement expansion: land designation, planning and tenders

6. Advancement of plans for settlement construction further increased by seven per cent in the reporting period from the already high level of the previous reporting period, with plans for some 11,700 housing units in the West Bank advanced or approved by the Israeli authorities.⁵ Of these units, 10,400 will be located in Area C, including about 4,400 which had reached the final stages of approval by 31 May 2020. In East Jerusalem, plans for some 1,500 housing units were advanced, about 900 of which had reached the final stage of approval as of 31 May 2020.⁶ The Government of Israel further announced intentions to advance thousands of units in East Jerusalem, including in E1 and E2, which, if constructed, would sever contiguity of the West Bank, including East Jerusalem (see Section IV).

7. Israeli authorities issued tenders for 1,700 units in Area C settlements, compared with 2,400 during the previous reporting period. In East Jerusalem, tenders were announced for 1,500 housing units.⁷

8. Official data on settlement construction starts in Area C indicate a decrease from 2,395 units in the previous reporting period to 1,301 units.

9. On 1 December 2019, the Minister of Defence of Israel instructed the Israeli Civil Administration to advance planning procedures for a new settlement in the marketplace in H2 area of Hebron.⁸

10. According to the Israeli NGO Peace Now, seven new outposts were established during the reporting period,⁹ compared to 11 in the previous one.¹⁰ Previously, between 2007 and 2017, an average 1.7 outposts were established per year.¹¹ All the new outposts are agricultural, which has a greater impact on surrounding Palestinian communities as they take over larger swaths of land and divert water.¹² I recall that settlements activities by Israel in the Occupied Palestinian Territory, including East Jerusalem, are violations of international humanitarian law. Although outposts are also considered illegal under Israeli domestic law, Israeli authorities continued to encourage and facilitate the establishment of certain outposts through provision of services and incentives. For example, on 24 February 2020, the Prime Minister of Israel reportedly ordered that 12 outposts be connected to the Israeli electrical grid.¹³ Israeli authorities demolished structures or prevented construction in at least six outposts, but none was fully dismantled.¹⁴

B. Consolidation of settlements

11. Following the announcement of the U.S. "Peace to Prosperity" Vision, the Prime Minister of Israel stated that "Israel will apply its laws to the Jordan Valley, to all the Jewish communities in Judea and Samaria, and to other areas that the [United States Government's] plan designates as part of Israel and which the United States has agreed to recognize as part of Israel."¹⁵ He later clarified that such a step would only take place once a joint U.S.-Israeli

⁵ Compared to 10,900 in the previous reporting period.

⁶ Office of the United Nations Special Coordinator for the Middle East Peace Process.

⁷ In East Jerusalem, the first tender in over two years was issued for 600 units in the previous reporting period.

⁸ A/HRC/43/67 para. 16 and https://unsco.unmissions.org/sites/default/files/sg_report_on_the_implementation_of_scr_2334_-_12_december_2019.pdf para 5.

⁹ Peace Now, on file: Maskiyot South, Nili East, Makhroul outpost, Kedar East ("Mitzpeh Yehuda"), Neriya Ben Pazi's farm, Amichai South, Halamish East.

¹⁰ A/74/357, para. 10.

¹¹ A/HRC/43/67, para. 10.

¹² A/HRC/40/42, para. 39.

¹³ <https://www.haaretz.com/israel-news/elections/.premium-netanyahu-authorizes-west-bank-outposts-connection-to-electrical-grid-1.8569266>.

¹⁴ https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf and https://unsco.unmissions.org/sites/default/files/sg_report_on_the_implementation_of_scr_2334_-_12_december_2019.pdf.

¹⁵ <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-prime-minister-netanyahu-state-israel-joint-statements/>.

mapping committee agreed on specific areas of the West Bank over which Israel would apply its sovereignty.¹⁶ The committee's work was ongoing at the end of the reporting period. The Government of Israel announced that it would advance large-scale plans in the areas which appear to be allocated to Israel according to the map included in the Vision (see Section IV below). Other notable advancements in January and February 2020 included the announced plan to declare seven new nature reserves in Area C and to expand 12 existing reserves, for the first time since the 1990s¹⁷ and the early advancement of a new large industrial park south of Qalqilya.¹⁸

12. On 20 April 2020, the new coalition Government of Israel agreed on terms under which the Prime Minister could put forward a proposal to annex parts of the occupied West Bank for Government or Knesset approval.¹⁹ On 22 April 2020, the President of the State of Palestine stated that he would regard agreements with Israel and the United States "completely cancelled" if Israel moved forward with such steps.²⁰ On 19 May, he announced that the State of Palestine and the Palestinian Liberation Organization were absolved "of all the agreements and understandings with the American and Israeli governments and of all the obligations based on these understandings and agreements, including the security ones."²¹ The following day, Palestinian officials formally notified Israeli counterparts of the termination of security coordination.

13. If implemented, annexation of any part of the West Bank would constitute a most serious violation of international law, including the UN Charter.²² It would also severely impede the exercise by the Palestinian people of its right to self-determination, and be a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace.²³ Such a step would entrench the establishment of settlements in the Occupied Palestinian Territory, including East Jerusalem, which has no legal validity and constitutes a flagrant violation under international law.²⁴

Hebron

14. On 23 December 2019, the Jerusalem District Court confirmed after appeal the eviction of the Israeli settlers who have occupied the Palestinian-owned 'Al Bakri' house in Tel Rumeida, Hebron, since 2001. After 14 years of legal proceedings, the Jerusalem Magistrate Court had ruled on 12 March 2019 that the Bakri family owned the property and that the settlers had acted in bad faith by using forged documents to claim ownership, and ordered them to evacuate the property within 45 days.²⁵ Israeli authorities had previously ordered the settlers to evacuate in 2006, 2008 and 2012, without result. The latest court decision had not been implemented by the end of the reporting period.

15. On 12 May 2020, the Ministry of Defence of Israel assumed municipal planning authority over the Ibrahimi Mosque/Tomb of the Patriarchs in Hebron from the Palestinian Hebron Municipality, on the stated grounds that the site should be made accessible to persons with disabilities with the construction of an elevator.²⁶ The order allowed 60 days for objections.

¹⁶ https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_24_february_2020_0.pdf

¹⁷ https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_21_january_2020.pdf.

¹⁸ <https://peacenow.org.il/en/1739-settlement-units-promoted-eli-settlement-housing-legalized-new-industrial-park>.

¹⁹ https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_23_april_2020.pdf.

²⁰ <https://www.aljazeera.com/news/2020/04/pompeo-annexation-occupied-west-bank-ultimately-israel-200422163510199.html>.

²¹ S/2020/555, para. 40.

²² S/2020/596, annex I.

²³ S/RES/2334.

²⁴ S/RES/2334.

²⁵ CS 12278-02-14, available in Hebrew at http://peacenow.org.il/wp-content/uploads/2019/03/Bakri_eviction_verdict_120319.pdf.

²⁶ https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_20_may_2020_0.pdf.

Regularization of outposts

16. According to the Israeli NGO Peace Now, four outposts were regularized under Israeli law through the approval of plans that retroactively included the outposts²⁷ as neighbourhoods of existing settlements.²⁸ Plans to similarly regularize the outposts of Mevo'ot Yericho, Jericho Governorate, and Haroeh Ha'ivri, near the Palestinian Bedouin community of Khan al-Ahmar-Abu al-Helu, east of Jerusalem, were deposited in February and March 2020 respectively.

C. Impact of settlements on human rights

Settlement-related violence

17. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), incidents of settler violence continued at a high level, with 337 incidents recorded during the reporting period,²⁹ compared to 357 in the previous one. Killings of and injuries to Palestinians and the severity of attacks decreased slightly. No Palestinians were killed by settlers, while a 17-year-old Israeli girl was killed by Palestinians at the Ein Bubin in the West Bank in an attack in which her father and brother were severely injured³⁰. The number of Palestinians injured³¹ by settlers decreased from 133 in the previous reporting period to 116, with no injuries from live ammunition reported. Twenty-one Israelis were injured by Palestinians compared to 37 in the previous reporting period. Incidents of property damage by settlers slightly increased to 266, with 8,591 trees vandalized.³² Attempts by settlers to enter and attack Palestinian communities continued to cause friction between ISF and Palestinians. ISF killed one Palestinian and injured 230 in such contexts.³³

18. Nablus Governorate continued to account for the largest part (27 per cent) of settler violence incidents, while 50 per cent of the injuries due to settler violence were recorded in Hebron Governorate.³⁴ The High Commissioner for Human Rights has reported on how repeated and apparently organized settler violence, coupled with other coercive factors, has forced several Palestinian families to leave their homes in those areas.³⁵

19. A series of settler attacks were recorded in H2 in Hebron during a Jewish religious celebration, on 22-23 November 2019. In all incidents, ISF were present but did not take action to protect Palestinians. On 22 November 2019, in Wadi al Hussein neighbourhood, a group of around 50 settlers beat (including with batons) and pepper sprayed members of an extended Palestinian family outside a shop. Six men and one woman were injured, one of them seriously. On 23 November 2019, three settler attacks took place in the restricted area of Tel Rumeida. In one incident, a large group of settlers threw stones and bottles at the house of a local human rights defender. One stone entered through a window and struck a one-year old boy in the head, causing injury. ISF denied entry of an ambulance to Tel Rumeida. After soldiers outside the house had failed to contain the settlers for 20 minutes, six Palestinian men and women carried the boy to a checkpoint, and were pepper sprayed by settlers on the way. The boy was treated in hospital. The same day, in the same area, another group of settlers entered a building where two Palestinian women (one of whom was pregnant) and their five children - aged between two days and eight years old - were present. In agitated state, the settlers threw empty bottles on the doors and stairway, causing damage to the property. Due to a sudden movement, one of the women who had recently given birth started bleeding after her surgical stitches opened. ISF prevented the ambulance from entering Tel

²⁷ Brosh, Givat Salit, Ibei Hanahal and Haresha.

²⁸ Peace Now, on file.

²⁹ Only incidents resulting in injuries or property damage are included.

³⁰ Compared to four Palestinians and five Israelis killed in the previous reporting period.

³¹ Injured; people physically hurt and treated at a medical facility or on site by paramedic personnel, <https://www.ochaopt.org/page/settler-related-violence>.

³² Compared to 246 incidents and over 8,300 trees vandalized in the previous reporting period.

³³ During the previous reporting period, ISF killed four Palestinians and injured 295 in such circumstances.

³⁴ OCHA, <https://www.ochaopt.org/page/settler-related-violence>.

³⁵ A/HRC/43/67, paras. 46-59.

Rumeida, forcing two paramedics to cross the checkpoint by foot to treat the woman. Around two hours later, a group of four to five settlers entered a shop nearby. One of them pepper sprayed five young Palestinian males, including a 16-year old boy in a wheel-chair.³⁶ Two soldiers stationed nearby stopped and spoke to the settlers after the attack, but let them leave without taking any action.

20. On 15 December 2019, a group of six settlers threw stones at three Palestinian women and a four-year old girl who were sitting in the yard of their house in Madama village, adjacent to Yitzhar settlement, Nablus Governorate. As they fled into the house, two of the women were hit with stones and one of them - at the time five months pregnant - fell twice. She reported that she was later treated in the hospital for an injury to her shoulder and for medical examination of possible complications related to the pregnancy. Another 20 settlers gathered and smashed three windows with iron pipes and threw one stone into the house, before a group of Palestinians approached the house, prompting the settlers to leave. Fearing further attacks, the family relocated for over two months.

21. The cases illustrate that Palestinian women are particularly targeted by settler violence in their homes during the day, when men are usually absent. Furthermore, pregnant women and women who have recently given birth may suffer additional injury or other consequences from such attacks.

22. Settlers also attacked Palestinians and their property following ISF law enforcement measures against settlers, leaving messages suggesting these attacks were acts of retribution. A series of incidents resulting in damage to Palestinian property marked with graffiti conveying threats or hate speech³⁷ occurred following demolitions in the outpost of Kumi Ori, near Yitzhar settlement, in Nablus Governorate, on 15 January 2020.³⁸ On 24 January 2020, a mosque in Sharafat neighbourhood, East Jerusalem, was partially burned by three masked men who left the following graffiti on the mosque: "You demolish for Jews, Kumi Ori demolishes for the enemies". On 28 January 2020, unknown assailants set fire to a classroom of the Eynabous school, Nablus Governorate. Graffiti at the site read "You are demolishing homes? That is only for enemies! Regards from Kumi Ori." At least eight attacks of this type took place between 24 October and 19 December 2019 in Nablus, Qalqiliya and Salfit Governorates, with over 70 vehicles and other property of Palestinians damaged and marked with similar messages, following the imposition of a closed military area in Kumi Ori, in October 2019, which barred settlers from entering this area.

23. As in previous years, settler violence peaked during olive harvest and spring months. In 2019, in conjunction with severe restrictions imposed by Israeli authorities on access to land for Palestinians seeking to harvest, OCHA recorded 60 incidents of settler violence against farmers across the West Bank, with 45 per cent of them in Nablus Governorate.³⁹ The attacks resulted in 10 Palestinians injured, damage to over 2,700 trees, and theft of approximately 160 tons of produce.⁴⁰ Despite significant movement restrictions imposed by both the Israeli and Palestinian authorities during the COVID-19 pandemic, settler violence increased in the spring of 2020, in particular in terms of damage to Palestinian property.

24. The monthly rate of settler violence from March to May 2020 was over 20 per cent higher than during the same period in 2019.⁴¹ This significant increase is particularly alarming, as it happened despite the almost total lockdown in the West Bank during March and April in the context of the COVID-19 outbreak. Amidst almost daily attacks in some areas at the beginning of the outbreak, according to media, ISF did not appear to enforce the movement restrictions vis-à-vis settlers and reportedly accompanied them on several

³⁶ Two were treated on the spot and three were briefly treated in the hospital for burns.

³⁷ Such incidents are often referred to as "price tag attacks" by authorities and in media. See A/HRC/40/42, para. 30.

³⁸ The ISF have also reported several instances of settlers attacking ISF in and around the outpost, see for example <https://www.haaretz.com/israel-news/.premium-israeli-soldier-wounded-by-west-bank-settlers-throwing-stones-military-says-1.8010112> and <https://www.haaretz.com/israel-news/.premium-firebombs-hurled-at-border-police-vehicle-in-yitzhar-settlement-1.8715546>

³⁹ <https://www.ochaopt.org/content/record-yield-reported-2019-olive-harvest>.

⁴⁰ Ibid.

⁴¹ OCHA, <https://www.ochaopt.org/page/settler-related-violence>.

occasions.⁴² On 9 April, ISF reportedly placed 20 settlers from the so called “hilltop youth” - a group from outposts and settlements around Nablus - in an improvised quarantine site near Jericho, after they had been in contact with a confirmed COVID-19 patient. Two of them were reportedly arrested five days later, suspected of having thrown stones and tear gas canisters at three Palestinians and of setting fire to two cars near the quarantine site.⁴³ Human rights organizations also reported cases of settlers spitting on Palestinians during attacks, causing fear of exposure to COVID-19 and prompting victims to go into quarantine or self-isolation.⁴⁴ In several incidents, settlers appeared to attempt to take over Palestinian land, taking advantage of the restricted movement of Palestinians due to the state of emergency.⁴⁵ For example, on 6 April, 10 settlers attempted to install a fence on Palestinian lands in Ash Shuyukh village, Hebron Governorate. When the owners arrived, settlers threw stones, used electric tasers and pepper spray, and unleashed dogs. One Palestinian sustained a dog bite to the leg and others bore bruises. When ISF arrived, they ordered the Palestinians to leave their land, firing tear gas and stun grenades. The Palestinians filed a complaint to the Israeli police.

25. As the occupying Power, Israel has the obligation to take all the measures in its power to restore and ensure, as far as possible, public order and life in the Occupied Palestinian Territory and to protect the Palestinian population against all acts or threats of violence in all circumstances.⁴⁶ All incidents of settler violence must be promptly, fully and impartially investigated. Israel also has the obligation to respect, protect and fulfil the human rights of the Palestinian population, including their rights to life and security of person; as well as the right to health, including during the COVID-19 pandemic.⁴⁷

Accountability for settler violence

26. The Secretary-General and the High Commissioner have on many occasions reported on the prevailing climate of impunity that exists for settlers and those taking over private Palestinian land.⁴⁸ In August 2019, the Ministry of Justice of Israel released a report listing 118 investigations into allegations of ideologically motivated crimes perpetrated by settlers against Palestinians and ISF between January 2017 and June 2019. The report indicates that investigations resulted in 11 indictments filed, two trials and no convictions.⁴⁹ Forty-six cases were still under investigation or prosecution stages. During that period, 559 incidents of settler attacks against Palestinians were reported.⁵⁰

27. During this reporting period, OHCHR followed up on accountability for 11 cases of settler violence that occurred between 11 July 2018 and 19 October 2019, including the killing of three Palestinians, which were reported on in the previous reports of the Secretary-General and the High Commissioner for Human Rights.⁵¹

28. Concerning the killings, the OHCHR review revealed that one suspect was arrested and indicted in one case, while no perpetrator has been held accountable in the other two

⁴² <https://www.wattan.net/ar/news/304131.html>; <https://www.wattan.net/ar/news/304306.html>; <https://www.wattan.net/ar/news/304336.html>; <https://www.alwatanvoice.com/arabic/news/2020/03/16/1322491.html>.

⁴³ <https://www.haaretz.com/israel-news/.premium-settler-youths-flee-military-run-coronavirus-quarantine-steal-army-tents-1.8770302> and https://www.btsalem.org/press_releases/20200423_violent_attacks_by_settlers_spike_in_april.

⁴⁴ https://www.btsalem.org/press_releases/20200423_violent_attacks_by_settlers_spike_in_april.

⁴⁵ On 5 March 2020, the Palestinian President proclaimed by presidential decree a state of emergency in the State of Palestine valid for one month due to the outbreak of COVID-19. The state of emergency was later prolonged and valid as of the end of the reporting period. Severe restrictions on movement and assembly have been implemented during the vast part of the state of emergency.

⁴⁶ Hague Regulations, articles 43 and 46; Fourth Geneva Convention, article 27.

⁴⁷ A/HRC/34/38, paras. 13, 36 and 37.

⁴⁸ See A/74/357, para. 27; A/70/351 para. 23; A/HRC/25/38, paras. 42-47; A/HRC/43/67, paras. 26-29; A/HRC/31/43, para. 37; and A/HRC/34/39, para. 18.

⁴⁹ A/HRC/43/67, para. 27, available in English at <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/Law+enforcement+settlers+official+reports/Moj+report+om+Law+Enforcement+in+the+West+Bank++28.8.19.pdf>.

⁵⁰ OCHA, see A/HRC/43/67, para. 27.

⁵¹ A/74/357, para. 22, 45, 46, 49, 56, 59 and 61, and A/HRC/43/67, para. 20, 22, 24 and 58.

cases. Thus, one settler was indicted for the manslaughter of a Palestinian woman on 12 October 2018, near Nablus.⁵² In May 2019, he was however released to house arrest, and on 2 May 2020, he was permitted to return to the settlement in the West Bank where he used to live despite objections by the state prosecutor that he presented a danger to the public.⁵³ The trial has not advanced since the indictment.⁵⁴ Concerning the killing of a man by settlers in Al Mugghayyer, Ramallah Governorate, on 26 January 2019,⁵⁵ witnesses were interviewed and the police collected evidence, including video footage, in February 2019. The family of the victim has since not received any updates on the investigation and no arrests were reported. In another case, on 3 April 2019, two settlers shot and killed a 23-year-old Palestinian man south of Nablus, after he had thrown stones at Israeli vehicles, and injured another.⁵⁶ The man's family reported that they did not file a complaint because ISF had publicly stated that the man had attacked the settlers. The man who was injured in the same incident filed a complaint, but had not received any information on the investigation as of the end of the reporting period. In May 2020, in response to a request by a Member of the Knesset, the Israeli State Attorney reportedly stated that the killing was lawful based on the findings of the police.⁵⁷

29. In the other eight cases which OHCHR reviewed where violence resulted in injuries or property damage, no perpetrators were held accountable. In four of the cases, the victims did not submit any complaint or withdrew it, reporting that they had received threats or feared reprisals from settlers, that numerous complaints they had previously filed about settler violence had not led to any investigation, or that they lacked trust in, and knowledge of, the Israeli legal system. In one case where a complaint was submitted, the settler (an off-duty soldier) was suspended from ISF and arrested on 4 June 2019 on suspicion of setting fire to Palestinian property on 16 May 2019, which had been captured on video footage.⁵⁸ Yet, no indictment was reported according to available information. In the other four cases where complaints were submitted, no steps to investigate had been reported to the victims as of the end of this reporting period, even though the incidents took place up to two years ago. The Palestinian Red Crescent Society reported it had not received any information about investigations following their complaints to the Israeli police about four⁵⁹ settler attacks against their ambulances in Hebron between July and November 2018.⁶⁰ The non-governmental organization Youth Against Settlements, which filed a complaint about an incident of settler violence during which Palestinians were injured on 24 December 2018,⁶¹ had received no information. They reported two new incidents of settler violence in April and May 2020.

30. For incidents of settler violence which occurred during this reporting period, some victims reported they had not filed complaints to the Israeli police for similar reasons as noted above. For example, on 22 November 2019, four adult settlers kicked, slapped and pepper sprayed a 10-year old boy in the street in Wadi Al Hussein neighbourhood in H2 of Hebron. A soldier stationed at a nearby checkpoint took no action. The boy was treated in hospital for burns from the pepper spray and bruises and was discharged the same day. The family reported they had not submitted a complaint for fear of reprisals from the settlers and due to failure by the police to investigate their previous numerous complaints about settler violence.

31. The Israeli human rights organization Yesh Din reported that 75 per cent of victims did not file a complaint in 28 settler violence incidents⁶² it monitored during the olive harvest

⁵² A/74/357, para. 45.

⁵³ A/74/357, para. 45 and <https://www.haaretz.com/israel-news/.premium-suspected-killer-of-palestinian-woman-can-go-back-to-settlement-home-court-rules-1.8815179>.

⁵⁴ In January 2020, the Ministry of Defense of Israel denied the woman's husband compensation for an 'act of hostility' because she did not have Israeli citizenship or residence permit.

⁵⁵ A/74/357, para. 22.

⁵⁶ A/74/357, para. 46.

⁵⁷ <https://www.inn.co.il/News/News.aspx/436210>.

⁵⁸ A/74/357, para 49.

⁵⁹ The four incidents are counted as one case for the purpose of this review.

⁶⁰ A/74/357, para. 61 and A/HRC/40/42, para. 43.

⁶¹ A/74/357, para 59.

⁶² Including violence resulting in property damage.

in 2019. In most cases, the reason given was loss of trust in the law enforcement system.⁶³ Yesh Din reported that in the 308 investigation files it monitored between 2014 and 2019, the rate of indictment decreased to four per cent between 2017 and 2019, compared to an overall rate of nine per cent between 2014 and 2019.⁶⁴

32. In a significant development, on 18 May 2020, a settler was convicted for murder, attempted murder and additional charges for the arson attack that killed a Palestinian family (two adults and a toddler) in 2015. No sentence has yet been handed down, including regarding another settler convicted in the case in October 2019 for “conspiracy to commit a crime motivated by a racist motive”, following a plea deal.⁶⁵

33. Deficiencies in the justice system to hold settlers accountable for violence against Palestinians, include the application of different legal systems to settlers and Palestinians,⁶⁶ the persistent and prevailing lack of thorough and impartial investigations,⁶⁷ the very low rate of indictments and convictions reported between 2017 and 2019, frequently delayed processes, and lenient charges. Fewer complaints are submitted by Palestinians due to distrust in the Israeli legal system and fear of reprisals. While efforts have been made by the Israeli authorities in recent years to prevent, investigate and prosecute particular incidents of settler violence, overall these deficiencies sustain a climate of impunity for settler violence, encouraging attacks to continue.

Demolitions, forced evictions and displacement

34. Demolitions and forced evictions referred to below entail numerous human rights violations, exacerbate the coercive environment and raise concerns about the risk of forcible transfer. They also continue to raise concern about compliance with the relevant provisions of international humanitarian law that are binding on the occupying Power, including the prohibition of destruction of property and institutions dedicated to education.⁶⁸

35. During the reporting period, Israeli authorities demolished 606 structures in the West Bank, including East Jerusalem, displacing 778 people (194 women, 182 men, 177 girls and 225 boys).⁶⁹ In the previous reporting period, 511 structures were demolished, displacing 641 people. The majority of the demolitions took place in Area C (427 demolished structures, displacing 465 people), and the most affected areas were East Jerusalem (122), Hebron Governorate (126), Jordan Valley (110) and Bethlehem (110). Demolitions more than tripled during Ramadan in 2020 compared to 2019.⁷⁰

36. Demolitions and confiscations continued during the COVID-19 pandemic at only a slightly lower monthly rate than in the previous period,⁷¹ leaving Palestinians without adequate housing, medical facilities and access to water, thereby seriously increasing the risk of COVID-19 infection in the West Bank. On 26 March 2020, in Ibziq village, Jordan Valley, the Israeli Civil Administration demolished one residential structure (displacing two persons), and dismantled and confiscated eight tents and equipment (including a water tank, a generator and spraying devices) for lack of a building permit. Some tents were assigned as clinical facilities.

37. Military Order No. 1797 came into effect in July 2019, authorizing the Israeli Civil Administration to remove new structures built without a permit⁷² in Area C within 96 hours.⁷³

⁶³ <https://www.yesh-din.org/en/reaping-with-sorrow-a-summary-of-the-2019-olive-harvest/>.

⁶⁴ <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/נתונים+חוק/אנגלית/2019+דצמבר/Law+Enforcement+Data+Sheet+12.2019+ENG.pdf>.

⁶⁵ A/HRC/43/67, para. 27.

⁶⁶ A/HRC/43/67, para. 29 and A/68/513 para. 12.

⁶⁷ A/HRC/40/42, para. 55; A/71/355, para. 50; A/HRC/34/38, para. 38; and A/HRC/37/43, para. 23.

⁶⁸ Fourth Geneva Convention, article 53; Hague Regulations, articles 46 and 56 (as noted in A/HRC/34/38, paras. 21 and 33).

⁶⁹ OCHA.

⁷⁰ OCHA.

⁷¹ A monthly average of 43 demolitions during COVID-19 compared to 51 for the entire reporting period.

⁷² <https://www.ochaopt.org/poc/17-30-march-2020>.

⁷³ A/74/357, para. 37.

The order can be applied to residential structures only if these were inhabited for less than 30 days.⁷⁴ It was used to demolish 47 structures since it came into effect.⁷⁵ The order has further limited opportunities for legal recourse,⁷⁶ and only one appeal against demolition based on the order has been successful.

38. Israeli authorities demolished three school-related structures⁷⁷ during the reporting period, which affected 181 students and teachers, while 51 schools (43 in Area C and eight in East Jerusalem) were under “stop work” or demolition orders as of 31 May 2020.⁷⁸ On 16 January 2020, in Hebron, in Birin herding community, ISF demolished the foundation for new school premises intended to serve 60 students.⁷⁹ The demolition order was based on Military Order No. 1797 and delivered to the school representatives 96 hours before demolition.

Impact of settlements on Palestinian communities at risk of forcible transfer

39. The publicly stated intention of the Government of Israel to relocate thousands of Palestinians residing in Area C remains a key concern and contributes to a coercive environment.⁸⁰ Some 18 communities in and around East Jerusalem are at particular risk of forced eviction, including the Bedouin community of Khan al-Ahmar-Abu al-Helu.⁸¹ The Israeli Government’s stated intention to move ahead with annexation of parts of the occupied West Bank increases this risk.

IV. Settlement expansion, demolitions and evictions in East Jerusalem and Bethlehem

40. In the weeks leading up to the March 2020 Israeli election, and following the publication of the U.S. “Peace to Prosperity” Vision, the Government of Israel advanced or announced its intention to advance thousands of settlement housing units in and around East Jerusalem. If constructed, these plans would further consolidate the ring of settlements around East Jerusalem, severing it from the rest of the West Bank. This would further restrict the freedom of movement of Palestinians living in East Jerusalem, negatively impact other rights, increase the risk of forcible transfer for nearby Palestinian communities, and seriously impede the exercise by the Palestinian people of the right to self-determination and undermine the possibility of a contiguous Palestinian state.

A. Settlements plans around East Jerusalem

41. On 9 February 2020, a plan to create a new large settlement of 9,000 units in the area of old Qalandiya/Atarot airport, north of Jerusalem, was advanced in early stages of approval.⁸² The construction would disrupt the contiguity of territory between East Jerusalem and the Ramallah area.

42. On 24 February 2020, tenders were announced for 1,077 housing units in a new settlement in Givat Hamatos, in the southern part of East Jerusalem.⁸³ Publication of the tenders, initially scheduled for 3 May, has been delayed to an unknown date as of the end of

⁷⁴ Ibid.

⁷⁵ OCHA.

⁷⁶ A/74/357, para. 37.

⁷⁷ OCHA.

⁷⁸ Data from the education cluster of the United Nations country team.

⁷⁹ OCHA.

⁸⁰ A/HRC/34/39, para. 44; A/72/564, paras. 36–57.

⁸¹ A/73/410, para. 22; A/74/357, para. 36; A/HRC/37/43, para. 25; A/HRC/43/67 para. 33.

⁸² <https://peacenow.org.il/en/plan-advanced-for-a-new-settlement-in-atarot-in-the-heart-of-palestinian-east-jerusalem>.

⁸³ https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf According to Ir Amim, the tenders had not been published for bidding as at the end of the reporting period.

the reporting period. The Prime Minister of Israel also announced his intention to advance the expansion of the nearby Har Homa settlement, with 2,200 housing units.⁸⁴ Such construction would further consolidate the ring of settlements along the southern perimeter of Jerusalem, separating the Palestinian areas of the city from Bethlehem and the southern West Bank.

43. On 25 February 2020, the Prime Minister of Israel further announced that the Government would advance plans for the construction of over 3,400 housing units in the area of 12 square kilometres known as E1, adjacent to Ma'aleh Adumim settlement, between East Jerusalem and Jericho.⁸⁵ Two plans for E1 settlement were deposited for objections in early March 2020.⁸⁶ Construction in the E1 area would effectively cut the West Bank into two parts. On 9 March 2020, the Minister of Defence of Israel advanced a plan for a so-called "sovereignty road" between the southern and northern West Bank for Palestinians. The road would bypass the Ma'ale Adumim settlement and areas around it, effectively preventing Palestinians from entering E1. The Minister stated that its construction would enable settlement construction in E1.

44. On 6 May 2020, the Minister of Defence of Israel announced his intention to advance some 7,000 housing units south of Bethlehem, in the area known as E2, as part of the Efrat settlement.⁸⁷ Israel declared the area as State land in 2004 and allocated it for settlement development in December 2018.⁸⁸ If constructed, it threatens to carve up the West Bank⁸⁹ and fragment its southern part.

B. Demolitions and evictions paving the way for settlement expansion

45. In East Jerusalem, demolitions and seizure decreased, but continued at the high levels seen since 2016, with 122 demolitions that displaced 249 people.⁹⁰ These included 52 self-demolitions,⁹¹ which have increased since 2018, likely due to more severe fines and charges imposed by Israeli municipal authorities⁹² and the amendment to the Planning and Building Law enabling expedited demolitions.⁹³

46. In Bethlehem Governorate,⁹⁴ demolitions and seizure reached the highest levels since OCHA started systematically recording demolitions in 2009, with 110 structures demolished and 130 people displaced in the reporting period, compared to the yearly average of 26 demolitions for 2010-2018.⁹⁵

47. The recent demolitions took place near areas of Bethlehem and East Jerusalem where the expansion of the settlements ring around East Jerusalem was announced or advanced.⁹⁶

⁸⁴ According to Ir Amim, the master plan and a detailed outline plan for Har Homa were discussed in March 2020, but not yet approved by the Jerusalem planning and building committee.

⁸⁵ https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_30_march_2020_2334.pdf and https://peacenow.org.il/en/netanyahu-promotes-the-construction-in-e1#inbox/_blank.

⁸⁶ Ir Amim, on file, and <https://peacenow.org.il/en/road-allow-e1-construction-is-being-promoted>.

⁸⁷ <https://peacenow.org.il/en/bennett-announces-intention-to-build-new-settlement-in-e2>.

⁸⁸ A/74/357, para. 8.

⁸⁹ A/70/351, para. 19.

⁹⁰ This only includes areas of East Jerusalem located in Jerusalem Governorate and excludes areas located in Bethlehem Governorate. During the previous reporting period, 197 demolitions occurred, displacing 253 people. Between 2009 and 2016, an average of 76 demolitions were conducted annually and the trend subsequently increased.

⁹¹ Compared to 52 in the previous reporting period, see A/74/357, para. 31.

⁹² A/74/357, para. 31.

⁹³ OCHA, <https://www.ochaopt.org/content/new-legislation-impedes-challenges-demolitions-and-seizures-west-bank> and Humanitarian Bulletin: occupied Palestinian territory, September 2019, p. 5.

⁹⁴ Including areas in East Jerusalem located in Bethlehem Governorate.

⁹⁵ OCHA, <https://www.ochaopt.org/data/demolition>.

⁹⁶ The most affected communities and neighbourhoods were Jabal Al Mukkaber (45 demolitions), Za'atara (20), Beit Hanina (19), Sur Baher (16), Al Walajah (16), Al Khadr (12), Beit Jala (12), Nahalin (12), Al Issawiya (12), Silwan (12) - all located near areas where such expansion is taking place.

Self-demolition in East Jerusalem

48. Multiple Palestinians in East Jerusalem were forced to carry out self-demolitions, as it is almost impossible for them to obtain building permits due to the discriminatory Israeli zoning and planning regime⁹⁷ and the imposition of large fines and charges. The amendment to the Planning and Building Law enacted in 2017, which started to apply to all structures as of October 2019, limits the possibility to freeze demolition orders to one year, and only in exceptional circumstances, making the retroactive legalization of construction more difficult. The amendment further limits legal recourses against demolitions, reinforcing the discriminatory zoning and planning regime.⁹⁸

49. On 9 June 2019, a woman demolished her house in Sur Baher, East Jerusalem,⁹⁹ to avoid paying hefty fines and charges. A demolition order was issued in 2012 and frozen until April 2019, when it was confirmed in court, giving the woman 45 days to demolish her house for lack of a building permit. The demolition led to the displacement of the woman and her six children (including five minors), exacerbating their economic difficulties as the family depends on widow allowances. The demolition also placed them at higher risk of prevalent discriminatory social practices against women and female-headed households.

50. On 1 February 2020, a family (four adults and three children) in Jabal Al Mukkaber neighbourhood was forced to demolish its house, built on their private land. Following the family's appeal of a demolition order issued seven years before, the Jerusalem Municipal Court confirmed the demolition in February 2019, issuing a fine of 35,000 ILS (approximately 10,000 USD) and ordering the family to obtain a building permit before 27 December 2019, which they were denied. The family reported being informed that the Municipality would charge 100,000 ILS (approximately 29,000 USD) for the demolition, mainly paying for protection by ISF. The house lay directly above the planned route of an underground tunnel, which is part of the Eastern ring road that would connect several settlements in East Jerusalem and its periphery.

Evictions based on Absentee Property Law and ownership prior to 1948

51. Two of the main laws that have been used as a basis to evict Palestinians from their properties in East Jerusalem in favour of settler organizations are the Absentee Property Law and the Legal and Administrative Matters Law.¹⁰⁰ The Absentee Property Law,¹⁰¹ enacted in 1950, allows confiscation of property from Palestinians in areas where “the law of the State of Israel applies”, if the owner of the property fled or otherwise was outside that area after 27 November 1947.¹⁰² Since Israel annexed East Jerusalem, property in East Jerusalem owned by Palestinians residing outside the city was determined by Israeli authorities as “absentee property” based on claims initiated by settler organizations, and in some cases transferred or sold to settler organizations.¹⁰³ Notwithstanding the illegality of annexation under international law, the Israeli Supreme Court accepted such confiscations in a decision on 15 April 2015, while stipulating that the law should be invoked extremely rarely in East Jerusalem, and only with the express permission of the Attorney General in each case.¹⁰⁴ The Legal and Administrative Matters Law permits claims for restitution of property in East Jerusalem owned by Jewish persons before 1948, but not for Palestinian claims of ownership in West Jerusalem before 1948. It is estimated that hundreds of properties have been taken over by settlers in East Jerusalem since the 1980s based on the two laws, as well as through

⁹⁷ A/HRC/34/38, para. 26.

⁹⁸ A/HRC/43/67, para. 32.

⁹⁹ Most of Sur Baher is located within an area unilaterally annexed by Israel as part of the Israeli Jerusalem municipality. Other parts are located in Areas A, B and C of the West Bank, but the Barrier encloses them to the Jerusalem side of the Barrier. See <https://www.ochaopt.org/content/threat-demolitions-east-jerusalem>.

¹⁰⁰ A/70/351, paras. 30-31.

¹⁰¹ Informal translation to English available at <https://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/04-Absentees-Property-Law-1950.pdf>.

¹⁰² A/70/351, paras. 30-31.

¹⁰³ Ibid. and <https://law.acri.org.il/pdf/unsafe-space-en.pdf> p. 35.

¹⁰⁴ CA 2250/06 Custodian of Absentees' Property et al. v Daqqa Nuha et al.

archaeological or tourism projects and transactions involving Palestinian property, including fraudulent purchases.¹⁰⁵

52. On 10 July 2019, the Israeli authorities evicted a Palestinian family (one woman and four children) in Wadi Al Hilweh in Silwan, East Jerusalem. Two days before the eviction, the High Court of Justice rejected the family's request for leave to appeal. Since the early 1990s, the settler organization Elad had attempted to take over the property through four law suits, three of which were dismissed by the Jerusalem District Court as partially based on falsified documents.¹⁰⁶ In 2009, the District Court determined that two persons owning one fourth of the property should be considered "absentees" under the Absentee Property Law because they resided outside East Jerusalem. The evicted woman is the daughter of one of the persons considered an "absentee". The Custodian of Absentees' Property then sold the so-called absentee property to Elad. During the legal procedures, Elad reportedly bought another 50 per cent of the property from owners living abroad, who likely would have been considered as "absentees" if they had not sold the property, meaning that they would have received no compensation.

53. Nearly 100 families comprising around 700 Palestinians residing near the Old City of East Jerusalem, in Silwan, have been undergoing similar legal processes. On 30 September 2002, the Custodian of Absentee Property released the land where these families live to the Jewish Benvenisti Trust, the administration of which was taken over the same year by the settler organization Ateret Cohanim, based on the assertion that it owned the properties before 1948.¹⁰⁷ On 21 November 2018, the Israeli Supreme Court denied a petition by the families against the release of the land to the settler organization. In January and February 2020, the Jerusalem Magistrate Court issued three decisions ordering the eviction of nine of the households (over 45 persons). The decisions have been appealed, while another 22 eviction cases are pending.

54. According to international humanitarian law, private property in occupied territory must be respected and cannot be confiscated by the occupying Power.¹⁰⁸ The application of the Absentee Property Law and the Legal and Administrative Matters Law in East Jerusalem is seemingly inconsistent with this obligation. International humanitarian law also requires the occupying Power to respect, unless absolutely prevented, the laws in force in the country.¹⁰⁹ Furthermore in practice, the measures taken by Israel facilitate the transfer by the occupying Power of its population into parts of the Occupied Palestinian Territory. The transfer of parts of an occupying Power's civilian population into the territory it occupies is prohibited under international humanitarian law and may amount to a war crime.¹¹⁰ In addition, confiscations according to the Laws are based solely on the nationality or origin of the owner, rendering them inherently discriminatory.

55. Approximately 200 Palestinian households in East Jerusalem, comprising 877 persons, including 391 children, face similar risks of forced eviction due to cases filed in Israeli courts, primarily by Israeli settler organizations.¹¹¹ Forced evictions frequently violate the rights to adequate housing and to privacy, and other human rights. They are a key factor of a coercive environment that may lead to forcible transfer, which is prohibited by the Fourth Geneva Convention and a grave breach of the Convention.¹¹²

¹⁰⁵ A/70/351, para. 29-36 and 49-51; A/HRC/34/39, para. 46.

¹⁰⁶ Jerusalem District Court cases HC 325/96, TA 1185/96 and TA 1544-09.

¹⁰⁷ <https://peacenow.org.il/en/the-court-ruled-to-evict-another-8-families-in-batan-al-hawa-silwan>.

¹⁰⁸ Hague Regulations, article 46.

¹⁰⁹ Regulations respecting the Laws and Customs of War on Land of 1907 (the Hague Regulations), article 43; and Geneva Convention IV, article 64.

¹¹⁰ Geneva Convention IV, article 49 (6). See also, Rome Statute of the International Criminal Court, Article 8(2)(b)(viii).

¹¹¹ OCHA, as of January 2019.

¹¹² Geneva Convention IV, Articles 49 and 147; A/74/357, paras. 35 and 77, and A/HRC/34/39, para. 46 with references.

Demolition immediately followed by establishment of outpost

56. An extended family of five adults and two children was subjected to two demolitions in the Makhroun area of Bethlehem near Har Gilo settlement. On 26 August 2019, the Israeli Civil Administration demolished the family's restaurant and residence in their private property in Area C, due to lack of building permit, based on orders from 2005 and 2010. The following day, settlers started establishing an agricultural outpost without any permit a few hundred metres from the demolished structures. The outpost remained there as of the end of the reporting period. Following the demolition, five members of the family lived in a tent supplied by humanitarian organizations, on the site of their property. On 4 March 2020, the Israeli Civil Administration confiscated the tent and razed the grounds where the demolition had taken place. This occurred at the start of the outbreak of COVID-19, putting the family at further risk of contracting the disease, without shelter and access to water.

V. Settlements in the occupied Syrian Golan

57. After the President of the United States announced, in April 2019, that he recognized Israeli sovereignty over the occupied Syrian Golan, plans to further expand Israeli settlements have continued. This included the Government decision, in June 2019, to establish a settlement called "Trump Heights".¹¹³ Several States condemned the U.S. announcement and the consequences of recognizing illegal annexation. The United Nations Secretary-General reaffirmed the validity of Security Council resolution 497 (1981), which decides that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan is null and void and without international legal effect.

58. A human rights organization from the occupied Syrian Golan¹¹⁴ continued to raise serious concerns about the impact on Syrian villages, particularly Majdal Shams and Massada, of a renewable energy project implemented by an Israeli energy company, involving the construction of wind turbines. It stated that the project would involve building 31 wind turbines on land owned by Syrian farmers and would severely affect their human rights, restrict access to their farming lands and ability to expand their already limited built-up areas, and endanger wildlife. In January 2020, the National Israeli Infrastructure Committee approved 25 of these wind turbines. Syrian inhabitants in the area are facing a severe housing crisis, which this project would further exacerbate. Moreover, the areas where they live constitute only five per cent of the overall occupied Syrian Golan, while 95 per cent of the territory is unavailable as it is being used by the Israeli military and over 34 illegal Israeli settlements.

VI. Conclusions and recommendations

59. 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,¹¹⁵ as consistently confirmed by competent United Nations organs, including the International Court of Justice, the Security Council, the General Assembly and the Human Rights Council.

60. The stated intention of the Government of Israel to annex parts of the occupied West Bank, if implemented, would constitute a most serious violation of international law, including the UN Charter, and would have no legal validity. It would be a major obstacle to the achievement of the two-State solution and threaten efforts to advance regional peace and our broader efforts to maintain international peace and security.

¹¹³ <https://mfa.gov.il/MFA/PressRoom/2019/Pages/Government-approves-establishment-of-new-Golan-Heights-community-Ramat-Trump-16-June-2019.aspx>.

¹¹⁴ <https://golan-marsad.org/as-syrians-commemorate-yet-another-year-of-occupation-israel-tightens-it-grip-on-the-golan/>.

¹¹⁵ Fourth Geneva Convention, article 49(6).

61. During the reporting period, advancements of new and existing settlements increased, as did the number of tenders announced and the rate of settlement housing construction starts. The plans for settlements in East Jerusalem and surrounding areas, including in E1, are of particular concern as they would isolate East Jerusalem from the rest of the West Bank and threaten to fragment the contiguity of the West Bank.

62. Settlements have significant adverse effects on Palestinians' rights, including their rights to life, freedom of movement, privacy, family life, an adequate standard of living, work and education and on the exercise of their right to self-determination.

63. Settler violence remained high in the reporting period, continuing an overall upward trend since 2016. Israel largely failed to uphold its obligation 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. A large number of incidents occurred in the same locations,¹¹⁶ suggesting that much of the violence emanates from specific groups of settlers. While efforts have been made by the Israeli authorities in recent years to prevent, investigate and prosecute particular incidents of settler violence, overall a climate of impunity continued to prevail due to persisting deficiencies in the justice system to hold settlers accountable for violence against Palestinians and damage to their property.

64. Forced evictions resulting from demolitions in the circumstances prevailing 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.¹¹⁷ The transfer of property pursuant to the application of the Absentee Property Law and the Legal and Administrative Matters Law in East Jerusalem also facilitates the transfer of its population into the occupied territory, in violation of international humanitarian law.

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

66. **On the basis of this report, the Secretary-General recommends that Israel:**

(a) Immediately and completely cease all settlement activities in the Occupied Palestinian Territory, including East Jerusalem, in compliance with relevant United Nations resolutions, including Security Council resolution 2334 (2016), and halt any planned steps towards annexation of any part of the Occupied Palestinian Territory, in compliance with the principle of inadmissibility of the acquisition of territory by force.

(b) Review the application of planning laws and policies, as well as the Absentee Property Law and the Legal and Administrative Matters Law, to ensure that they are in accordance with the obligations of Israel under international humanitarian law and international human rights law;

(c) 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 forcible transfer;

(d) Take all measures to ensure the protection of Palestinians and their property from settler violence in the Occupied Palestinian Territory, including East Jerusalem, including through issuance and enforcement of clear orders to the Israeli Security Forces to protect the Palestinian population;

(e) Ensure that all incidents of settler and Israeli Security Forces' violence against Palestinians and damage to their property be systematically investigated, that perpetrators be prosecuted and, if convicted, punished with appropriate sanctions, and that victims be provided with effective remedies, including adequate compensation, in accordance with international standards;

(f) Immediately cease and reverse all settlement development and related activities in the occupied Syrian Golan, and end discriminatory land,

¹¹⁶ A/HRC/28/44, para. 49; A/71/355, paras. 18 and 46, A/72/564, paras. 19-22.

¹¹⁷ See A/HRC/34/39, paras. 40-57.

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housing and development policies, in compliance with relevant United Nations resolutions;

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

Title: Israel: Human Rights: The Largest Single Forced Displacement Event in Years
MRN: s 47E(d) s 22(1)(a)(ii)
To: Canberra
Cc: s 47E(d)

From: Tel Aviv
From File:
EDRMS
Files:
References: s 47E(d)
The cable has the following attachment/s -
UN demolition statement.pdf
EU demolition statement.pdf
Response: Routine, Information Only

Summary

Israeli authorities demolished a Bedouin community located in the Jordan Valley (Area C of the West Bank) on 3 November, resulting in the forced displacement of 73 people, the largest single incident of its kind in years. The UN and EU have issued statements condemning the demolition. The UN reports that more Palestinian structures have been demolished in the first 10 months of 2020 than in any full year since 2016, rendering 869 Palestinians homeless.

On 3 November, Israeli authorities demolished more than 70 structures in the Bedouin community of Humsa al-Bqai'a (aka Khirbet Humsah) in the Jordan Valley (Area C of the West Bank), including residential, livelihood and sanitation facilities. The Israeli authorities also destroyed more than 30 tons of fodder for livestock, and confiscated vehicles and tractors belonging to residents. International observers report that the demolition caused the forced displacement of 73 people, including 41 children, making it the largest single incident of its kind in years. NGOs have expressed concern that the vulnerability of those displaced is further compounded by the onset of winter and the ongoing COVID-19 pandemic.

2. The Coordinator of Government Activities in the Territories (COGAT; the arm of the Israel Defense Forces responsible for the civilian population in the Palestinian Territories), issued a statement reporting that the Israeli army had destroyed structures erected illegally in an Israeli military designated live-fire zone. While Israeli military law prohibits the expulsion of permanent residents from a firing zone, the Israeli High Court ruled in 2019 that Humsa al-Bqai'a residents did not meet that standard as they did not have recognised property rights in the area. Humsa al-Bqai'a was one of 38 Bedouin and herder communities partially or fully located within firing zones, raising concerns from NGOs that further demolitions may soon follow.

3. According to the UN, Israeli authorities have demolished 689 residential structures across the West Bank and East Jerusalem in the first ten months of 2020, more than in any full year since 2016, rendering 869 Palestinians homeless (including many children). The human rights NGO B'Tselem reports that Israeli authorities have also demolished more than 300

Palestinian non-residential structures and infrastructure facilities in the first ten months of 2020, including crucial sanitation and health infrastructure such as water cisterns and pipes and electricity grids.

4. The UN and European Union (EU) both issued statements condemning the demolition of Humsa al-Bqai'a (statements attached). Yvonne Helle, the acting UN Humanitarian Coordinator for the Palestinian Territories, said "the extensive destruction of property and the forcible transfer of protected people in an occupied territory were grave breaches of the Fourth Geneva Convention", and strongly reiterated the UN's call on Israel to immediately halt unlawful demolitions. The EU said that confiscations and demolitions constituted an impediment towards a two-state solution, and reiterated its call on Israel to halt all such demolitions, in particular in light of the humanitarian impact of the current coronavirus pandemic.

5. In its statement, the UN said that while the lack of Israeli-issued building permits was typically cited as a reason for the demolition of Palestinian structures in the West Bank, the restrictive and discriminatory planning regime meant that Palestinians could almost never obtain such permits and that demolitions were a key means of creating an environment designed to coerce Palestinians to leave their homes. According to the human rights NGO Binkom, 98.6 per cent of requests by West Bank Palestinians for construction permits between 2016 and 2018 were rejected.

s 33(a)(iii), s 47E(d)

text ends

Sent by: s 22(1)(a)(ii)

Prepared

by:

Approved Steven Yates

by:

Topics: DEVELOPMENT COOPERATION/Aid General, HUMAN RIGHTS/General, POLITICAL-ECONOMIC/International Political

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s 47E(d)



How do you know?



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Statement by the Spokesperson on the Israeli demolitions of Palestinian structures

Brussels, 05/11/2020 - 07:37, UNIQUE ID: 201105_31

Statements by the Spokesperson


This week, Israeli forces demolished more than 70 structures, including residential, livelihood and sanitation facilities, belonging to 11 Palestinian families with 41 children in Khirbet Hamsa al-Foqa, in the northern Jordan Valley. This large-scale demolition confirms once again the regrettable trend of confiscations and demolitions since the beginning of the year.

This comes on top of the threat of demolition of the Palestinian school in the Ras Al-Teen community in the central West Bank, which has been co-funded by the EU and several EU Member States. There are currently 52 Palestinian schools under threat of demolition. As reiterated in previous EU Council Conclusions, the EU calls for the protection of children, including ensuring their right to education in a safe and secure school environment. Education is a basic human right that should be protected and maintained.

Such developments constitute an impediment towards the two-state solution. The EU reiterates its call on Israel to halt all such demolitions, including of EU-funded structures, in particular in light of the humanitarian impact of the current coronavirus pandemic.


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West Bank Witnesses Largest Demolition in Years – OCHA Statement

Statement by Yvonne Helle, the Humanitarian Coordinator *ad interim* for the occupied Palestinian territory

Yesterday, 73 people, including 41 children, were displaced when Israeli authorities demolished their homes and other structures and destroyed belongings in the Palestinian community of Humsa Al Bqai'a. Three quarters of the community's population lost their shelters, making this the largest forced displacement incident in over four years.

Humanitarian agencies visited the community and recorded 76 demolished structures, more than in any other single demolition in the past decade. The destroyed properties – including homes, animal shelters, latrines and solar panels – were essential to, livelihoods, wellbeing and dignity of community members, whose rights have been violated. Their vulnerability is further compounded by the onset of winter and the ongoing COVID-19 pandemic. Some of the demolished structures had been donated as humanitarian assistance.





So far in 2020, 689 structures have been demolished across the West Bank, including East Jerusalem, more than in any full year since 2016; rendering 869 Palestinians homeless. The lack of Israeli-issued building permits is typically cited as a reason, even though, due to the restrictive and discriminatory planning regime, Palestinians can almost never obtain such permits. Demolitions are a key means of creating an environment designed to coerce Palestinians to leave their homes.

Located in the Jordan Valley, Humsa Al Bqai'a is one of 38 Bedouin and herding communities partially or fully located within Israeli-declared 'firing zones.' These are some of the most vulnerable communities in the West Bank, with limited access to education and health services, and to water, sanitation and electricity infrastructure.

I remind all parties that the extensive destruction of property and the forcible transfer of protected people in an occupied territory are grave breaches of the Fourth Geneva Convention. While assuring that the humanitarian community stands ready to support all those who have been displaced or otherwise affected, I strongly reiterate our call to Israel to immediately halt unlawful demolitions.

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**HUMANITARIAN ALERT: LATEST DEVELOPMENTS IN MASAFAER YATTA**
17 AUGUST 2022**1. Background and latest developments**

Pressure on the communities of Masafer Yatta area to leave their homes continues to mount. This coercive environment can be divided into 5 categories.

1.1 Direct demolitions

- Everyone in the broader Masafer Yatta area – which includes 1,144 Palestinians, including over 569 children - live in fear of their homes being demolished at any moment.
- Since the court ruling of 4 May, 25 structures have been demolished, affecting 64 people.

1.2 Demolition orders and military seizure orders

- Demolition orders and military seizure orders continue to be issued, which generates a high degree of fear and uncertainty among the community.
- 35 demolition orders affecting 77 structures, including homes, livelihood structures and other infrastructure, have been issued since the 4 May court ruling. 34 of these structures are donor funded.
- Military seizure orders, such as for the construction of a patrol road, are reducing the land available to Palestinian communities and are indicating the creation of a more permanent military presence.

Latest development on demolition orders and military seizure orders

- **On 18 July**, Israeli Civil Administration issued two demolition orders based on military law 1797. One demolition order was for a donor funded animal shelter in Khirbet al Fakhit. The other demolition order was for a developed grazing area of 256 dunums of land in Khirbet Ath Thabaa. The development of the grazing area was donor funded and included the fencing of the area, planting needed crops (seedlings) and building 4 water collection cisterns. The project was implemented in 2021. On 2 February 2022, Israeli forces already demolished 4 cisterns and destroyed parts of the fences in this area.
- **On 29 July**, another military seizure order was issued for 178 square meters of land to construct what appears to be a checkpoint in the entrance to the village of At Tawani. Although this village is located just outside of the firing zone, it would close off the main access road in to Masafer Yatta.
- **On 3 August** the Israeli civil administration issued a stop work order for an electricity network in At Tawani. The affected network is about 360 m long with about 12 electricity poles. This donor funded project aimed at providing lighting to the community as a protective measure against repeated settler attacks in the night. An additional two stop work orders were delivered for two residential structures in At Tawani.

1.3 Increased military presence and operations

- Since the court ruling on 4 May, there has been an increase in military presence in Masafer Yatta. In June, Israeli forces went door-to-door to photograph residents faces and ID cards.
- A military training exercise that began on 21 June and ended a month later, resulted in a large military deployment and the construction of a military base. The military training started with the placement of targets close to inhabited residential areas. During the period of military training, live fire was used, and live ammunition struck a residential structure despite guarantees provided by Israeli Forces to the court that residential areas would not be affected by the training. Even

though the military training has ended, movement restrictions remain in place as does the military base that was set up in the area.

Latest developments on increased military presence:

- **On 4 August** at 02:15 Israeli Forces raided the house of the head of village council of At Tawani and interrogated him in front of his children. The man was accused of hosting groups of human rights activists who the Israeli Forces claimed create problems in the area. According to the village council, he was given an ultimatum to stop the gathering of human rights activists in the area.
- **On 6 August**, Israeli forces arrested a human rights activist from his home in Susiya. He had been to an activist meeting the day before in At Tawani. Israeli Forces blindfolded him and taped his arms together and brought him to what he thought was a military camp and locked him in a cell. The following day he was taken to Gush Etzion military base where he was interrogated by a before being released. According to the human rights activist, he was accused of mobilizing activists in At Tawani.

1.4 Movement restrictions for residents and humanitarian responders

- The military training came with an increased level of movement restrictions for the community and humanitarian responders.
- A checkpoint that was established at the beginning of the training remained active even during days when training was not taking place (near the intersection from Khallet Athaba')
- During July, community members were stopped at this checkpoint, detained for hours at a time, assaulted, and sometimes taken to the military base for questioning before being released.
- In July, a humanitarian organization had their car seized and NGOs reported that their staff were prevented from moving freely. The checkpoint stopped, delayed, and photographed UN personnel during this period.
- Around 8 July, the checkpoint was removed and the community reported to OCHA a brief easing in movement restrictions.

Latest movement restriction developments:

- **During the week of 24 July**, there was a re-intensification of movement restrictions with the establishment of flying checkpoints. A new checkpoint near Jinba was established and on the 31 July, a metal gate was added that closes the main access road to Jinba, resulting in the isolation of Jinba and Mirkez communities from the rest of Masafer Yatta.
- **On 28 July**, two NGOs were stopped for numerous hours at the checkpoint and had their vehicles confiscated.
- **On 28 July** a mother and her daughter, together with other members of their family, were detained at a flying checkpoint. Their ID cards and car registration papers were taken for three hours with no reason provided. As a result of the fear caused by the movement restrictions on the road, the family now travels longer distances by donkey to reach Yatta town.
- **On 28 July**, a father tried to leave Jinba with his son who needed medical attention, not during any military training, and was prevented from doing so. Their car was turned back from the checkpoint. The family insisted on the need for the boy to receive treatment and a medic from the military base nearby treated the boy at the checkpoint before sending them back home. Israeli Forces posted pictures on social media of the medic treating the boy.
- **On 3 August**, two families reported that their tractors and trollies carrying fodder were prevented from entering Jinba by the checkpoint.

- On 11 August, concrete blocks were placed by Israeli authorities at the entrance of At Tawani in preparation for fixing a road gate as part of what is considered to be a larger checkpoint infrastructure.

1.5 Settler violence

- Settler violence has also continued in Masafer Yatta during 2022. In 2022 there have been 18 settler violence related incidents, 6 of which were at the borders of the firing zone and the rest occurred inside the firing zone. Since the May court ruling, there have been 5 settler violence related incidents documented in the outer limits of Masafer Yatta.

Latest developments in settler activity

- On 7 August, settlers in South Hebron Hills organized a tour to At Tawani to visit and pray at what they consider to be an ancient synagogue on private Palestinian land. According to village council members, around 300 Israeli Forces arrived in At Tawani from 03:00 in the night, where they took positions on roofs, set up checkpoints and blocked access to and movement within the town. Israeli Forces also brought a bulldozer. Two buses carrying around 100 participants of the settler tour arrived at 05:30, following which they went to the site in the middle of At Tawani to pray. The settlers left at 07:30, and the military left at 8:00. According to local sources, clashes between residents and settlers were reported to which Israeli Forces responded by firing stun grenades at Palestinian protestors.

2. Impact

- In Jinba, access to education may be affected by the new checkpoint which effectively seals the community off from the rest of Masafer Yatta. Jinba school has a total number of 10 staff, most of whom commute from outside of the community. There are concerns that teachers from outside of the community may not be able to reach the area.
- In Khallet a Thabaa, the community school serves 17 students from grade 1 to grade 4, and the 4 teachers operating the school come from the nearby towns of Yatta and Ad Dahriyya. If teachers are not able to reach the school, children may need to go to the school in nearby At Tawani. However, there have been documented attacks by settlers against children travelling to school on this route.
- Access to health services has been complicated by the fear of moving in the area during military training and as a result of the checkpoints. Health workers report a decrease in the number of patients reaching health facilities. Families have been forced to temporarily move members requiring medical care outside of the community in order to have unhindered access to the healthcare that they require.
- The military training and movement restrictions have reduced the grazing areas available to herders. The new checkpoints are also preventing fodder from entering communities. This raises particular concern for the ability of some community members to sustain their livelihoods.
- The ongoing presence of the military base and fear associated with pending demolitions, checkpoints and possible detention, continues to have a strong mental health impact on the community, in particular children and youth who are experiencing feelings of insecurity, fear and uncertainty whilst lacking access to safe spaces.

3. Response

- During an intersectoral field visit, the community representatives discussed with Education cluster partners and OCHA about the possible mitigation measures needed for teachers to be able to access schools when they reopen.

- Protection Cluster partners continue to provide MHPSS and child protection responses, with protective presence dependent on access to the area
- OCHA together with partners continues to monitor any obstacles faced in accessing and/or implementing projects in the area.
- A Child Protection and MHPSS focal point organization has been assigned to ensure quality of the services, identify emerging needs, challenges, and gaps.
- OCHA and humanitarian clusters will increase presence in the area and OCHA has offered to conduct joint visits with partners to mitigate against the risk of humanitarian workers being prevented from accessing the area.
- The WB ICCG continues to monitor the situation and contingency plans have been drawn up for a humanitarian response to the worst-case scenario of mass demolitions.

4. Proposed Actions by Member States

- As part of ongoing advocacy efforts, members of the diplomatic community should continue to raise concern with Israeli authorities about the increasingly coercive environment for residents of Masafer Yatta, including the movement restrictions being imposed on the community and humanitarian actors negatively affecting the community's rights, including the right to health and education.
- It should be reiterated that any population movement caused either through the direct demolition of structures or forced evictions, or through the implementation of coercive measures that compel people to move, could amount to forcible transfer, which is a grave breach of the Fourth Geneva Convention.
- The Government of Israel should be called on to remove movement restrictions and to revoke eviction and demolition orders in accordance with its obligations under international law.

From: [Pius, Marcia](#)
To: [Yates, Steven](#)
Cc: [s 22\(1\)\(a\)\(ii\)](#); [Chris Cannan](#)
Subject: FW: Talking Points for COGAT [REDACTED]
Date: Wednesday, 30 May 2018 11:54:11 PM

[REDACTED]

Thanks Steven

A few points on Susiya:

- COGAT has asked before if Australia could identify the two relevant structures, but I don't know if they were ever provided [s 33\(a\)\(iii\)](#)
- [s 22\(1\)\(a\)\(ii\)](#) visited on 23 May and observed that: neither of the 2 Australian funded structures were being used for their intended purpose. (The clinic is not functioning as there is no longer (an NGO sponsored) medical staff visiting. It was being used to store bee hives (a successful activity – honey production – introduced with Australian funding by ActionAid). The school is being used as a dormitory when supporters of the villagers come to stay.)
- [s 22\(1\)\(a\)\(ii\)](#) mentioned this morning that Susiya had been left out of the Estimates brief on the basis of brevity (at HK's request) and that no-one had asked about it in Estimates for at least 2.5 years. (I imagine we'll still be asked to visit/make reps periodically – for discussion later.)

Best regards

Marcia

Marcia Pius | Head of Office | Australian Representative Office, Ramallah
☎ [s 22\(1\)\(a\)\(ii\)](#) | mob. [s 22\(1\)\(a\)\(ii\)](#) | ✉ marcia.pius@dfat.gov.au

From: Yates, Steven
Sent: Wednesday, 30 May 2018 2:54 PM
To: [s 22\(1\)\(a\)\(ii\)](#) @dfat.gov.au>
Cc: Cannan, Chris <Chris.Cannan@dfat.gov.au>; Pius, Marcia <Marcia.Pius@dfat.gov.au>; [s 22\(1\)\(a\)\(ii\)](#) @dfat.gov.au>
Subject: RE: Talking Points for COGAT [REDACTED]

[REDACTED]

Thanks [s 22\(1\)\(a\)\(ii\)](#) I made reps on all of the issues below to Lt Col Bistritsky. [s 22\(1\)\(a\)\(ii\)](#)

Chris, [s 33\(a\)\(iii\)](#)

Regards,
Steven

From: s 22(1)(a)(ii)

Sent: Wednesday, 30 May 2018 11:09 AM

To: Yates, Steven <Steven.Yates@dfat.gov.au>

Subject: Talking Points for COGAT [REDACTED]

PROTECTED

Talking Points – Representations to Israeli Officials

-

1. Settlements, Demolitions [Suisya], land appropriations

- Australia remains firmly committed to two-state solution as the only viable approach to resolving the conflict with the Palestinians, and necessary for the long-term security of Israel
 - Important both sides refrain from taking unilateral steps that damage prospects for peace
 - Includes Palestinian terrorism, incitement of attacks and unilateral efforts at statehood
 - And ongoing Israeli settlement expansion (and land appropriation) in the West Bank, including the expected announcement of several thousand units this week flagged by Prime Minister Netanyahu and Defence Minister Lieberman last week (Thursday 24 May)
 - And demolitions of Palestinian structures in the West Bank
 - As you're aware, Australia has a particular concern over possible demolitions in Susiya, where we have partially funded two structures [a health clinic and classroom]
 - Grateful an update on where this stands

s 22(1)(a)(ii)

From: [Yates, Steven](#)
To: [Chris Cannan](#); s 22(1)(a)(ii) ; [Pius, Marcia](#); s 22(1)(a)(ii)
Subject: RE: COGAT Meeting [DLM=For-Official-Use-Only]
Date: Thursday, 1 March 2018 2:29:59 AM

For-Official-Use-Only

s 22(1)(a)(ii)

From: Yates, Steven
Sent: Tuesday, 27 February 2018 8:16 PM
To: Cannan, Chris <Chris.Cannan@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; Pius, Marcia <Marcia.Pius@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au
Subject: COGAT Meeting [DLM=For-Official-Use-Only]

For-Official-Use-Only

All

Please see below my TPs compiling various issues I should raise with COGAT. Please let me know if you have any additions or any supplementary information overnight (meeting is tomorrow at 9am).

s 22(1)(a)(i), I think I will need you to speak to the demolitions issue. (And you should feel free to take the lead on any of the other issues too.)

s 22(1)(a)(i), thanks for the draft GRM paper you shared late yesterday - I will read overnight.

Regards,
Steven

Meeting with LTC Yoav Bistrisky COGAT – Wednesday 28 February at 9am

s 22(1)(a)(ii)

. Demolitions

- Susiya, especially Australian structures [*health clinic, school classroom*].

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
To:
Cc: s 22(1)(a)(ii) [Yates, Steven](#); s 22(1)(a)(ii)
Subject: Settlement activity: ARO visit to Hebron and Susiya [DLM=For-Official-Use-Only]
Date: Tuesday, 12 February 2019 10:25:33 PM
Attachments: [The History of Susya and Legal Action.docx](#)

For-Official-Use-Only

Hi s 22(1)(a)(ii)

In case it's useful for the SEB please see a short read-out on the ARO's visit to Hebron and Susiya yesterday.

Susiya

- On 11 February, s 22(1)(a)(ii) (accompanied by Action Aid) visited Susiya Village and met with s 47F(1) and other villagers to discuss their concerns about the ongoing threat of demolitions.
- s 47F(1) provided us with an overview of the current situation in Susiya, including that a demolition order remains in place on 7 structures in the village (the 7 do not include any Australian funded structures).
- He also noted the ongoing harassment by Israeli settlers, IDF surveillance and difficulties faced by the villagers in accessing their olive groves and grazing land.
- The villagers continue to be supported by Haqel, an Israeli Human Rights NGO.
- Haqel provided a written update to the ARO on 7 February (attached) confirming that Susiya is still under the threat of demolition. In particular, Haqel noted that the High Court on 1 February 2018 determined that of the 20 structures, 7 structures could be demolished without delay by the Civil Administration (the demolition of these 7 structures has yet to occur). The High Court also ordered the State to provide a timetable for carrying out the demolitions of the 7 structures however they have not yet provided this. The State has requested a number extensions to provide a timetable. Most recently, on 6 January 2019, the State requested a further extension however a decision has yet to be made by the High Court.

s 22(1)(a)(ii)

For Senate Estimates Brief:

- Officials from the Australian Representative Office, Ramallah, visited Susiya on 11 February 2019 to meet with residents and discuss their legal situation and concerns about the threat of demolitions.

Please let me know if you need any further details.

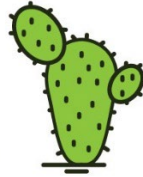
Regards

s 22(1)(a)(ii)

Representative
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חقل Haqel חקל

تضامن لحماية حقوق الإنسان
ברית להגנה על זכויות אדם
In Defense of Human Rights



The History of Susya and Legal Action

Susya is a Palestinian village of farmers and shepherds. The village residents, from 25 different families, lived in ancient caves on land they owned for decades. Susya existed since well before the establishment of the Jewish settlement by the same name. The inhabitants of Khirbet Susya originally lived in the village of "Susya al-Qadima" (or Old Susya) in the area of the ancient synagogue of Susya

Plia Albeck, who wrote in an official opinion in 1982: "The synagogue is located in a place called Khirbet Susya, and around the ancient ruins is an Arab village. The lands of Khirbet Susya are registered in the Lands Registrar, according to which the area of about 3,000 dunam is privately owned by many Arab landowners. Therefore, the land directly around the synagogue is at any rate private land."

Establishment of the settlement of Susya: In 1983 the settlement of Susya was set up on state land near the residents' farming lands.

The expropriations: In 1986 the IDF expropriated the land of the Palestinian village in favor of an archaeological site (today, settlers manage a site open to visitors for an entry fee. Besides five caves showcasing artifacts, dozens of other caves stand empty. In addition, settlers built an unauthorized outpost within the archaeological site). As a result of expropriating the village land, the residents dispersed and most of them moved into the handful of caves that were scattered on their farmlands. In 2001, when the second intifada broke out, the army destroyed the caves, the structures and the water cisterns.

Stopping the demolition by High Court of Justice order: The residents petitioned the High Court of Justice in an expedited procedure against the violent attempt to expel them. The HCJ issued an interim order to stop the destruction but did not order planning procedures for the village.

Construction after the cave demolitions: In the absence of caves, the residents had to build temporary structures. The village has no outline plan and therefore it is difficult to receive building permits based on plan RJ5. All attempts to obtain building permits, appeals and requests of amnesty were rejected. Today the village has 100 structures that serve about 340 residents.

Petition to the High Court of Justice on access to land: In 2010 the residents, with the support of Adv. Quamar Mishirqi-Assad, petitioned the High Court of Justice to grant them access to their agricultural land and evict the agricultural takeover of part of their land by settlers. As a result of the petition, the army signed a number of closure orders against Israelis only. In response the Susya settlers submitted a petition to expedite the demolition of the village. In 2012, in an act of revenge against the residents' petition, the Susya settlers along with the right-wing organization Regavim, petitioned the court to expedite the demolition orders in the village of Susya. The court rejected both petitions in light of the State's response that it was handling both demands reasonably. And indeed, as a result of the settlers' petition, dozens more demolition orders were distributed in the village.

Submission of an outline plan: In late 2012 village residents submitted five alternative outline plans to the Civil Administration for the village in its present location. In late 2013, the Civil Administration Planning Committee rejected plan on unreasonable grounds, claiming that the number of residents in the village was small; the residents had a close connection with the town of Yata; the feasibility of the plan in terms of construction and infrastructure costs; the quality of the services presently provided to the village; and the need for infrastructures that would allow the female residents to advance in the labor market. The residents were offered to plan for themselves on state land in an alternative location.

Petition to the High Court of Justice against the decision to reject the plan: In early 2014, Adv. Mishirqi-Assad petitioned the court on behalf of the residents against the decision to reject the plan. It was argued that the State is responsible for the fate of the residents of Susya and holds responsibility for arranging their living on their land, especially in light of the village's unique history. Along with the petition submitted, a motion for an interim order to freeze the demolition orders against the village, was also submitted. The execution of the demolitions would obviate the hearing of the petition and render it moot.

The State's objection to granting the interim order: For a year, the State asked to postpone its response to the motion for an interim order, while undertaking to freeze the execution of the demolition orders. In March 2015 the State submitted its objection to the motion for an interim order. As a rule, the State agrees to interim orders on demolition petitions. But this time the State opposed the motion. The State explained its objection by saying the petition must be rejected out of hand because, on the supervision level, the State acted within its powers without prejudice, whereas the residents of the village took the law into their own hands and continued to build in violation of orders and in lack of good faith. On the planning level, argued the State, the village has no feasibility or justification, for the reasons detailed in the decision to reject the plan, as well as because there was no Palestinian village at the archaeological site. At the very most there were seasonal residencies of a handful of families, and in any case the area was legally expropriated in 1986.

The residents' response to the State's objection to granting an interim order: In response, the petitioners argued among other things that the State's objection reveals the lack of good faith in its offer to allow planning at an alternative site, because a new planning process, to which they object, would take years and the residents would have no place to live. We further argued that the State has increased responsibility because it expropriated the village area, and we presented affidavits and photos from life in the caves before the expropriation.

The court's decision to reject the motion for an interim order: In May 2015 the court rejected the motion for an interim order since the residents had taken the law into their own hands. The judge "noted" the State's willingness to examine the possibility of advancing planning at an alternative site as long as preliminary planning would be done by the petitioners. The judge's decision is de facto permission for the State to execute the demolition orders in the village, despite that fact that the village has stood in its present location for 30 years. It also legalizes the forced transfer of protected persons in an occupied territory – a forbidden act under international law, which is defined as a war crime. The village of Susya has been threatened with imminent demolition. The State refused to commit not to execute the demolition orders until the main hearing on the petition.

Court hearing August 2016: Judge Naor, Barak-Erez and Hayut ruled to grant the state two weeks to submit the position of Defense Minister Lieberman concerning the proceedings. This might also include how communication between the state and the residents of Susya (i.e. the Petitioners) will continue. After this submission, the High Court can, amongst other things, determine whether to call for another hearing or, if the position submitted is positive, direct the sides to continue dialogue. Regarding the 20 structures currently under threat of immediate demolition, Judge Naor hinted that there would not be demolitions until the decision.

Prior to the State's response on November 23rd, 2017.

The State Attorney was expected to deliver a response in the Susya high court petition on two issues.

- 15 demolition order regarding 19 structures that the ICA claims were built since 2014, in violation of an agreement to maintain status quo on the ground while the petition is pending and during talks held by the ICA and the residents last year regarding possible legalization.
- The state must also report on the political echelons' decision regarding the talks regarding legalization. There are two options: either the government ask for some more time to try and think about it or the state says these efforts were exhausted and are not going to continue.

Postponements:

- On 26.3.2017 the state attorney's office asked the court for a two month extension, until May 23rd, before they issue their position. This, in order for the political echelons to assess the diplomatic considerations.
- On 28.3 Chief Justice Naor granted this request.
- On May 23rd the state asked for an additional day to submit a request for an extension.
- On May 24th the state asked for an additional week to provide the response.
- On June 1st, 2017, the state requested an additional extension, until 25.10.2017, because the political echelons wish to reconsider their position. The representatives of "Regavim" (who are a side to the proceedings) expressed their objection. The court will make the decision.
- On June 20th, 2017, Chief Justice Naor decided to partly accept the state's request, granted the state an extension until 1.10.2017 to update on the PM/MoD position on the possible legalization of the village.
- Chief Justice Naor decided that the state will respond by the 29.6.2017 re the second point, the fate of approximately 20 structures which the state maintains can be demolished immediately and without prior warning (in contrast with all other structures in Susiya, which the state will give a 45 day prior warning before demolishing). In August, 2016, the village submitted a detailed list, showing that the structures did not violate the status quo, and should also be protected. The state compared the list with its own data, and needs to announce its position regarding this issue by the 29.6.2017: did the structures violate the status quo, and does it insist on immediately demolishing them.
- After the State's notice, the Court could issue a restraining order or accede, which would indicate whether to expect demolitions.
- On 11.7.2017, The state responded that it still contends these are new structures. However, it is willing to give seven days' notice prior to demolishing them. Any additional structures deemed to be entirely new can be demolished at any time.
- The petitioners objected to the 7 day extension and the court requested the State's response to this objection. As a result, on the 10th of August, 2017 the petitioners and the State submitted a joint notification that the State will grant a 15 day period of notice for the structures which are claimed to have violated the court order. The Court's decision on the 1st of October, was accepted by the court and ordered the State to provide the Minister's decision by October 1st.
- September 2017: Press reports strongly indicate that the MoD is in favour of demolition, not legalization.
- Most recently, Haaretz published that a "senior security source" said that Susiya will be "evacuated within a few months", and that that is the position the State will file to the HCJ: Another Palestinian West Bank Village to Be Emptied, Israeli Security Official Says
- On 1.10.2017 The state's attorney's office asked for another month (till 1.11.2017) to submit their response. The state said it received the MoD's position, but need some time to check a legal aspect.
- On 17.10.2017 HC Chief Justice granted this request.
- On 2.11.2017 the state requested an additional 2 week postponement to submit its response. Haaretz reported that "the present request for a postponement was filed after European diplomats, including the British, applied pressure on the Defense Ministry and Prime Minister Benjamin Netanyahu not to demolish the village. Ahead of Netanyahu's trip to London, Haaretz learned that British diplomats contacted Israeli officials and made it clear that Britain had reservations about the planned evacuation.
- The report clarifies that the Minister of Defense made up his mind to demolish Susiya: "Lieberman said the state would inform the court that its position was that the village should be demolished. In September, a senior defense official told Haaretz: "When it comes to Susya We're no longer willing to postpone – we'll ask the court for eviction."
- Former president of the Supreme Court, Judge Miriam Naor, was upset with the State's request for an additional extension and ordered the State to respond by the 15th of Nov. Yesterday, the State requested an extension until the 19th of November, because the Attorney General examined the legal issue and he will present their findings before the most senior political echelons.
- A total of 25 postponement requests were granted since the court hearing on August 1st, 2016.

The State's Response: 23.11.17

The State Attorney's Office submitted its response to the petition submitted by residents of the village of Susya against the rejection of their proposed master plan for their village. The state announced that it intends to demolish within 15 days some 20 buildings included in 15 demolition orders in the area of the village, representing approximately one-fifth of the total number of buildings in the village.

The state's response noted that the Civil Administration's Supreme Planning Council is due to examine the legal principle of the planning issue of "adjacent side," which may have ramifications for the planning and regulation of the village. The response added that pending its decision on this issue, no steps will be taken to demolish the entire village, subject to the provision that there be no further construction.

However, the state seeks to demolish some 20 buildings immediately. The state's claim – denied by the petitioners – is that these buildings were constructed in violation of a judicial order, despite the potential to regulate the village and find a solution.

This position on the part of the state implies the immediate destruction of residential buildings, a clinic, and livestock pens, causing mortal and irreversible damage to the basic rights of some 100 residents of the village (half of whom are children) who have nowhere else to live, particularly in the current winter season, and creating humanitarian distress. Haqel today submitted an application to submit an immediate response and to freeze the proceedings.

Attorney Quamar Mishriqi-Assad, Co-Director of Haqel, explains:

"The demolition of one-fifth of the village is an extreme step that will damage the most basic humanitarian needs and the very humanity of those involved, without it even having been proved that they have violated the law. As winter arrives, the imminent demolition will leave 100 people, half of them children, without shelter. The occupation regime wants to demolish one-fifth of the village at this stage, and later to destroy it all, with the goal of expelling the residents from the area, despite the residents' desire to regulate their community. This is contrary to Israel's obligations under international law. Israel is guided neither by law nor justice, but by the desire to evacuate the area.

"While it is wrong to compare the status of the residents of Susya to that of the settlers, we should note that there are currently some 184 illegal buildings in the area of the settlement of Susya alone, most of which are the subject of demolition orders. However, the state is taking no action on the matter. "It is neither reasonable nor fair that in this case, which involves protected residents on their private land, the respondents are refusing to freeze the execution of the demolition orders pending the clarification of the chances to regulate the planning of the village."

Response from the State: December 3rd, 2017

Haqel received a response from the State in response to our claims that the 15 structures slated for demolition did not in fact violate the court order. The state decided to add in its response on December 3rd, an additional 13 structures to those already slated for demolition. The State Attorney's office announced that the state plans to demolish approximately 40% of the structures in the village of Susya. The state's notification reveals that the number of buildings slated for demolition suddenly doubled, without prior warning and contrary to the state's previous commitments. This means that, where previously 20% of the structures were facing imminent demolition, now 40% of structures in the village, including the only school in the village and solar panels built with European funding, are facing immediate demolition.

Adv. Quamar Mishriqi-Assad submitted an urgent request to the High Court to respond to the state's notification. She explained:

"The state's notification means the immediate devastation of the village of Susya and the fabric of life therein, thereby creating a grave humanitarian disaster and causing the mortal and irreversible violation of the basic rights of the residents of the village, half of whom are

children. It should be noted that in addition to residential homes, a school is also slated for demolition in the middle of the school year (despite the fact that the school was not included in the original plan the state undertook to implement). A clinic, solar panels constituting the sole source of electricity in the village, and various other buildings filling specific humanitarian functions are all also due to be demolished.

This conduct by the state is nothing less than a lack of good faith. More than anything else, it testifies to the lack of goodwill and the absence of any genuine intention to respond to the need to regulate the village, as required in accordance with its obligation under international law, as the governmental authority present in the area, and as required for the sake of public order as well as the state's smokescreen declaration in its last announcement that it will halt additional demolitions until the planning concept of "adjacent side" is evaluated. It hardly needs to be emphasized that any future arrangement is rendered futile and meaningless when 40% of the village is slated for immediate destruction, including the forced expulsion of residents who have no alternative options."

Hagel's response to the State notification and application for interim injunction: December 28th, 2017:

The following are the main points included in the response and the application:

1. The State announced its intention to immediately demolish some 35 percent of the buildings in the village
2. The Petitioners asked the Court to grant an interim injunction ordering the suspension of the decision on the execution of the demolition orders at least until after the legal and planning determinations concerning the "adjacent side" principle in the West Bank has been taken, since this could lead to the regulation of the village, thereby rendering the State's decision concerning the demolition of the buildings moot. This issue is relevant since the decision by the planning authority that there is no impediment to the planning of a community in the West Bank, even if it does not have an "adjacent side," has already been taken by the official planning institutions. For example, the settlements of Bruchin, Sansana, Negohot, Mitzpe Avigail, and others, are situated some 2 kilometers or more from the parent settlement. In effect decisions on the issue of "adjacent side" issue have effectively already been taken, and are being implemented in an extensive manner, while in Susya the authorities refuse to undertake any lawful planning or to permit any construction on the grounds that the decisions on the matter have not yet been taken, there are grave grounds to suspect that this constitutes deliberate procrastination, otherwise than in good faith, in order to create facts on the ground in the form of the elimination of the village.
3. The list of so-called "unlawful buildings" slated for immediate demolition was prepared by the State with a lack of good faith, concealing information, acting negligently, and violating undertakings given to the Petitioners: On 15 July 2015, the State forwarded a list including 15 so-called "unlawful construction" files slated for demolition, relating to some 20 percent of the buildings that allegedly violated a judicial order. The Original List includes the two clinics in the village, the only council office, and numerous residential buildings. Just two years later, and within just 10 days from the State's notification to the Court dated 23 November 2017, the Respondents suddenly submitted an additional list of some 13 so-called "unlawful construction" files again constituting 20 percent or more of the buildings in the village. By way of explanation for the doubling of the number of buildings slated for demolition, in violation of its previous undertaking to the Petitioners, the State confined itself to the vague grounds that "the list of 15 buildings was not an exhaustive list." This New List includes, among other buildings, the only elementary school, attended by 50 of the village children; a cistern for drinking water; a solar electricity system constituting the sole source of electricity for the village; and numerous residential homes. Together with the buildings in the Original List, these homes accommodate some **200 residents, including approximately 100 children**, who do not have any alternative accommodation.
4. The Petitioners' response noted that the generalized enforcement of the demolition orders should not be permitted without an individual examination by the State regarding each specific building slated for demolition, in order to ascertain whether the decision in its case is reasonable.

5. The Petitioners argued that, as may be seen from the opinions of the aerial photograph expert attached to their response, a large part of the buildings slated for demolition **were constructed and were in existence prior to the judicial order of 7 June 2012, or subsequent to its expiry on 2 May 2014.**
6. The Petitioners further argued that **no deliberate violation of the judicial order was committed in these buildings, insofar as all the changes made during the period of the order are no more than minor and insubstantial changes, or changes made for urgent humanitarian reasons, and with no alternative.** In some instances, notification was even submitted to the State in advance. Some of the buildings slated for demolition are still the subject of a pending proceeding to obtain a permit, so that the issuing of orders in their regard is nothing other than an attempt to circumvent an administrative proceeding while exploiting the current judicial proceeding. Other buildings are no longer in existence.
7. Accordingly, the Petitioners requested that the enforcement of the demolition orders be suspended pending the examination of the factual evidence regarding each of the buildings and of the question whether the enforcement of the order in its regard is lawful.

Court Decision: January 8th, 2018:

1. **Regarding the original list of 15 "unlawfully" constructed structures:** The State committed to responding with separate remarks regarding each of the 15 original buildings, detailing when these were built, what evidence they have regarding the date of building, and, as necessary, responding to additional claims raised by the Petitioners. The court's response pertained solely to the original 15 structures, but did not prevent the State from holding parallel hearings regarding the additional structures.
2. The furnishing of detailed notification to Counsel for the Petitioners regarding the 15 original buildings constituted adequate "warning" making it possible to execute the demolition orders 15 days after the warning, unless the Petitioners submit an application for injunctions within 7 days from the receipt of the warning and are granted injunctions to prevent the demolitions.
3. **Regarding the new list of "unlawfully" constructed buildings:** Judge Naor noted : "There is no point at this time discussing the additional structures for which no hearing has taken place, and the discussion should be focused at this time on the 15 original structures. The State retains its factual arguments concerning these structures, but not in the manner in which the State sought to proceed and to lead the Court." Regarding these structures, the State may only grant an additional warning similar to that for the original structures (the 15 "unlawfully" constructed structures) after the hearing has been held.
4. **Regarding the regulation of the village:** The Judge determined: "In any case, the State will submit an updated notification on the question of the regulation of the status of the village of Susya by 5 May 2018, after which a decision will be taken regarding the ongoing processing of the petition."

On January 10th, 2018 Haqel **received notification that the State plans to demolish the original list of 15 structures in Susya with IMMEDIATE EFFECT!!!!** This notification effectively started the clock ticking, so that demolitions could begin as early as January 25th. Adv. Mishirqi-Assad will submit an interim injunction by January 17th to halt the demolitions.

State's response to Haqel's request for an interim injunction:

The State submitted its response to Haqel's request for an interim injunction regarding the 20 structures slated for immediate demolition.

In the response, the State rejected the claims made by the petitioners that repairs which were carried out on structures as a result of damage following harsh weather were necessary. The State also rejected the humanitarian claims, particularly those regarding the clinic in the village, stating that there are existing clinics located in Samoa and Yatta which could serve the residents of Susya.

The State claims that these are not sufficient reasons to violate the existing court order and that these structures must be demolished immediately.

Haqel will submit a request to respond.

The final decision regarding Susya is now dependent on the High Court.

Relying on the State's position and on the decisions of the High Court in similar cases regarding violations of court orders, the chances of receiving an interim injunction are very slim. This means that the State could demolish the structures immediately.

The Court's decision will be determined after Haqel's response, but this is dependent on whether the Court is willing to accept our request to respond. There is a chance that the Court will not allow us to respond this time round.

From a legal perspective, all possibilities to save these structures have been exhausted.

High Court Decision, February 1st, 2018: 7 Structures in the Village of Susya will be Demolished with Immediate Effect

The High Court of Justice decided today in response to the petitioners' request to halt the demolition of 20 structures in the village of Susya. In the decision, the court determined that of the 20 structures, 7 structures could be demolished without delay by the Civil Administration. These structures are home to 42 residents of the village, of which half are children and others, ill. The court took the decision despite the fact that there are no alternative living arrangements or basic sanitary services necessary for the survival and well-being of the affected residents. However, the court determined that the village clinic must not be demolished until July, if and when an alternative arrangement is found.

The court did not respond to the state's request to demolish 20 structures, and the decision regarding the 13 structures which will not be demolished is a positive step in the right direction. The court stated that weight needs to be given to humanitarian considerations in applying laws of building and planning. Chief Justice Esther Hayut stated: "The court cannot accept the respondents' outright claim that humanitarian needs are not relevant under any circumstances." In addition: "Despite the fact that there is no dispute that the clinic was built illegally, it is reasonable that it was set up as an essential service for life in the village, and that its demolition would result in significant hardship to the petitioners and the village as a whole."

It must be emphasized that the entire village is still under threat of demolition. Firstly, the 7 structures are not dependent on the court decision and the **threat of demolition is immediate!** Secondly, 20 additional structures are under threat of demolition following the one-sided warning given by the state. Third, the future of the village is dependent on the decision of the court in response to the High Court appeal submitted following the rejection of the master plan initiated by the residents of the village. The court has instructed the state to provide its response regarding the plan by May 7th, 2018.

Haqel's response: "The court decision, requested by the state, reduced the extent of the demolitions in the historical Palestinian village of Susya to 7 structures. In this regard, the court strengthened the need that laws of planning and building in an occupied territory requires an evaluation of humanitarian needs as part of the obligation of the occupying power. However, the residents of Susya live under the constant threat of "the terror of demolition" on a daily basis, as the state demands their displacement from unknown location to location, under the open sky and in so doing, continues to violate its obligation according to International Humanitarian Law.

March 14th, 2018: As a result of the recent building of a new structure in Susya, the right-wing NGO Regavim submitted notification and a request to the High Court of Justice. Regavim stated that: "the petitioners are undermining the court and violating the legal process by continuing to build in the village".

The claim that the structure is new, is a claim made by Regavim. Haqel's assessment shows that this claim is incorrect.

Regavim requested that the court demand a date from the State on which the demolitions will be carried out in accordance with the court decision of February 1st, as well as clarifying its intention regarding the course of legal action against the new structure.

May 10th, 2018: The State submitted a request to postpone its response for an additional six months in order to await the Defense Minister's decision regarding the issue of adjacent side and its effect on the zoning plan for the village of Susya.

Regarding the seven structures slated for immediate demolition, the State stressed that the demolition of these structures is a top priority but did not commit to a specific time frame.

May 22nd, 2018: Despite the State's request to postpone the Defense Minister's decision for an additional six months regarding the zoning plan for the village of Susya, the High Court of Justice today ordered the State to submit its response by no later than October 7th, 2018.

14.3.18: Regavim submitted a statement to the High Court stating that the residents continue to build in the village. In light of this, the State was requested to provide a timetable for carrying out the demolitions of the structures, whose demolition is pending, as well as a clarification regarding the manner of handling the new construction.

27.03.18 The High Court demands that the State respond by April 24th, 2018.

26.04.18 - The state notes that one of the buildings was destroyed and that the matter of the timetable is at its discretion.

10.5.18: The State requested to update the decision of Justice Naor from January regarding the matter of "adjacent side" by relating that the State is continuing to carry out the investigation work and requested to be updated regarding the principle discussion which is supposed to take place by the end of 2018. The State announced that regarding the structures for which a temporary injunction was not given, it would implement the demolition orders.

HCJ Decision 22.05.18: There is no room for intervention in the respondents' discretion with respect to the priority arrangements for carrying out the demolitions. And in respect of the update regarding the issue of "adjacent side" the State was ordered to respond by 7.10.2018.

8.07.18: Regavim submits an additional update and a request to dismiss the petition due to a lack of good faith because of their claim that the residents continue to build.

9.10.18: The decision of the High Court of Justice regarding Regavim's request: The State must submit a detailed report by 1.11.18 and a timetable for the completion of the work of the Civil Administration and a date for the principled determination of the planning committee. In this light the court decided to continue its evaluation of the HC appeal.

4.11.18: The State requested an extension until November 5, 2018 and submitted a notice announcing the termination of the work regarding the principle of "adjacent side" in the hope that by December 2018 a discussion will take place in the planning committee.

19.11.18: High Cour order the State to respond by and provide an update regarding the planning committee deliberations by 6.01.19.

6.1.19: The State requests an extension of two days. On 8 January 2019, the State announced that a discussion was held in December in the Ministry of Justice. At the meeting it was agreed that the Planning and Budgeting Committee, the Planning Bureau and representatives of the Ministry of Defense would meet with the Planning Director in Israel to examine issues which arose during the evaluation work. The planning committee has not yet held discussions. T state requested to provide its findings within 60 days. No decision has yet been made.