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|  |  | A/72/564 |
|  | **Advance unedited version** | Distr.: General1 November 2017Original: English |

**Seventy-second session**

Item 54 of the provisional agenda[[1]](#footnote-2)\*

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

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|  *Summary* |
|  Pursuant to General Assembly resolution 71/97. The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights. It provides an update on Israel’s settlement activities in the West Bank, including East Jerusalem, and the occupied Syrian Golan. It also highlights instances of demolitions and forced evictions in the context of settlements, including case studies on their impact for Bedouin and herder communities in area C.. |
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 I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [71/97](https://unispal.un.org/DPA/DPR/unispal.nsf/5ba47a5c6cef541b802563e000493b8c/150775e9447fa91185257f2a00601c67?OpenDocument)and provides an update on its implementation for the period from 1 June 2016 to 31 May 2017. It should be read in conjunction with previous reports of the Secretary-General to the General Assembly and the Human Rights Council on Israeli settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan.[[2]](#footnote-3).

2. The report provides an update on settlement activities in the Occupied Palestinian Territory and on the conditions contributing to a coercive environment, including instances of demolitions and forced evictions, described in two illustrative case studies affecting Bedouin and herder communities. As noted in previous reports, forced evictions constitute one of the factors that contribute to the creation of a coercive environment.[[3]](#footnote-4) The report additionally highlights that the demolitions and forced evictions faced by Palestinians themselves constitute grave human rights violations, in particular of the right to adequate housing. These continued developments remained of concern, as did cases of settler violence.

 II. Legal Background

3. An analysis of the applicable legal framework and the basis for Israel’s obligations in the Occupied Palestinian Territory and occupied Syrian Golan can be found in previous reports of the Secretary-General including his most recent ones (A/HRC/34/38, paras 3 – 11 and para. 18), A/HRC/34/39 paras 4 – 9 and A/71/355 para 3).

 III. Update on Settlements

 A. New settlement and settlement expansion

4. Since 1967, Israel has established approximately 250 settlements and settlement outposts in the occupied West Bank and East Jerusalem.[[4]](#footnote-5) In addition to being in violation of Israel’s international humanitarian law obligations, settlements and settlement outposts continue to have a serious impact on the human rights of the Palestinian population. Palestinians have been deprived of their land and property, forcibly evicted, and denied access to essential services as a consequence of settlements. They have also often been subjected to violence, harassment and intimidation by settlers. Previous reports of the Secretary-General have described the role of Israeli authorities in the construction and expansion of settlements, including through the provision of land, infrastructure, and public services along with other benefits and subsidies granted to settlers.[[5]](#footnote-6)

5. The Government of Israel initially planned to compensate settlers[[6]](#footnote-7) evacuated from the Amona outpost[[7]](#footnote-8) by developing housing in the illegal Shvut Rachel East settlement. Even though the residents of Amona reportedly rejected this offer, the plan for Shvut Rachel East was approved by Israeli authorities in February 2017, allowing for the construction of 98 out of the 300 planned housing units. According to the Israeli non-governmental organization (NGO) Peace Now, although Shvut Rachel East is officially deemed a ‘neighbourhood’ of Shilo settlement, it is effectively a separate settlement because it will be located approximately one kilometre from the built-up area of Shilo.[[8]](#footnote-9)

6. On 28 May 2017, the jurisdiction of a new settlement, Amihai, was defined by a military order of the Israeli Defence Forces Central Command. It is the first new settlement to be established by the Government of Israel in Area C since 1992.[[9]](#footnote-10) Despite the development of Shvut Rachel East, the Amihai settlement was also proposed as compensation for the residents of Amona. It would include 102 housing units while 41 families were evicted from the Amona outpost.

7. According to Peace Now, two new settlement outposts were established during the reporting period: one in September 2016, near the settlement of Mechola, and the other in January 2017, near the settlement of Hemdat.[[10]](#footnote-11)

8. The Blue Line task force of the Israeli Civil Administration (ICA)[[11]](#footnote-12) continued its surveys and demarcations of state land during the reporting period. Its surveys and decisions are integral steps in the process of advancing settlement plans.[[12]](#footnote-13) In August 2016, the Government of Israel notified the High Court of Justice about its ongoing survey to identify “state lands” near Nahla village, south of Bethlehem, in the so-called “E2” area. The United Nations Special Coordinator for the Middle East Peace Process observed that “this step could enable the establishment of a new settlement (Givat Eitam) on the outskirts of Bethlehem, further restricting that city’s development and contributing to the dismemberment of the West Bank.”[[13]](#footnote-14)

9. According to the United Nations Office of the Special Coordinator for the Middle East Peace Process (UNSCO), in March 2017, ICA declared as state lands some 24 acres near the settlement of Eli. Based on their monitoring of settlement activities, some NGOs have suggested that this declaration reflects intentions to retroactively legalize the settlement outposts of Palgei Maim and Givat Haroeh.[[14]](#footnote-15) In late March, the Blue Line Team published its revisions to the demarcation of state land near the settlement of Shilo. Israeli authorities have previously declared intentions to legalize the nearby outpost of Adei Ad.

 B. Construction Starts, Plans and Tenders

10. The Israeli Central Bureau of Statistics published 2,758 construction starts for housing units in Area C settlements from April 2016 to March 2017, which represents a 70 per cent increase compared to the period from April 2015 to the end of March 2016, when 1,619 construction starts were recorded.[[15]](#footnote-16) No official data on construction starts in East Jerusalem settlements is publicly available.

11. According to monitoring by UNSCO, tenders for approximately 3,200 housing units were issued during the reporting period, the majority (2,800) in the first five months of 2017. From June to December 2016, tenders were issued for 365 units, including 323 in East Jerusalem and 42 in the settlement of Kiryat Arba, in Area C. Among those issued in the reporting period are tenders for construction in the settlements of Har Homa, Givat Zeev, Ma’ale Adumim and Ariel.

12. UNSCO also reported that during the second half of 2016, plans for the construction of some 1,500 units were advanced in Area C (220 of which had reached the final stage of approval) and of another 1,500 in East Jerusalem. During the first six months of 2017, around 5,000 housing units had been advanced through the Israeli planning bodies.

 C. Legislation

Raising concerns of “de facto annexation”, the Israeli legislature has pursued past practice in enacting laws with direct applicability in the West Bank. During the reporting period, this has included legislation which, for the first time, extends Knesset jurisdiction to matters of land and property.

 “Regularization” law

13. On 8 February 2017, the Knesset adopted the Law for the Regularization of Settlement in Judea and Samaria, 5777-2017, referred to as the “regularization” law.[[16]](#footnote-17) It authorizes the continued use in the West Bank of privately owned Palestinian land that had been taken for settlement purposes. The law requires that the regularization takes place “as soon as possible”, and that the reallocation of private Palestinian land for settlement use be completed within one year from the date of the publication of the law on 13 February 2017. It is the first time that the Knesset extends its jurisdiction to matters concerning the private property of Palestinians living under Israel’s military occupation. Israel’s Attorney-General has opposed the law, describing it as “unconstitutional”, and in violation of the fourth Geneva Convention.[[17]](#footnote-18)

14. Two petitions against the law have been submitted to the High Court of Justice by Israeli and Palestinian civil society organizations on the grounds that it would violate Israeli and international law.[[18]](#footnote-19) However, the Court has stated that the petitions would not delay the application of the law and that the mandatory deadline towards the reallocation by 13 February 2018 remained valid. If not invalidated by the High Court of Justice, the law could remove obstacles to the retroactive legalization of dozens of existing outposts, and of approximately 3,000 housing units built illegally in settlements recognized as legal by Israel.[[19]](#footnote-20) With the *de facto* confiscation of private Palestinian land, the law would violate Israel’s obligation to protect private property in the territory it occupies.[[20]](#footnote-21) The law also raises concerns as to Israel’s fulfillment of its obligation as the occupying power to respect the laws in force in the territory it occupies, unless absolutely prevented from doing so.[[21]](#footnote-22)

 “Annexation” bills and applicability of Israeli legislation to the West Bank

15. Since the signing of the Oslo Accords in 1993, dozens of private bills aimed at annexing parts of the West Bank have been proposed by Members of Knesset. At least 20 such bills have been tabled since the March 2015 elections (e.g. through the direct application of Israeli legislation to settlements)[[22]](#footnote-23) but none has reached a first reading at the Knesset or been endorsed by the Government. However, new laws passed by the current Knesset explicitly apply to Israeli citizens living in settlements. In January 2017, a bill aimed at applying Israeli laws and regulations to Ma’ale Adumim - one of the largest settlements - with 40,000 inhabitants - came close to being discussed by the Government, but its promotion was eventually blocked by Prime Minister Benjamin Netanyahu. [[23]](#footnote-24)

 D. Law enforcement on Settler Violence

16. Previous reports of the Secretary-General described how settler violence, trespassing and property damage on Palestinian lands often occurred in concerted efforts to forcibly expel Palestinians in order to expand settlements.[[24]](#footnote-25) In recent years, the Israeli authorities have increased their efforts to address settler violence both by prevention and prosecution of perpetrators[[25]](#footnote-26). According to official data, between January 2016 and June 2017, 54 indictments were served against Israelis for ideologically-motivated crimes.[[26]](#footnote-27) In addition, between January and October 2016, Israeli authorities issued 30 restraining orders against Israelis considered as extremists (including minors), prohibiting their presence in the West Bank. As of 29 November 2016, 11 Israelis were under administrative detention.[[27]](#footnote-28)

17. However, between 1 June 2016 and 31 May 2017, OCHA recorded 111 incidents of settler violence affecting Palestinians, 42 of which resulted in injuries and 69 in property damage. Despite a continuing decline since 2013 (when 397 cases were recorded), there was an increase in such incidents in early 2017, as well as of attacks against Israelis, mostly stone throwing by Palestinians at vehicles.[[28]](#footnote-29)

18. OHCHR has monitored and documented several cases of settler violence in the Nablus area, where a significant proportion of the incidents took place, showing recurrent and organized attacks from settlers that increasingly encroach on Palestinian villages in that area. Some attacks occurred in the presence of Israeli Security Forces, who failed to uphold public order and safety in the Occupied Palestinian Territory, and to protect its inhabitants, including from all acts of violence, threats and insults.[[29]](#footnote-30)

19. For instance, in Arif, the family of Muneer Hassan Ahmed Suleiman experienced several days of violent settler attacks, most severely on 29 April 2017. According to OHCHR monitoring data, an estimated 60 settlers, including one armed with an automatic rifle, attacked Mr. Suleiman’s property, destroying cars and throwing stones at the house. Mr. Suleiman was struck with stones and beaten with a metal rod, which caused several fractures to his legs. Mr. Suleiman reported that while Israeli Security Forces arrived at the scene, they refused to intervene. He was hospitalized for four days and was wheelchair-bound when OHCHR met him in May 2017.

20. OHCHR also monitored and documented the case of the Amraan family that lives 400 metres from an outpost in East Burin. The family reported almost weekly attacks from settlers for the past three years, believing that the perpetrators come from the outpost near the settlement of Har Brakha. On 12 May 2017, seven settlers armed with slings reportedly hurled stones at villagers and the family’s house in the presence of Israeli Security Forces. According to witnesses, the latter did not intervene to stop the attack nor arrest any suspect, raising strong concerns as to Israeli authorities’ obligations to ensure public order and safety and protect the population in the Occupied Palestinian Territory.

21. Between 22 April and 27 May 2017, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) documented five incidents of settlers attacking Palestinians while accompanied by members of the Israeli Security Forces. Most of the attacks were believed to stem from the settlement of Yitzar, in the Nablus area, a known hotspot for extremist violence against Palestinians. In these cases, many of which were documented on video, soldiers neither intervened nor detained the attackers. In some cases, they used crowd dispersal means on Palestinians.[[30]](#footnote-31)

 IV. Demolitions and forced evictions in the context of settlements

22. In 2016, the Israeli authorities demolished or seized 1,093 Palestinian-owned structures in the West Bank, including East Jerusalem. According to OCHA, this resulted in the displacement of over 1,600 Palestinians and adversely impacted the livelihood of more than 7,000 others. The number of demolitions in 2016 nearly doubled compared with 2015 and was the highest since 2009, when OCHA began the systematic monitoring of demolitions.[[31]](#footnote-32)

23. During the reporting period, 718 Palestinian-owned structures were seized or demolished, which led to the displacement of 1,122 people[[32]](#footnote-33). Eighteen of these structures were located in Areas A and B. While the number of demolitions in the reporting period has generally decreased, there was a spike in January 2017, with 140 structures demolished by the Israeli authorities, leading to the displacement of around 240 Palestinians. The number of structures demolished was over 50 per cent higher than the monthly average of structures targeted in 2016 (91).[[33]](#footnote-34)

24. The official reason for these demolitions is that the structures were built without permit; yet building legally in most of Area C and East Jerusalem is nearly impossible for Palestinians due to the planning policies implemented by Israeli authorities in those areas.[[34]](#footnote-35) As noted in previous reports of the Secretary-General[[35]](#footnote-36) and by the United Nations Committee on the Elimination of All Forms of Racial Discrimination, the planning regime is discriminatory and incompatible with requirements under international law.[[36]](#footnote-37) Israel’s planning policies and processes in East Jerusalem and Area C contravene the principle of non-discrimination in relation to the right to an adequate standard of living, including the right to housing.[[37]](#footnote-38) For many Palestinian communities, particularly the Bedouin and herder communities, Israel also fails to guarantee security of tenure - one of the core components of the right to adequate housing - thus leaving a large proportion of Palestinians vulnerable to forced evictions, threats and harassment.[[38]](#footnote-39)

25. General Comment 7 of the United Nations Committee on Economic, Social and Cultural Rights defines forced eviction as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” The non‑discrimination provisions of articles 2.2 and 3 of the Covenant on Economic, Social and Cultural Rights obliges governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.[[39]](#footnote-40) Furthermore, the Committee has noted that house demolitions as a punitive measure are inconsistent with the norms of the Covenant.[[40]](#footnote-41) Therefore, demolitions conducted by the Israeli authorities in the context of discriminatory planning structures or for punitive purposes are unlawful under international law and therefore constitute forced evictions.[[41]](#footnote-42)

26. Forcible transfer is a grave breach of the Fourth Geneva Convention and amounts to a war crime that may lead to individual criminal responsibility.[[42]](#footnote-43) In previous reports, the Secretary-General identified demolitions, and threats thereof, as key factors contributing to a coercive environment in the West Bank, including East Jerusalem,[[43]](#footnote-44) when specific circumstances may leave no other choice to individuals and communities but to leave..[[44]](#footnote-45) The Secretary-General has previously expressed concern that Israel was increasing pressure on Palestinians through practices and policies contributing to a coercive environment in areas under full Israeli control, pushing them to move out of their areas of residence.[[45]](#footnote-46) The following examples and case studies illustrate how populations that are facing demolitions and forced evictions may be victims or at risk of forcible transfer.

 A. East Jerusalem

27. In East Jerusalem, Israeli authorities have allowed for the planning and zoning of only 13 per cent of the city for Palestinian construction - most of which is already built up -. Consequently, one third of all Palestinian homes in East Jerusalem lack Israeli-issued building permits, placing at least 90,000 residents at risk of eviction, demolition of their homes and subsequent displacement.[[46]](#footnote-47)

28. According to OCHA data for 2016, 17 per cent of the structures demolished or seized (190) in the Occupied Palestinian Territory were in East Jerusalem.[[47]](#footnote-48) The largest demolitions conducted during the reporting period included the destruction of 15 structures in Qalandia village for lacking the necessary building permits. Although located on the West Bank side of the Wall, the village falls within the boundaries of the Jerusalem Municipality. Rising housing costs in East Jerusalem, partially due to shortage of housing, have driven many Palestinian families to these particularly vulnerable areas located beyond the Wall but which Israel considers as part of Jerusalem. These areas have little or no access to public services although residents pay taxes to the Jerusalem Municipality.[[48]](#footnote-49)

29. As at August 2017, eviction orders were pending against at least 180 families in East Jerusalem (818 people), including 21 in the old city. In most cases, initiated by settler organizations, the goal is to gain control of the Palestinian occupied properties by claiming ownership prior to 1948 or challenging the ‘protected tenant’ status of some families.[[49]](#footnote-50) Additionally, the eviction of Palestinian families as a result of the application of the Law of Judicial and Administrative Arrangements 1967[[50]](#footnote-51) may be considered as unlawful due to its inherently discriminatory nature.[[51]](#footnote-52)

30. The reporting period witnessed significant cases related to forced evictions resulting from demolitions in East Jerusalem. In one instance, on 20 December 2016, the High Court of Justice ruled that the protected tenancy of Nora Gaith and Mustafa Sub Laban would be terminated in 10 years and that they may live in their home in the Old City of Jerusalem until then. It further ruled that after 10 years, the property would be handed over to Atara Leyoshna, the settler organization that has been in a 40-year legal battle to evict the Sub Laban family.[[52]](#footnote-53) The Court also ruled that the children of Nora Gaith and Mustafa Sub Laban, and their respective families, shall not be permitted to continue to live in the Sub Laban house, with immediate effect. [[53]](#footnote-54) In another example, on 15 September 2016, the Kirresh family (six adults and two children) was evicted from its home in Jerusalem’s Old City after the Israeli Supreme Court rejected its appeal. The family had been renting the property since the 1930s, and was ordered to transfer it over to an Israeli settler organization, Ateret Cohanim, which claimed that it had purchased the property in 1980. Three other Palestinian families (seven adults and 10 children) were also evicted from their homes in the Old City in August 2016.

 B. Area C

31. Only 30 per cent of Area C is available for Palestinian use and development after the allocation of land for settlements and their expansion, the demarcation of closed military zones, and land takeover for the construction of the Wall. Yet, Israeli Civil Administration (ICA) has permitted construction on only 0.4 per cent of the land.[[54]](#footnote-55) According to OCHA estimates, taking into account the population of Palestinians and settlers, the planned area per Israeli settler is over 13 times larger than the planned area per Palestinian in Area C[[55]](#footnote-56) .

32. Planning for Palestinian villages involves the demarcation of the existing built-up area in a village with no or little room for growth, and with no involvement of the local population in the drafting and decision-making process.[[56]](#footnote-57) Since 2011, the Palestinian Authority has supported communities in submitting local outline plans for approval by ICA. In total, 110 community-based outline plans have been prepared for some 148,000 Palestinians. As of 31 May 2017, five of these plans had been approved by ICA, 96 were pending approval and final decision by ICA, and nine remained to be submitted to ICA.

33. According to ICA, approximately 12,500 demolition orders were pending against Palestinian-owned structures across Area C by the end of 2016 for lack of appropriate permits. [[57]](#footnote-58) Over 2,900 of these orders were then on hold due to appeals with ICA or Israeli courts.[[58]](#footnote-59) As the orders do not have expiry dates, they can be executed at any time, thus placing the Palestinian individuals and families concerned in a very precarious position. In 2016, ICA issued stop work, demolition orders or warnings to over 100 donor-funded aid structures.[[59]](#footnote-60)

34. According to OCHA, over 63 per cent of the structures confiscated by ICA in Area C in 2016 were in Palestinian herding and/or Bedouin communities, including 283 structures provided by the international community as humanitarian assistance.[[60]](#footnote-61) As highlighted by the United Nations Coordinator for Humanitarian Assistance and Development Aid for the Occupied Palestinian Territory, “Most of the demolitions in the West Bank take place on the spurious legal grounds that Palestinians do not possess building permits, but, in Area C, official Israeli figures indicate only 1.5 percent of Palestinian permit applications are approved in any case. So what legal options are left for a law-abiding Palestinian?”[[61]](#footnote-62)

35. The following case studies document forced evictions faced by some Bedouin and herder communities of Area C during the reporting period. Previous reports of the Secretary-General identified various factors contributing to the creation of a coercive environment in area C, including plans to evict and relocate Bedouin and herder communities[[62]](#footnote-63), as well as demolitions – or the threat thereof - related to the implementation of the illegal and discriminatory planning regime.[[63]](#footnote-64)

 Case Study 1: Al Kurshan – Khan al Ahmar Community in the Jerusalem periphery

36. The Al Kurshan Jahalin Bedouin community is part of the Al Khan Al Ahmar cluster of communities, located east of the settlement of Mishor Adumim. Like all Bedouin communities in the Jerusalem periphery, Al Kurshan-Khan al Ahmar is at risk of forcible transfer due to Israeli relocation and settlement expansion plans, and other factors creating a coercive environment, as detailed below. Al Kurshan is one of the smallest Bedouin communities, with a population of 54 made up of nine Abu Dahuk families.[[64]](#footnote-65)

37. As other Bedouin communities in the Jerusalem periphery, Al Kurshan lies in the path of expansion plans for Ma’ale Adumim. These communities have faced demolitions since the mid-1990s.[[65]](#footnote-66) The lack of ownership titles and the location almost adjacent to a closed military zone, poses serious constraints on planning for the community. As a result, necessary building permits cannot be obtained. Residents of Al Kurshan are not connected to the electrical grid or the sewage system, and they receive water through private connections. The children of Al Kurshan attend a primary school in nearby Abu Al-Helw.

38. In July 2011, ICA indicated plans to relocate Bedouin communities from the Jerusalem periphery, Jordan Valley and the South Hebron Hills.[[66]](#footnote-67) ICA invoked the absence of rights to land as well as lack of necessary building permits for homes and other structures to justify the relocation.[[67]](#footnote-68) In the reporting period, ICA demolished 30 structures including 11 homes on 9 October 2016. Nine families comprising 47 individuals, including 26 children, were forcibly evicted and rendered homeless. Over a third of the demolished structures were built as part of a donor funded project – eight residential structures and five latrines. Emergency tents provided by donors the day following the demolition were confiscated by Israeli authorities on 14 October 2016.

39. According to the Kurshan community, for two months after the forced eviction, members of a settler organization were seen in the area, apparently to monitor the situation. A delegation of ICA visited the community advising them to move either to Al Jabal or Nuweima in Area C. As of end of May 2017, six months after the demolition, ICA had prevented provision of humanitarian assistance for the community, including temporary shelters. OHCHR observed that while most forcibly evicted families had reconstructed makeshift shelters from the rubble of their demolished homes, these were far from adequate.

 Case Study 2 – Khirbet Tana

40. Firing zones for military training purposes cover large tracts of land in the West Bank: around 17.5 per cent of the total area of the West Bank and 29 per cent of Area C.[[68]](#footnote-69) These areas are also home to around 6,200 people from 38 Palestinian communities. Residents of firing zones often lack access to essential services such as water, sanitation and health care. They also often face settler violence, harassment and confiscation of property for entering the zone without the necessary permission from ICA.[[69]](#footnote-70)

41. One such village is Khirbet Tana, located in Area C, in the northern Jordan Valley. It is home to around 250 people, who live in permanent and temporary structures, tents and old caves, and whose livelihood comprises herding sheep and cattle, farming and seasonal agriculture. They lead semi-nomadic lives, spending part of the year in Khirbet Tana and the other part in the nearby village of Beit Furik.

42. ICA does not recognize Khirbet Tana as a village and therefore has refused to consider it for master planning, also prohibiting construction in the area.[[70]](#footnote-71) This prohibition has triggered regular demolitions of homes, animal shelters and water storage facilities; as well as the destruction of a primary school.

43. On 3 January 2017, ICA demolished 49 structures in Khirbet Tana, including 13 residential structures, nine portable toilets and 26 structures used for agricultural purposes. Thirty of the demolished structures were donor funded. Fifty people, including 22 children, were consequently made homeless. During this demolition drive, ICA also issued a ‘stop-work order’ to the ongoing reconstruction of the local school funded by the European Union which had been demolished in 2011 and in 2016.[[71]](#footnote-72)

44. The recent demolitions and forced evictions continued a wave that began in July 2005 when ICA demolished almost all the buildings in the village and blocked the entrances of caves that were being used as homes by some of the villagers. Five further rounds of forced evictions took place between 2009 and 2011.[[72]](#footnote-73) ICA also carried out four rounds of demolitions between February and April 2016.[[73]](#footnote-74) One woman from Khirbet Tana told OHCHR that she had faced house demolitions approximately a dozen times in her life.

45. The Minister of Defence of Israel claimed that the location of the villagers in a firing zone posed a danger to their lives.[[74]](#footnote-75) In its responses to court petitions against the demolition orders, the Israeli Government claimed that the construction of dwellings on the site began in the late 1990s, long after the area was declared a firing zone, and that most residents were using the residential and other structures on a seasonal basis and had residences in the nearby village of Beit Furik.[[75]](#footnote-76) However, it did acknowledge the presence of a mosque from the Ottoman period on the site[[76]](#footnote-77), which supports claims of some residents of Khirbet Tana that the community had been present there long before the designation of the area as a firing zone.

46. In general, in addition to questions about the legality of the confiscation and destruction of private property, and of the forced evictions that follow the declaration of the firing zone[[77]](#footnote-78), there are concerns that some land taken by the Israeli military and closed off for firing zones would be used for future settlement expansion. Instances of transfer of land from firing zones to settlements only reinforce this concern.[[78]](#footnote-79) One NGO study based on field observations and interviews concluded that almost 80 per cent of firing zone land designated for training purposes (around half of the total area of firing zones) was not used as such.[[79]](#footnote-80)

47. There is also concern that in some cases, firing zones may be used for settlement agricultural expansion.[[80]](#footnote-81) With respect to Firing Zone 904a, where Khirbet Tana is located, settlers are using approximately 755 dunums (75.5 ha of land) for agricultural purposes.[[81]](#footnote-82) Moreover, there are also two settlement outposts (Gidonim 777 and Havat Binyamin) located within the zone. While these outposts have also received demolition orders, only a few have been acted upon. Significantly, in 2012, the Blue Line task force reclassified one of these outposts as being on state land, ostensibly with the intention of settlement expansion.[[82]](#footnote-83)

 Impact of forced evictions on human rights

48. The impact of demolitions and forced evictions on communities in Al Kurshan and Khirbet Tana is not unique but illustrates the experience of several other communities in similar situations in Area C. Forced evictions resulting from demolitions, as described in the above instances, are a gross violation of human rights,[[83]](#footnote-84) including the rights to adequate housing, water, sanitation, health, education, and privacy.

49. The most direct impact of house demolitions is homelessness, in violation of the right to adequate housing as protected by article 11 of the International Covenant on Economic, Social and Cultural Rights. Although humanitarian organizations provide forcibly evicted families with aid, including material for rebuilding their homes, this can take up to several weeks to reach the affected family. In the meanwhile, victims have no option but to live in rudimentary and inadequate makeshift housing or with relatives or neighbours. Khirbet Tana residents told OHCHR that while many of them had tried to rebuild their homes using material from the demolished homes, the ICA would often tear their tents down and bury them in debris to prevent their reuse.

50. In Al Kurshan, residents described to OHCHR surveillance by security forces and members of ICA for several weeks after the forced eviction. According to them, Israeli authorities have been monitoring all movements in and out of the community to ensure that no building material would be brought in for reconstruction. In order to prevent additional confiscations, aid material that the community has received has been stored in Jericho following the confiscation of tents provided by representatives of the Red Crescent for affected families. Forcibly evicted families therefore have had to live in cramped conditions with relatives whose houses were not destroyed. One man spoke of the difficulty of having to take his wife and three children to live with his brother’s family of six for over two months. As of 31 May 2017, over eight months after the forced evictions, almost all affected people were living in highly inadequate makeshift housing made out of the damaged material of their previous homes, while one family continued to live with relatives.

51. The demolition of toilets and bathing facilities adds to the hardships faced by communities after a demolition. Two women told OHCHR of the difficulty and lack of privacy that women and girls faced in forcibly evicted communities as they are compelled to use the open space around their communities.

52. The forced evictions and the subsequent closure of the area by Israeli authorities have posed a serious health risk to some of the affected people. Two women from Al Kurshan, whose house was demolished in October 2016, reportedly had to walk across a rugged terrain, two to three kilometres from the village, in order to reach a medical facility to deliver their babies because the Israeli authorities would not allow any vehicles into the community. Another woman, who was pregnant and injured while trying to salvage her belongings, also had to walk to reach medical assistance.

53. In the context of demolitions conducted in the West Bank and East Jerusalem in 2016, *Medicos del Mundo* stressed that “[t]here is no doubt that the current wave of demolitions is resulting in negative psychosocial effects on the communities affected, in the short, medium and long term”.[[84]](#footnote-85) Several people interviewed by OHCHR described the fear and stress they had experienced as a result of demolitions.

54. House demolitions and forced evictions can have a particularly deep and lasting impact on children. Residents told OHCHR of the fear that the demolitions had instilled in the children, with some of them unable to sleep at night for a week after the demolition. In Al Kurshan, a resident said that following the demolition, his children aged between two and 12 years had become fearful of strangers and would get alarmed when seeing any vehicle approaching the community.

55. Israeli authorities have also demolished community centres and schools in the abovementioned communities. For example, in a case monitored by OHCHR, the demolition of the community centre in Khirbet Umm al Kheir (Hebron Governorate), which also served as a primary school, impacted 35 children. In Khirbet Tana, the demolition of the school resulted in children having to be temporarily shifted to a school 15 kilometres away, in Beit Furik, to continue their education. During that time, they were separated from their families over the week.

56. The losses caused by demolitions (including of animal shelters) and forced evictions in the Bedouin and herder communities have also impacted livelihoods and increased expenditures for affected families. Women spoke about the destruction of material that added to their financial burden, particularly as ICA does not allow sufficient time for people to remove their belongings before demolition. Two women told OHCHR that ICA personnel had removed their bedding and other large items from their homes but that all the kitchen utensils and provisions, such as grain, sugar and oil, were destroyed during the demolitions. Another woman in Khirbet Tana reported that one of her main responsibilities during demolition, which she had faced 10 to 12 times, was to save the cheese that she produces for sale.

57. , Forced evictions further entrench patterns of poverty, which often directly affects the rights to health, food and education. According to a study by UNRWA and the World Food Programme of Bedouin and herder communities in Area C, between 2010 and 2016, there was an overall increase in the percentage of food-insecure households from 55 to 61, and a decrease in the percentage of food secure households from 20 to six.[[85]](#footnote-86)

 V. Settlements in the occupied Syrian Golan

58. Illegal settlement expansion and land appropriation by the Government of Israel in the occupied Syrian Golan continued, in violation of Israel’s obligations under international law. The Secretary-General reaffirms the continuing validity of Security Council resolution 497 (1981), which states that “the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect.”[[86]](#footnote-87)

59. The 34 illegal Israeli settlements in the occupied Syrian Golan are home to an estimated 23,000 Israeli settlers and are supported by the Government of Israel through financial incentives. The settlements also benefit from a disproportionately larger allocation of natural resources such as clean water, compared to what is allocated to Syrian residents.[[87]](#footnote-88) In October 2016, the Government of Israel reportedly approved the construction of 1,600 new homes in the Israeli settlement of Katzrin.[[88]](#footnote-89) Syrian residents of the Golan, estimated to number roughly 25,000, live in five villages which face significant challenges in terms of growth and development, partly due to restricted access to land and resources.[[89]](#footnote-90)

60. Discriminatory land, housing and development policies established by the Israeli authorities have made it nearly impossible for Syrians to obtain building permits. Consequently, the Syrian villages in the occupied Syrian Golan are increasingly overcrowded, with strained infrastructure and limited resources.[[90]](#footnote-91) Israeli authorities reportedly undertook the first home demolitions in the occupied Syrian Golan on 7 September 2016, in the village of Majdal Shams, arguing it was built without the necessary permit.[[91]](#footnote-92) The human rights organization Al Marsad, based in the occupied Syrian Golan, reported that a number of Syrian homeowners had received demolition notices, and expressed concern at the possibility that Israel would institute a systematic policy of home demolitions in the occupied Syrian Golan.[[92]](#footnote-93)

 VI. Conclusion

61. **As described in previous reports of the Secretary-General, Israel’s establishment and expansion of settlements in the Palestinian territory, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law. The settlements and their continued expansion have adversely affected the human rights of Palestinians, resulting in forced evictions, the loss of property and sources of livelihood, restrictions on access to services. .**

62. **Through the takeover of Palestinian land, the settlements have fragmented the West Bank[[93]](#footnote-94) as have support to settlement outposts, declaration of state lands, seam zones,[[94]](#footnote-95) firing zones for training purposes, nature reserves and national parks and survey lands.[[95]](#footnote-96) As this report indicates, many of these processes have continued to advance steadily.**

63. **Moreover, in much of Area C and East Jerusalem, various measures put in place by the Israeli authorities continued strengthening a coercive environment. It may amount to forcible transfer, in violation of Israel’s obligations under international humanitarian law and human rights. [[96]](#footnote-97)**

64. **Forced evictions resulting from demolitions are not only a violation of the right to adequate housing, and a key factor in the creation of a coercive environment, but also negatively impact a wide range of human rights. These include restrictions on movement including strict residency regimes, especially in East Jerusalem, and denial of access to essential services such as water and sanitation.[[97]](#footnote-98)**

65. **Settlement activity is incompatible with Israel's obligations under international law. It lies at the core of a range of human rights violations and humanitarian needs in the West Bank, including East Jerusalem., and further constitutes one of the main obstacles to a viable Palestinian State.**

 VI. Recommendations

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

(a) **Implement all relevant United Nations resolutions, including Security Council resolution 2334 (2016) which, *inter alia*, calls upon Israel to cease all settlement activity, and Security Council resolution 497 (1981).**

(b) **Halt and reverse all settlement development and related activities in the Occupied Palestinian Territory, including occupied East Jerusalem, and the occupied Syrian Golan, including through the discontinuation of support for private settler organizations’ initiatives aimed at the seizure of Palestinian properties and the forced eviction of their residents.**

(c) **Immediately halt forced evictions and cease any activity that would contribute to creating a coercive environment and/or lead to a risk of forcible transfer.**

(d) **Cease from taking any initiative to relocate communities in Area C in contravention of international law, including Bedouin and herder communities.**

(e) **Review planning laws and policies to ensure they are compliant with Israel’s obligations under international human rights and humanitarian law.**

(f) **Take all necessary steps to ensure that Palestinians in East Jerusalem and Area C of the occupied West Bank are not denied access to essential services, including electricity, water and sanitation, and natural resources, including land for agricultural purposes.**

1. \* A/72/XXX [↑](#footnote-ref-2)
2. A/71/355 of 24 August 2016 and A/HRC/34/39 of 16 March 2017. The latter covers the first few months of the period of review. [↑](#footnote-ref-3)
3. A/HRC/34/39, para 45-46; Also see A/70/351, paras.25-51; A/HRC/16/71, paras. 20-22; Communication of Special Rapporteurs on Adequate Housing, Independence of Judges and Lawyers; and on the Situation of Human Rights in the OPT, REF: UA, ISR 1/2015, 30 April 2015. [↑](#footnote-ref-4)
4. <https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-case-asfar>; Also see A/70/82 para 46. [↑](#footnote-ref-5)
5. See [A/68/513](http://undocs.org/A/68/513), paras. 23-29, [A/69/348](http://undocs.org/A/69/348), paras. 33-35, and [A/70/351](https://unispal.un.org/DPA/DPR/unispal.nsf/5ba47a5c6cef541b802563e000493b8c/665f06787b46d4c185257eec00587d31?OpenDocument), paras. 33-36 [↑](#footnote-ref-6)
6. http://www.haaretz.com/israel-news/1.759866 [↑](#footnote-ref-7)
7. The settlement outpost of Amona was evacuated on 1 February 2017. In December 2014, the High Court of Justice had given the Government two years to evacuate Amona, which was built illegally on privately held Palestinian land. [↑](#footnote-ref-8)
8. http://peacenow.org.il/en/jurisdiction-new-settlement-amihai-approved [↑](#footnote-ref-9)
9. http://peacenow.org.il/en/jurisdiction-new-settlement-amihai-approved [↑](#footnote-ref-10)
10. Although outposts are set up without authorization, support by the Israeli authorities in the form of infrastructure and security has been documented. At the time of writing, OHCHR was not able to confirm whether such support was available to the two new outposts. [↑](#footnote-ref-11)
11. See A/71/355, para. 13, A/HRC/31/43, para. 21 [↑](#footnote-ref-12)
12. A/HRC/31/43 para. 21 [↑](#footnote-ref-13)
13. http://www.un.org/undpa/en/speeches-statements/29082016/middle-east [↑](#footnote-ref-14)
14. http://peacenow.org.il/en/israeli-cabinet-approves-new-settlement [↑](#footnote-ref-15)
15. http://peacenow.org.il/en/central-bureau-statistics-70-rise-construction-settlements-past-year-compared-previous-year [↑](#footnote-ref-16)
16. See A/HRC/34/39, para. 33; see also ([http://www.ohchr.org/EN/NewsEvents/Pages/
DisplayNews.aspx?NewsID=21003](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21003)). [↑](#footnote-ref-17)
17. <http://www.bbc.com/news/world-middle-east-38888649>;
 <http://www.haaretz.com/israel-news/1.770102> [↑](#footnote-ref-18)
18. The first petition was submitted on 8 February 2017 by Adalah, Al Mezan and the Jerusalem Legal Aid Committee on behalf of 15 Palestinian local councils and two municipalities (see <http://mezan.org/en/post/21791>); the second petition was submitted on 15 March 2017 by the Association for Civil Rights in Israel, Peace Now and Yesh Din on behalf of 27 Palestinian local councils and 13 Israeli civil society organizations (see <http://www.acri.org.il/en/2017/03/05/acri-peace-now-and-yesh-din-petition-the-high-court-against-the-expropriation-law/>). [↑](#footnote-ref-19)
19. <http://www.acri.org.il/en/2017/03/05/acri-peace-now-and-yesh-din-petition-the-high-court-against-the-expropriation-law/>). [↑](#footnote-ref-20)
20. Hague Regulations, Articles 46 and 56; Geneva Convention IV, Article 53; see A/HRC/34/38 para. 20-21. [↑](#footnote-ref-21)
21. Hague Regulations, Article 43; Geneva Convention IV, Article 63; see A/HRC/34/38, para. 39. [↑](#footnote-ref-22)
22. The majority of the bills have aimed at the annexation of particular settlements or areas (for instance Ma’ale Adumim, Gush Etzion, Jordan Valley) and some at the application of the Israeli planning and zoning legislation to settlements, while others have been much broader in scope and effect, demanding the full annexation of Area C or of all major Israeli settlements. [↑](#footnote-ref-23)
23. <http://www.jpost.com/Israel-News/Netanyahu-looks-to-delay-Maaleh-Adumim-annexation-bill-479191><http://www.jpost.com/Israel-News/Maaleh-Adumim-annexation-bill-on-hold-for-a-week-483206>. [↑](#footnote-ref-24)
24. A/70/351 paras. 52-60. [↑](#footnote-ref-25)
25. A/HRC/34/39 para. 20; Report by the Middle East Quartet, 1 July 2016. [↑](#footnote-ref-26)
26. Israel’s Investigation and Prosecution of Ideologically Motivated Offences Against Palestinians in the West Bank, Ministry of Justice of Israel, June 2017. The report does not clearly separate between investigations regarding ideologically motivated offences directed at Palestinians or their property, and investigations regarding other ideologically motivated offences committed by Israelis in the West Bank (e.g. offences targeting security personnel). [↑](#footnote-ref-27)
27. Ibid. With respect to administrative detention, the Secretary-General has condemned its use by Israel against Palestinians and Israelis alike, see A/69/347, para. 29 and A/HRC/31/43, paras. 40-43 [↑](#footnote-ref-28)
28. According to OCHA, between January and May 2017, 152 incidents caused harm to Israelis or their property compared to 112 for the year 2016. [↑](#footnote-ref-29)
29. Geneva Convention IV, Article 27(1); Hague Regulations, Article 46; See A/HRC/34/38, para. 33-37. [↑](#footnote-ref-30)
30. <http://rhr.org.il/eng/2017/06/series-cases-idf-soldiers-stand-idly-palestinians-attacked-extremists-settlers/> [↑](#footnote-ref-31)
31. https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016 [↑](#footnote-ref-32)
32. From OCHA demolitions database for the reporting period. [↑](#footnote-ref-33)
33. https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016 [↑](#footnote-ref-34)
34. A/72/slot 42873. [↑](#footnote-ref-35)
35. A/66/364 and A/HRC/25/38. [↑](#footnote-ref-36)
36. See A/HRC/31/43 paras 18 and 45 and A/HRC/25/38 paras 11-14; A/HRC/34/38, para 25 with references; in 2012, the Committee expressed concern regarding the discriminatory planning policy of Israel and urged the Government to reconsider it entirely in order to guarantee Palestinian and Bedouin rights to property, access to land, access to housing and access to natural resources (CERD/C/ISR/CO/14-16, para. 25). [↑](#footnote-ref-37)
37. International Covenant on Economic, Social and Cultural Rights, Article 11. [↑](#footnote-ref-38)
38. The United Nations Committee on Economic, Social and Cultural Rights has established, in General Comment 4, that everyone should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. The Committee has also affirmed that States must take immediate measures aimed at conferring legal security of tenure upon those persons and households lacking such protection, in genuine consultation with affected persons and groups. See Committee on Economic, Social and Cultural Rights, ‘General Comment 4, Right to Adequate Housing’, 1991. [↑](#footnote-ref-39)
39. See Committee on Economic, Social and Cultural Rights, ‘General Comment 7, Right to Adequate Housing: Forced Evictions’, 1997. [↑](#footnote-ref-40)
40. Ibid. para.12. [↑](#footnote-ref-41)
41. In its 2011 Concluding Observations, the Committee on Economic, Social and Cultural Rights expressed deep concern about home demolitions and forced evictions in the West Bank, in particular Area C, as well as in East Jerusalem, by Israeli authorities, military personnel and settlers [↑](#footnote-ref-42)
42. Geneva Convention IV, article 49 and 147; Rome Statute, Article 8(2)(b)(viii). [↑](#footnote-ref-43)
43. A/HRC/34/39, para. 47. [↑](#footnote-ref-44)
44. A/HRC/34/38, para. 27. [↑](#footnote-ref-45)
45. A/HRC/34/39, para. 41. [↑](#footnote-ref-46)
46. https://www.ochaopt.org/content/east-jerusalem-key-humanitarian-concerns-august-2014 [↑](#footnote-ref-47)
47. https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016 [↑](#footnote-ref-48)
48. <https://www.ochaopt.org/content/increase-west-bank-demolitions-during-july-august>. The demolition in Qalandia village was also significant as the Jerusalem municipality had not enforced its permit regime on buildings situated beyond the Wall. [↑](#footnote-ref-49)
49. https://www.ochaopt.org/content/east-jerusalem-palestinians-risk-eviction [↑](#footnote-ref-50)
50. Enacted after the 1967 war, the law transferred all property under the Jordanian Custodian of Enemy Property, which had managed the properties of Jews who fled or were forced to leave East Jerusalem in 1948, and which were mainly used to house Palestinian refugees, to the Administrator General in the Israeli Ministry of Justice. According to Section 5(b) of the law, the Administrator General must release property to whoever owned it prior to its transfer to the Jordanian custodian, or to a person standing in for the owner as per the owner’s request. In effect, Jews or Jewish entities can recover properties they owned before 1948. However, Palestinians who lost control of their properties after 1948 can reclaim their properties from the current occupants in extremely rare cases, and are only eligible for compensation that falls far below the current value of the property. This discrepancy in treatment makes the Law of Judicial and Administrative Arrangements 1967 inherently discriminatory against Palestinians. [↑](#footnote-ref-51)
51. See Committee on Economic, Social and Cultural Rights, General Comment 7, Right to Adequate Housing (article 11.1), 1997. [↑](#footnote-ref-52)
52. The Sub Laban family first rented the apartment from the Jordanian Custodian of Enemy Property in 1954, at which point it was awarded protected tenancy status. The family maintained this status –and paid rent to the Israeli General Custodian after it assumed control of properties administered by the Jordanian Custodian of Enemy Property.  Despite this protected status, the Sub Labans have been under threat of eviction since 1978, first by the General Custodian and later by Atara Leyoshna.  [↑](#footnote-ref-53)
53. See OCHA, ‘Palestinian family forcibly evicted from its home in occupied East Jerusalem’, 15 September 2016: <https://www.ochaopt.org/content/palestinian-family-forcibly-evicted-its-home-occupied-east-jerusalem> [↑](#footnote-ref-54)
54. <https://unhabitat.org/wp-content/uploads/2015/10/One-UN-Approach-to-Spatial-Planning-in-Area-C-.pdf> [↑](#footnote-ref-55)
55. <http://data.ochaopt.org/demolitionos/demolition_orders_in_area_c_of_the_west_bank_en.pdf> pp 13 [↑](#footnote-ref-56)
56. See Bimkom, ‘The Prohibited Zone: Israeli planning policy in Palestinian villages in Area C’, 2008 [↑](#footnote-ref-57)
57. Some of these orders were issued in the 1980s. Approximately 77 per cent of the demolition orders issued by ICA since 1988 have targeted structures located on land recognized by the Israeli authorities as privately-owned Palestinian land, while the remaining 23 per cent have concerned structures built on land designated as state land, see <https://www.ochaopt.org/documents/demolition_orders_in_area_c_of_the_west_bank_en.pdf> [↑](#footnote-ref-58)
58. <https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016> [↑](#footnote-ref-59)
59. Ibid. [↑](#footnote-ref-60)
60. January 2017 <https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016> [↑](#footnote-ref-61)
61. Haaretz, ‘Israel Dramatically Ramping Up Demolitions of Palestinian Homes in West Bank’ <http://www.haaretz.com/israel-news/.premium-1.704391> [↑](#footnote-ref-62)
62. See A/HRC/31/43, para. 50-60 and A/HRC/24/30, para. 28-29. [↑](#footnote-ref-63)
63. See A/68/513, para. 30-34; A/HRC/25/38, para. 11-20; A/HRC/31/43, para. 44 and 46; A/HRC/28/80, para. 24 and A/69/348, para. 13. [↑](#footnote-ref-64)
64. <http://bimkom.org/eng/wp-content/uploads/jahalin/al%20kurshan.htm> [↑](#footnote-ref-65)
65. <http://bimkom.org/eng/wp-content/uploads/jahalin/al%20kurshan.htm> [↑](#footnote-ref-66)
66. A/67/372 para 36. [↑](#footnote-ref-67)
67. http://www.btselem.org/settlements/20111010\_forced\_eviction\_of\_bedouins [↑](#footnote-ref-68)
68. See OCHA <https://www.ochaopt.org/content/wide-scale-demolitions-khirbet-tana>. Also see See Kerem Navot, ‘A Locked Garden: Declaration of Closed Areas in the West Bank’, March 2015 p. 57. [↑](#footnote-ref-69)
69. See OCHA https://www.ochaopt.org/documents/ocha\_opt\_firing\_zone\_factsheet\_august\_2012\_english.pdf [↑](#footnote-ref-70)
70. See B’Tselem report, ‘Acting Landlord: Israel’s Policy in Area C, the West Bank’, June 2013 p. 68. [↑](#footnote-ref-71)
71. See First Week of 2017: Israel Demolishes Homes of 151 Palestinians, Almost Four Times Last Year's Average. <http://www.haaretz.com/israel-news/.premium-1.763331> [↑](#footnote-ref-72)
72. In March 2011, ICA demolished all 42 structures in the village, including a primary school and water cisterns. It also blocked the entrance to eight caves used as residences as well as shelters for livestock. This forced eviction rendered 152 villagers (including 64 children) homeless, see B’Tselem ‘The Village of Khirbet Tana’ <http://www.btselem.org/jordan_valley/tana> and OCHA <https://www.ochaopt.org/content/wide-scale-demolitions-khirbet-tana> [↑](#footnote-ref-73)
73. See A/71/355, para 22, 24 August 2016. [↑](#footnote-ref-74)
74. <https://www.ochaopt.org/content/third-large-scale-demolition-khirbet-tana-2016> [↑](#footnote-ref-75)
75. <http://www.btselem.org/jordan_valley/tana> [↑](#footnote-ref-76)
76. United Nations Humanitarian Coordinator Visits Palestinian Community of Khirbet Tana and Warns of Risk of Forcible Transfer, 28 March 2016 [https://www.ochaopt.org/documents/hc\_statement\_
demolitions.khirbet%20tana\_english.pdf](https://www.ochaopt.org/documents/hc_statement_demolitions.khirbet%20tana_english.pdf) [↑](#footnote-ref-77)
77. While Article 49 of the Fourth Geneva Convention allows for temporary evacuation of protected persons for their own security or for imperative military reason, forced evictions for the establishment of firing zones for training purposes does not meet such a threshold, and raise concerns of possible forcible transfer; see Expert opinion by Professor Michael Bothe, <http://www.acri.org.il/en/wp-content/uploads/2013/01/Michael-Bothe-918-position.pdf>, See also <http://akevot.org.il/en/article/firing-zone-918-case-1967-legal-opinion-presented-high-court/?full> [↑](#footnote-ref-78)
78. For example, in January 2015, the GOC Central Command signed an order reducing the area of Firing Zone 912 to make way for housing units to be constructed as a part of Ma’ale Adumim’s expansion plans. Similarly, in 2011, over 900 dunams (90 ha) of land from firing zone 203 were transferred out to establish an industrial zone Sha’ar Shomron to serve the settlements of Oranit and Elkanah. See <http://www.haaretz.com/israel-news/.premium-1.645771> and See Kerem Navot, ‘A Locked Garden: Declaration of Closed Areas in the West Bank’, March 2015, p. 85 [↑](#footnote-ref-79)
79. See Kerem Navot, ‘A Locked Garden: Declaration of Closed Areas in the West Bank’, March 2015. [↑](#footnote-ref-80)
80. According to the Kerem Navot study, in 2015, approximately 14,480 dunums (1448 ha) of agricultural land cultivated by Israelis was located in closed military zones, including almost 20 per cent of land located in firing zones. See Kerem Navot, ‘A Locked Garden: Declaration of Closed Areas in the West Bank’, March 2015, p. 75. [↑](#footnote-ref-81)
81. Kerem Navot, ‘A Locked Garden: Declaration of Closed Areas in the West Bank’, March 2015, p. 75. [↑](#footnote-ref-82)
82. OCHA, ‘Third large-scale demolition in Khirbet Tana in 2016’ 21 March 2016,<https://www.ochaopt.org/content/third-large-scale-demolition-khirbet-tana-2016> [↑](#footnote-ref-83)
83. Commission on Human Rights resolution 1993/77. [↑](#footnote-ref-84)
84. See Medicos Del Mundo, ‘Demolishing Mental Health: The 2016 wave of demolitions in the West Bank and East Jerusalem and its impact on the Palestinian population’s mental health’, p. 4 file:///Users/MV/Downloads/demolishing\_mental\_health.pdf [↑](#footnote-ref-85)
85. WFP – UNRWA Joint Programme, ‘Food Security among Bedouins and Herding Communities in Area C’ 2016. [↑](#footnote-ref-86)
86. A/71/355 para. 66. [↑](#footnote-ref-87)
87. See A/HRC/28/44 para. 54 and A/HRC/31/43 para. 64. [↑](#footnote-ref-88)
88. <http://www.timesofisrael.com/liveblog_entry/israel-okays-1600-new-homes-in-golan-heights/> [↑](#footnote-ref-89)
89. See <http://golan-marsad.org/50-years-of-the-occupation-of-the-syrian-golan/> [↑](#footnote-ref-90)
90. <http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/> [↑](#footnote-ref-91)
91. <http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/> [↑](#footnote-ref-92)
92. <http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/> [↑](#footnote-ref-93)
93. See A/HRC/31/43/, A/HRC/22/63, A/70/351 and Human Rights Council resolution 25/28 [↑](#footnote-ref-94)
94. Seam zones are areas that are located between the green line and the Wall. [↑](#footnote-ref-95)
95. Survey lands are unregistered areas whose status is under examination by the Israeli authorities with a view to retaining them as government property to enable the State to use them. [↑](#footnote-ref-96)
96. See A/HRC/34/39 para 42; Articles 49 and 147 of the Fourth Geneva Convention and Rule 129 of Customary International Law. [↑](#footnote-ref-97)
97. See A/HRC/34/39 paras 40-57 [↑](#footnote-ref-98)