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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

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the members of the General Assembly the fifty-fifth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to Assembly resolution [76/80](#).

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



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

Summary

The present report documents the rising influence of Israeli settlers on the human rights situation in the occupied territories. In part IV, current Israeli government policy is considered in its historical and political context. Part V concerns Israeli practices in the occupied territories from September 2022 to September 2023.

I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). The Special Committee is composed of three Member States: Malaysia, represented by the Permanent Representative of Malaysia to the United Nations in New York, Ahmad Faisal Muhamad; Senegal, represented by the Permanent Representative of Senegal to the United Nations in New York, Cheikh Niang; and Sri Lanka, represented by the Permanent Representative of Sri Lanka to the United Nations in New York, Mohan Pieris, serving as Chair. The Special Committee reports to the Secretary-General. Its reports are reviewed in the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

II. Mandate

2. Pending complete termination of the Israeli occupation, the Special Committee is mandated by resolution 2443 (XXIII) (1968) to investigate Israeli policies and practices affecting the human rights of persons under occupation since June 1967. This includes persons residing in the Occupied Palestinian Territory, comprising: the occupied West Bank, including East Jerusalem, and Gaza; the occupied Syrian Golan; and refugees who left because of hostilities. The Special Committee is not mandated to investigate human rights violations committed by other duty bearers in the occupied territories. The Special Committee submits the present report pursuant to biennial General Assembly resolution 76/80, covering the period from 1 September 2022 to 30 September 2023.

3. The human rights of the Palestinian people and other Arabs of the occupied territories are described by the Security Council in its resolution 237 (1967), adopted in the immediate aftermath of the occupation by Israel of East Jerusalem and the West Bank, as “essential and inalienable human rights”. The Special Committee also bases its work on the human rights standards and obligations articulated in the Universal Declaration of Human Rights, the Charter of the United Nations, the Geneva Conventions of 1949 and the relevant additional protocols and other core human rights instruments, in particular those concerning circumstances of military occupation.

4. The General Assembly, by its resolution 3005 (XXVII), further mandated the Special Committee to investigate the following: Israeli settlement establishment; the annexation by Israel of territories occupied since 5 June 1967; exploitation and looting of the resources of the occupied territories; population transfer; pillaging of the archaeological and cultural heritage of the occupied territories; and interference in the freedom of worship in the holy places of the occupied territories. Also in resolution 3005 (XXVII), it called upon Israel to desist from annexation, settlement activity, destruction of villages and houses, deportation of the inhabitants of the occupied territories and denial of the right of displaced persons to return.

III. Activities of the Special Committee

5. In preparation for its annual field mission to the Middle East, the Special Committee addressed a letter dated 4 May 2023 to the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, requesting the cooperation of Israel with the Special Committee’s mandate and requesting access to the Occupied Palestinian Territory, Israel and the occupied Syrian

Golan. On 5 June 2023, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a note verbale to the Permanent Representative, further requesting cooperation and a meeting of the Special Committee with the Permanent Representative during the Committee's consultations in Geneva. The Government of Israel did not respond to these requests. The Special Committee has not, since its establishment in 1968, been granted access by Israel to the occupied territories.

6. In the absence of access to the occupied territories, in 2023 the Special Committee conducted a field visit to Egypt and Jordan, prior to holding its annual consultations in Geneva and attending the fifty-third regular session of the Human Rights Council. The Special Committee travelled to Cairo for the first time since 2014 and met with the Gaza-based civil society organizations and United Nations representatives from 8 to 10 June 2023, prior to travelling to Amman to meet with civil society organizations, senior Palestinian Authority officials and United Nations representatives from 10 to 16 June 2023. The Special Committee subsequently held consultations with Member States and other stakeholders in Geneva from 16 to 19 June 2023 and attended the interactive dialogue under item 2 of the agenda of the Human Rights Council on 20 June 2023.

IV. Historical and political context

7. The present report is finalized 30 years after the first Oslo agreement (Oslo I) and the iconic handshake between the President of the Palestinian National Authority, Yasser Arafat, and the Prime Minister of Israel, Yitzhak Rabin, on the White House South Lawn on 13 September 1993. Absent a political horizon for peace, and in the context of the most violent year in the occupied West Bank since the second intifada, in the present report Israeli policies are considered in their broader context since Oslo I.

8. The optimism of Oslo I was quickly supplanted by fear and violence. On 4 November 1995, Mr. Rabin was assassinated by Yigal Amir, a 27-year-old Jewish law student opposed to the peace process, after a pro-peace rally in Tel Aviv.¹ In its 1996 report, citing the Israeli liberal newspaper of record and other media, the Special Committee noted that “on 7 November, the widow of Prime Minister Yitzhak Rabin blamed the Likud Party leader, Benjamin Netanyahu, and other Israeli right-wing inciters for helping to create the atmosphere that had led to her husband's assassination by a religious Jewish fanatic. In a series of television interviews, Mrs. Rabin blamed right-wing parliamentarians for giving extremely violent speeches in the Knesset and allowing incitement against her husband.”² The domestic atmosphere of fear and violence that Benjamin Netanyahu has cultivated since the mid-1990s, when he first campaigned against the Oslo Accords, persists, and has worsened in 2023 during Mr. Netanyahu's sixth term as Prime Minister.

9. The virulent rhetoric and policies of some Israeli ministers during the Oslo years galvanized Israeli practices that endure today. Amid negotiations with the Palestinian Authority in 1998, the then Foreign Minister of Israel, Ariel Sharon, delivered a speech urging settler youth to “run and grab as many hilltops as they can to enlarge the settlements, because everything we take now will stay ours.”³ As the Special Committee noted in its 1999 report, “the settlers responded rapidly to Minister Ariel Sharon's calls for the occupation of the western hills in the West Bank and their

¹ A/51/99, para. 44; see also www.newyorker.com/magazine/2015/10/26/yitzhak-rabin-assassination-israel-oslo-peace-accords.

² A/51/99, para. 48.

³ See www.nytimes.com/2003/02/16/magazine/the-unsettlers.html?smid=nytcore-ios-share&referringSource=articleShare, 16 February 2003.

transformation into new settlement nuclei.”⁴ Mr. Sharon’s speech propagated the nascent “Hilltop Youth” movement – an extremist, ultranationalist movement that seeks to establish illegal settlement outposts across the occupied West Bank. On 23 June 2023, the National Security Minister of Israel, Itamar Ben-Gvir, who is both a settler and a former “Hilltop Youth”, invoked Mr. Sharon’s message in a speech at an illegal outpost and also called on settlers to “‘run to the hilltops’ and establish additional outposts”.⁵

10. During Mr. Netanyahu’s first term as Prime Minister, from June 1996 to July 1999, the peace process faltered, and it later collapsed at the Middle East Peace Summit, held at Camp David in July 2000. Two months later, Ariel Sharon infamously visited the holy sites in occupied East Jerusalem as opposition leader on 28 September 2000, leading to what the Special Committee described in its 2000 report, published within a week of the visit, as “violent disturbances, resulting in great loss of life and injuries ... spreading to the occupied territories of West Bank, Gaza and also to several Arab townships in Israel.”⁶ This unrest quickly became the second intifada. On 3 January 2023, the Minister of National Security of Israel, Itamar Ben-Gvir, visited the holy sites in Jerusalem in his first week in office, prompting the first emergency session of the Security Council in 2023. The Council was informed in a briefing that it was the first visit “to the site by an Israeli minister since 2017”⁷ and was considered “particularly inflammatory given Mr. Ben-Gvir’s past advocacy for changes to the status quo”.⁸ Mr. Ben-Gvir visited the holy sites in Jerusalem a second time on 21 May, amid ongoing tensions,⁹ and a third time during the reporting period, on 27 July 2023 (the Jewish holiday of Tisha B’Av),¹⁰ stating, “This is the most important place for the people of Israel, which we must return to and show our rule”.¹¹ The Special Committee notes that Jordan has been custodian of the holy sites in Jerusalem for more than a century, a role recognized in article 9 of the 1994 Israel-Jordan Peace Treaty,¹² and condemns Mr. Ben-Gvir’s repeated attempts to undermine the historic status quo and incite violence at the holy sites in Jerusalem.

11. Mr. Ben-Gvir’s Jewish Power is the most right-wing party in Israeli politics; its parent party, “Kach”,¹³ was banned from the Knesset in 1988 for inciting racism. After a Kach member, Baruch Goldstein, murdered 29 Palestinian worshippers at Al-Ibrahimi Mosque/the Cave of the Patriarchs in Hebron during the holy month of

⁴ A/54/325, chap. XIV.B.2.

⁵ S/PV.9361, p. 3.

⁶ A/55/453, para. 34.

⁷ The current Ambassador of Israel to the United Nations, Gilad Erdan, was the minister (Likud) who visited in 2017. In its 2022 report (paras. 21 and 22), the Special Committee previously condemned Ben-Gvir for accessing the holy sites on 7 August 2022 (i.e., before becoming a minister) on the final day of the country’s “Operation Breaking Dawn” as an act of incitement.

⁸ See S/PV.9236, p. 2. Under the status quo, Jews and Christians are permitted to visit Haram al-Sharif, but only Muslims can pray; Jews pray at the Western Wall. The holy sites are managed by the Jordanian Waqf, but access is controlled by the Israel Police.

⁹ See www.reuters.com/world/middle-east/far-right-minister-says-israel-in-charge-during-visit-jerusalem-holy-site-2023-05-21/.

¹⁰ On Tisha B’Av, the ninth day of the Jewish month of Av, Jews commemorate the destruction of the First and Second Temples.

¹¹ See <https://apnews.com/article/israel-gvir-minister-palestinians-killed-west-bank-3c0495b6671588233e4fce2e45c1cfad?taid=64c20c50e6cfe30001f46d6f>.

¹² See https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20JO_941026_PeaceTreatyIsraelJordan.pdf.

¹³ Meir Kahane, the founder of “Kach”, emigrated from Brooklyn, New York, United States of America, to Israel in 1971. In 1972, Kahane was arrested in Israel for attempting to smuggle explosives to Europe, reportedly to blow up the Libyan Embassy in Brussels. Jewish Power is an ideological offshoot of Kach, and Ben-Gvir once served as a Kach youth leader. See also www.washingtonpost.com/world/middle_east/israel-election-netanyahu-ben-gvir/2021/03/19/c3992b7c-85c4-11eb-be4a-24b89f616f2c_story.html.

Ramadan, and the Jewish holiday of Purim, on 25 February 1994, Kach was designated as a terrorist organization in Israel and as a foreign terrorist organization by the United States of America.¹⁴ The Security Council strongly condemned the massacre and called upon Israel to prevent “illegal acts of violence by Israeli settlers”¹⁵ in Council resolution 904 (1994) and called for “a temporary international or foreign presence”,¹⁶ which led to the establishment of the Temporary International Presence in Hebron, a civilian observer mission comprising 65 international monitors, in 1994. In 2019, the Prime Minister, Mr. Netanyahu, refused to renew the mandate of the civilian observer mission, and the mandate expired on 31 January 2019.¹⁷ In its report of 2019, the Special Committee noted that, since the announcement of the termination of the mission’s mandate, the number of incidents of settler harassment and intimidation in the Hebron area had doubled.¹⁸

12. The National Security Minister, Mr. Ben-Gvir, was once an active member of “Kach” and still attends annual memorial services for Meir Kahane each November.¹⁹ A settler leader in the notoriously militant²⁰ Kiryat Arba settlement on the outskirts of Hebron, Mr. Ben-Gvir has eight criminal convictions, including for supporting a terrorist organization and for incitement to racism.²¹ At the age of 18 in March 1995, Mr. Ben-Gvir reportedly dressed up as Baruch Goldstein for the holiday of Purim,²² one year after Goldstein massacred 29 Palestinians during Purim in 1994. Aged 19, Mr. Ben-Gvir brandished a stolen Cadillac ornament from the car of the then Prime Minister, Mr. Rabin, on television in October 1995, threatening to “get to” Rabin three weeks before he was assassinated.²³ Following Mr. Rabin’s assassination, Mr. Ben-Gvir was exempted from conscription to the Israel Defense Forces on account of his extreme views.²⁴ On their first date, Mr. Ben-Gvir and his wife reportedly visited Goldstein’s grave in Meir Kahane Park,²⁵ and a portrait of Goldstein reportedly hung in their living room until January 2020, when Ben-Gvir offered to take it down in an unsuccessful bid to be considered in Naftali Bennett’s right-wing bloc.²⁶ The police

¹⁴ See <https://2009-2017.state.gov/j/ct/rls/other/des/123085.htm>. Kach was delisted owing to inactivity, like, for example, Aum Shinrikyo, in 2022, although it remains listed as a specially designated global terrorist entity.

¹⁵ Security Council resolution 904 (1994), para. 2.

¹⁶ *Ibid.*, para. 3.

¹⁷ See www.un.org/sg/en/content/sg/speeches/2019-02-15/remarks-committee-inalienable-rights-of-palestinian-people; and www.haaretz.com/israel-news/2019-01-28/ty-article/.premium/israel-to-expel-international-monitoring-force-in-hebron-after-20-year-presence/0000017f-dc7f-db5a-a57f-dc7f563f0000. Mr. Netanyahu once approved the expansion of the Temporary International Presence in Hebron under the 1998 Wye River Memorandum.

¹⁸ A/74/356, para. 24. See also www.ochaopt.org/content/dignity-denied-life-settlement-area-hebron-city.

¹⁹ See www.reuters.com/world/middle-east/us-see-how-israels-far-right-lawmakers-act-before-passing-judgement-ambassador-2022-11-10/.

²⁰ The Special Committee has documented Kiryat Arba (<https://kiryat4.org.il/>) settler violence for over 30 years. In 1991, the Special Committee noted that “Jerusalem district courts sentenced 12 Kiryat Arba settlers to prison terms ranging from one to four months. They were found guilty of breaking into the Dheisheh [refugee] camp on 6 June 1987, shooting, beating soldiers and committing other offences. Three of the suspects were acquitted.” (A/46/282, para. 150). Kiryat Arba is also home to Baruch Goldstein’s grave, in Meir Kahane Park.

²¹ See www.newyorker.com/magazine/2023/02/27/itamar-ben-gvir-israels-minister-of-chaos.

²² See www.haaretz.com/israel-news/haaretz-today/2023-03-07/ty-article/.premium/in-israel-today-the-joyous-festival-of-purim-shows-its-darker-side/00000186-bce2-da7d-a98e-fdeed3e00000.

²³ See www.washingtonpost.com/world/2023/02/15/israel-ben-gvir-netanyahu-government/.

²⁴ See www.economist.com/the-economist-explains/2022/11/03/who-is-itamar-ben-gvir-israels-kingmaker.

²⁵ See www.newyorker.com/magazine/2023/02/27/itamar-ben-gvir-israels-minister-of-chaos.

²⁶ See www.timesofisrael.com/liveblog_entry/ben-gvir-responds-to-bennett-fine-ill-take-down-baruch-goldsteins-picture/.

chief of Israel reportedly named Ben-Gvir as the biggest inciter of intercommunal violence in the “mixed cities” of Israel in May 2021.²⁷

13. Mr. Ben-Gvir’s celebration of one of the most notorious racists and mass murderers in the history of Israel is particularly ominous given his popularity²⁸ with young Israelis. In September 2023, dozens of Kahanists protested in Jerusalem wearing stickers proclaiming that Yigal Amir, Baruch Goldstein, Amiram Ben Uliel²⁹ and Meir Kahane “were right”.³⁰ As recalled in paragraph 8 of the present report, glorification of political violence by right-wing members of the Knesset in the mid-1990s preceded the assassination of the then Prime Minister, Yitzhak Rabin.

14. Mr. Ben-Gvir is a policy neophyte compared with the Minister of Finance of Israel and Additional Minister in the Ministry of Defense, Bezalel Smotrich, a Kedumim³¹ settlement leader. At the age of 25, in 2005, Mr. Smotrich was reportedly arrested and detained by the country’s Shin Bet security service for three weeks, for his role in a cell of five in possession of 700 litres of gasoline, allegedly planning to torch cars along Ayalon Highway to protest the disengagement of Israel from Gaza.³² In 2017, Mr. Smotrich published a “Decisive Plan”,³³ which he introduced as “a realistic, geopolitical, strategic document”³⁴ – i.e., his policy blueprint. In this racist manifesto, he claims that the Palestinian people are “but a counter-movement to the Zionist movement” and that “there is room for only one expression of national self-determination west of the Jordan River: that of the Jewish nation”. Mr. Smotrich explicitly calls for “the application of full Israeli sovereignty to the heartland regions of Judea and Samaria” (the occupied West Bank) and “establishing new cities and settlements deep inside the territory and bringing hundreds of thousands of additional settlers to live therein.” For Palestinians, Mr. Smotrich envisages either assimilation “contingent on loyalty” into the Jewish State or emigration.

15. Tracts from Mr. Smotrich’s 2017 policy appear in the current Israeli Government Coalition Agreement, which provides that “the prime minister will work towards the formulation and promotion of a policy whereby sovereignty is applied to Judea and Samaria.”³⁵ On 23 September 2023, the Prime Minister, Mr. Netanyahu, appeared in front of the General Assembly with a map “of Israel” visually depicting that policy.³⁶ As the Special Committee noted in its end-of-mission statement in June, the agreement between the Defence Minister, Yoav Gallant, and Mr. Smotrich, dividing defence responsibilities between them, granted Mr. Smotrich expanded

²⁷ See <https://time.com/6252759/palestine-israel-settler-attacks-biden/>.

²⁸ See www.haaretz.com/israel-news/elections/2022-09-13/ty-article-magazine/highlight/why-so-many-young-israelis-adore-this-racist-politician/00000183-3743-db19-abc-37fb61520000.

²⁹ Amiram Ben Uliel murdered an 18-month-old Palestinian, Ali Dawabshe, and his parents Saad and Riham in an arson attack on their home in the occupied West Bank village of Duma in 2015. Ben Uliel’s accomplice, a minor, was represented in court by Itamar Ben-Gvir. See www.nytimes.com/2020/05/18/world/middleeast/israel-amiram-ben-uliel-guilty.html.

³⁰ See www.haaretz.com/opinion/2023-09-10/ty-article-opinion/premium/israels-gen-z-kahanists-have-a-new-hero-terrorist/0000018a-7b2f-d193-a18b-7f3f1c0b0000; and www.timesofisrael.com/organizers-claim-stickers-praising-extremists-at-rally-handed-out-by-provocateurs/.

³¹ Mr. Smotrich technically resides outside the Kedumim settlement boundary, in violation of the settlement’s master plan, Israeli law and international law.

³² See www.timesofisrael.com/former-shin-bet-deputy-chief-said-to-call-hardline-mk-smotrich-a-terrorist/ and www.timesofisrael.com/ex-security-official-foresees-major-disaster-if-smotrich-made-defense-minister/.

³³ <https://hashiloach.org.il/israels-decisive-plan/>.

³⁴ Ibid.

³⁵ See <https://main.knesset.gov.il/mk/government/Documents/CA37-RZ.pdf>.

³⁶ See video, <https://news.un.org/en/story/2023/09/1141302>. In March 2023 Minister Smotrich also spoke at a podium displaying a “map of Israel” that included not only the Occupied Palestinian Territories but also Jordan.

authority over settlement-related activities and civil affairs in the occupied West Bank and establishes a “Settlement Administration” to oversee, instruct and direct the activities of the Coordinator of Government Activities in the Territories and of the Israeli Civil Administration.³⁷ On 18 June, the Government of Israel reduced the six stages of approval required to advance or expand settlements to two stages: Mr. Smotrich and a planning committee.³⁸ Many of the Special Committee’s interlocutors assess that Israel is currently in the process of transferring military control of the occupied West Bank to civilian officials and therefore consider Israel to be annexing the West Bank, consistent with Mr. Smotrich’s 2017 plan to achieve the “political-legal act of imposing sovereignty on all Judea and Samaria, with concurrent acts of settlement.”³⁹

16. On 1 March 2023, when asked on television about an Israeli settler rampage⁴⁰ through the Palestinian West Bank village of Huwwara, Mr. Smotrich said: “The village of Huwwara needs to be wiped out. I think that the State of Israel needs to do that – not, God forbid, private individuals.”⁴¹ Other ministers of the Government of Israel and several Jewish Power members of the Knesset praised the Huwwara attacks or demanded impunity for settlers. The Attorney General of Israel opened an investigation into Jewish Power member, and former Brigadier-General, Zvika Fogel, after he said “Huwwara is closed and burnt. That is what I want to see. Only thus can we obtain deterrence”.⁴² The Minister for Jerusalem Affairs and Heritage, Amichai Eliyahu, from Jewish Power, reportedly denied the existence of settler violence completely.⁴³ On 4 August 2023, a former Jewish Power spokesman, Elisha Yared, was arrested in connection with the murder of a 19-year-old Palestinian, Qusai Matan, during a settler attack on the Palestinian herding village of Burqa, together with the suspected murderer, Yehiel Indore.⁴⁴ On 6 August, commenting on Yared and Indore’s legal defence, Mr. Ben-Gvir tweeted: “a Jew who defends himself and others against the murder of Palestinians is not a murder suspect, but a hero who will receive my full support.”⁴⁵ Elisha Yared was reportedly transferred to house arrest on 9 August.⁴⁶

17. As the acclaimed Israeli historian Avi Shlaim prophetically noted in 2014 upon the death of Ariel Sharon: “His enduring legacy has been to empower and embolden some of the most racist, xenophobic, expansionist, and intransigent elements in Israel’s dysfunctional political system.”⁴⁷ In November 2022, Mr. Netanyahu’s sixth coalition government, comprising his Likud party, the ultranationalist parties Jewish Power and Religious Zionism, the religious conservative parties United Torah Judaism and Shas and a religious conservative and anti-lesbian, gay, bisexual and

³⁷ See S/PV.9290, p. 4.

³⁸ See <https://apnews.com/article/israel-palestinians-west-bank-settlements-smotrich-1f16401de915559965e906f70269908b>.

³⁹ Bezalel Smotrich, <https://hashiloach.org.il/israels-decisive-plan/>, “Stage one: victory through settlement”.

⁴⁰ See paragraph 22; and S/PV.9290, p. 3.

⁴¹ See www.haaretz.com/israel-news/2023-03-01/ty-article/.premium/u-s-condemns-smotrichs-repugnant-disgusting-call-to-wipe-off-palestinian-village/00000186-9eb2-d930-a7ae-dffe27000000.

⁴² See www.jpost.com/israel-news/article-733048.

⁴³ See www.haaretz.com/israel-news/2023-03-02/ty-article/.premium/no-such-thing-as-settler-violence-far-right-israeli-minister-excuses-hawara-rampage/00000186-a2cd-d45a-a9ef-beef9ee40000.

⁴⁴ See <https://apnews.com/article/israel-palestinians-west-bank-settlers-attack-bengvir-netanyahu-f59bad22ce74ca2ea99ebc5ce54e727b>.

⁴⁵ See <https://twitter.com/itamarbengvir/status/1688115966998167552?s=46&t=KDXKKGSE0J1CsbcfXIXxEuA>.

⁴⁶ See <https://apnews.com/article/israel-palestinians-west-bank-settlers-attack-bengvir-netanyahu-f59bad22ce74ca2ea99ebc5ce54e727b>.

⁴⁷ See www.theguardian.com/commentisfree/2014/jan/13/ariel-sharon-no-man-of-peace-israel.

transgender persons (LGBT) party, Noam, won an unprecedented 64 of the Knesset's 120 seats in the fifth legislative election in Israel in four years. The most right-wing and conservative government in the history of Israel was sworn in on 29 December 2022. As the International Crisis Group noted earlier in 2023, the election of the country's current government has provided settlers with political legitimacy that they did not have before, in turn giving them greater audacity.⁴⁸ The Special Committee concurs that the elevation of settlers to ministerial positions has emboldened settler groups and reinforced their impunity, with tragic consequences for Palestinian human rights.

18. The failure of the Oslo process to achieve a peace treaty, and fulfil the right of the Palestinian people to self-determination, ultimately resulted in the deaths of more than 3,000 Palestinians and 1,000 Israelis during the second intifada, from September 2000 to February 2005. During the intifada, Israel began construction of an illegal⁴⁹ separation wall in 2002, ceased home demolitions in 2005, finding that they had no deterrent effect, and subsequently disengaged from Gaza in August 2005, described in the report of the Special Committee of 2007 as "more of a redeployment".⁵⁰ Subsequent major Israeli military operations in 2006,⁵¹ 2008–2009,⁵² 2014⁵³ and 2021⁵⁴ all prompted United Nations human rights commissions of inquiry or fact-finding missions. 2023 is already the deadliest year in the Occupied Palestinian Territory since 2014, when the Israeli "Operation Protective Edge" killed more than 2,250 Palestinians⁵⁵ in Gaza and prompted an ongoing International Criminal Court investigation.⁵⁶

⁴⁸ As quoted at https://time.com/6260249/israel-rising-settler-violence/?utm_source=Sign%20Up%20to%20Crisis%20Group%27s%20Email%20Updates&utm_campaign=6e92d733dd-EMAIL_CAMPAIGN_2019_01_28_08_41_COPY_01&utm_medium=email&utm_term=0_1dab8c11ea-6e92d733dd-360076765.

⁴⁹ In its Advisory Opinion of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory by Israel, the International Court of Justice, principal judicial organ of the United Nations, found that the "construction of the wall, and its associated regime, are contrary to international law." See <https://www.icj-cij.org/public/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>, para. 143.

⁵⁰ A/62/360, para. 47.

⁵¹ On 15 November 2006, the Human Rights Council, in resolution S-3/1, called for a high-level fact-finding mission to be established to investigate Israeli military operations in Beit Hanoun, Gaza, in November 2006. Archbishop Desmond Tutu of South Africa was appointed to lead the mission. See A/HRC/9/26 (2008).

⁵² On 3 April 2009, the President of the Human Rights Council established the United Nations Fact-Finding Mission on the Gaza Conflict to investigate violations of international law in the context of Israeli military operations ("Operation Cast Lead") in Gaza from 27 December 2008 to 18 January 2009. Justice Richard Goldstone of South Africa was appointed to head the mission. See A/HRC/12/48 (2009).

⁵³ In its resolution S-21/1 of 23 July 2014, the Human Rights Council dispatched an independent, international commission of inquiry to investigate violations of international law in the context of Israeli military operations ("Operation Protective Edge") since 13 June 2014. See A/HRC/29/52 (2015).

⁵⁴ In its resolution S-30/1 of 27 May 2021, the Human Rights Council established an ongoing, independent, international Commission of Inquiry, to investigate violations of international law in the occupied Palestinian territory and in Israel leading up to and since 13 April 2021, and all underlying root causes of recurrent tensions, instability and protraction of conflict, including systemic discrimination and repression based on national, ethnic, racial or religious identity. The Israeli Defense Forces named their 10–21 May 2021 operation "Guardian of the Walls".

⁵⁵ See www.ochaopt.org/content/key-figures-2014-hostilities.

⁵⁶ The Court will investigate crimes alleged to have been committed since 13 June 2014. See www.icc-cpi.int/palestine.

V. Situation of human rights in the Occupied Palestinian Territory

19. By early August 2023, Israeli Forces had already killed more Palestinians in the occupied West Bank and Israel in 2023 than in any other year since 2005.⁵⁷ For the third year in a row, Israel also waged a major military operation (“Operation Shield and Arrow”)⁵⁸ against Gaza in May 2023, killing at least 33 Palestinians in five days.⁵⁹ As at September 2023, Israel holds 1,264 Palestinians in administrative detention, the highest number in more than a decade.⁶⁰ As at 12 September, Israeli Forces had killed at least 210 Palestinians in 2023; Israeli settlers had killed 7 Palestinians in the occupied West Bank; and another Palestinian was killed either by Israeli Forces or by a settler.

20. In September 2023, the Office for the Coordination of Humanitarian Affairs documented that, since 2022, more than 1,100 Palestinians from 29 communities in the occupied West Bank have been displaced, citing rising settler violence and prevention of access to grazing land by Israeli settlers. Most of those displaced were in the governorates of Ramallah, Nablus and Hebron, which also have the highest number of Israeli settlement outposts.⁶¹ The United Nations Humanitarian Coordinator, Lynn Hastings, noted that four of the villages are now empty; the populations of six others have halved in size.⁶² Instances of Israeli settler violence have risen every year for the past seven years since Security Council resolution 2334 (2016) was adopted, from 180 incidents a year in 2017 to 856 a year in 2022.⁶³ The Office for the Coordination of Humanitarian Affairs has documented an average of three instances of settler violence a day in 2023, compared with an average of two per day in 2022 and one per day in 2021. This is the highest daily average of settler-related incidents affecting Palestinians since the United Nations started recording such data in 2006.⁶⁴

21. On 19 June 2023, Israel deployed helicopter gunships in the occupied West Bank for the first time since the second intifada, killing five Palestinians.⁶⁵ Two days later, Israel conducted its first targeted killings via drone strike in the occupied West Bank since 2006,⁶⁶ killing three Palestinians. From 3 to 5 July 2023, Israel conducted the largest operation in the Jenin refugee camp since the Battle of Jenin in 2002,⁶⁷ with more than 1,000 Israeli ground forces entering the camp,⁶⁸ killing 12 Palestinians and

⁵⁷ See www.ochaopt.org/poc/25-july-7-august-2023.

⁵⁸ See www.idf.il/en/mini-sites/operation-shield-and-arrow/summary-of-operation-shield-and-arrow/.

⁵⁹ See www.ochaopt.org/content/flash-update-5-15-may-2023.

⁶⁰ See S/PV.9425. For further details on carcerality, see A/HRC/53/59 (advance unedited version) (2023).

⁶¹ See <https://ochaopt.org/content/displacement-palestinian-herders-amid-increasing-settler-violence>.

⁶² See <https://twitter.com/lynnhastings/status/1704784073267302825?s=46&t=KDXKGSE0J1CsbefXIXxEuA>.

⁶³ See www.ochaopt.org/content/increase-settler-violence-remarks-provided-press.

⁶⁴ See <https://ochaopt.org/content/displacement-palestinian-herders-amid-increasing-settler-violence>.

⁶⁵ See www.reuters.com/world/middle-east/israeli-forces-kill-2-palestinians-west-bank-clash-medics-say-2023-06-19/#:~:text=June%2019%2C%202023%3A11%20PM%20PDTUpdated%207%20days%20ago,armed%20fighters%2C%20the%20military%20and%20health%20officials%20said.

⁶⁶ See www.reuters.com/world/middle-east/israeli-settlers-attack-palestinian-village-after-deadly-amas-strike-2023-06-21/.

⁶⁷ See www.ohchr.org/en/press-releases/2023/07/israeli-air-strikes-and-ground-operations-jenin-may-constitute-war-crime-un.

⁶⁸ See S/PV.9387; and www.theguardian.com/world/2023/jul/03/palestinians-killed-israeli-strike-west-bank-jenin.

wounding 143.⁶⁹ The only health clinic run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) inside the Jenin refugee camp was damaged by Israeli fire during the operation and closed, and more than 460 Palestinian homes were damaged.⁷⁰ A thirteenth Palestinian died of his wounds on 25 August 2023,⁷¹ after being shot in the mouth on the first day of the Israeli operation. The Secretary-General expressed “deep concern”⁷² at Israeli military operations in Jenin, which killed and injured more Palestinians than any other single Israeli operation in the occupied West Bank since at least 2005.⁷³ As reconstruction efforts were under way in the Jenin refugee camp, Israeli Forces killed another four Palestinians in the camp on 19 September 2023,⁷⁴ which Israel attributed to its deployment of Maoz suicide drones.⁷⁵

Settler violence, settlement expansion and home demolitions

22. On 26 February 2023, after the killing of two settlers from the Har Bracha settlement, hundreds of settlers descended on Huwvara and neighbouring Palestinian villages, “carrying out, with Israeli security forces present, arson and other attacks. Amid the violence, one Palestinian man was shot and killed, 387 others, including 137 women and 89 children, were injured”.⁷⁶ Hundreds of Palestinians’ cars were also destroyed, and dozens of shops were damaged. According to the Israel correspondent of *The Economist*, a flyer “demanding revenge” and calling on settlers to march on Huwvara at 6 p.m. was widely circulating by the early afternoon.⁷⁷ Israel Defense Force personnel in the location reportedly stood by for hours as settlers assembled in groups with weapons then attacked Palestinians in the villages below. The Israeli military commander responsible for the region, Major General Yehuda Fuchs, described the settler rampage as a “pogrom”, but claimed it “caught the military off-guard”.⁷⁸ On 7 March 2023, during the holiday of Purim, settlers attacked Huwvara again,⁷⁹ and Israeli soldiers were filmed dancing with settlers.⁸⁰

⁶⁹ See www.ochaopt.org/content/israeli-forces-operation-jenin-situation-report-1.

⁷⁰ See S/PV.9387.

⁷¹ See www.ochaopt.org/poc/22-august-4-september-2023.

⁷² www.un.org/sg/en/content/sg/statement/2023-07-03/statement-attributable-the-spokesperson-for-the-secretary-general-%E2%80%93-the-situation-the-middle-east?_gl=1%2A8syfj%2A_ga%2AMTAxNTA3NDMxNi4xNjc5NjQ2NzA1%2A_ga_TK9BQL5X7Z%2AMTY5NDYyNzA4MC4yOC4xLjE2OTQ2MjczMzguMC4wLjA.

⁷³ See S/PV.9387, p. 2.

⁷⁴ See <https://apnews.com/article/israel-palestinians-killed-gaza-west-bank-0454cf65390d6d8c27ddb55d51a083c4>.

⁷⁵ See <https://twitter.com/idf/status/1704193648097734965?s=46&t=KDXKGSE0J1CsbcfXIXxEuA>.

⁷⁶ See S/PV.9290, p. 3.

⁷⁷ See <https://twitter.com/AnshelPfeffer/status/1629957707556954114>.

⁷⁸ See www.timesofisrael.com/settler-extremists-sowing-terror-huwara-riot-was-a-pogrom-top-general-says/.

⁷⁹ See www.washingtonpost.com/world/2023/03/07/huwara-attack-purim-israel-settler-violence/.

⁸⁰ See www.timesofisrael.com/idf-soldiers-dance-with-settlers-in-flashpoint-west-bank-town-of-huwara/.

23. Although only 7 per cent of Israelis are settlers,⁸¹ since 29 December 2022 the settler movement has been represented by two of the six permanent members of the Prime Minister's Security Cabinet.⁸² Six weeks after it formed, the Security Cabinet granted retroactive "legalization" for nine settler outposts in the occupied West Bank and announced an additional 10,000 new settlement units would be approved.⁸³ This flagrant violation of Security Council resolution 2334 (2016) prompted the Council to express its "deep concern and dismay" in its first presidential statement on this item since 2014. The Secretary-General subsequently urged the Government of Israel "to halt and reverse the expansion of settlements in the Occupied Palestinian Territory" and noted that "Israel's persistent expansion of its settlements in the occupied West Bank, including East Jerusalem, deepens humanitarian needs, significantly fuels violence, increases the risk of confrontation, further entrenches the occupation and undermines the right of the Palestinian people to self-determination".⁸⁴

24. In its 2022 report, the Special Committee noted that the previous Government of Israel had acknowledged that settlement activity at Homesh had been illegal and should be evacuated, but Israeli forces had facilitated large settler marches to the site throughout 2022, including a march joined by serving members of Knesset, Idit Silman and Itamar Ben-Gvir.⁸⁵ On 21 March 2023, the Knesset repealed elements of its 2005 Disengagement Law, which had authorized the evacuation of 21 settlements in Gaza and 4 in the West Bank, namely, Homesh, Sa-Nur, Ganim and Kadim, and had provided settlers with financial compensation. The decision drew an immediate rebuke from the United States, saying it was "extremely troubled that the Israeli Knesset has passed legislation rescinding important parts of the 2005 Disengagement Law, including the prohibition on establishing settlements in the northern West Bank", including Homesh, "built on private Palestinian land". The United States State Department further emphasized that "nearly 20 years ago, Prime Minister Ariel Sharon on behalf of Israel affirmed in writing to George W. Bush that it committed to evacuate these settlements and outposts in the northern West bank, to stabilize the situation and reduce frictions".⁸⁶

25. According to the Norwegian Refugee Council, in 1993 there were 280,000 settlers in the occupied West Bank; today there are "more than 700,000, blocking peace and rendering any future Palestinian state increasingly unviable".⁸⁷ Between 1 June 2022 and 31 May 2023, Israeli plans for the construction of some 16,500 settlement units were advanced or approved, of which 11,400 were in Area C of the occupied West Bank and 5,090 in East Jerusalem, a 58 per cent and 145 per cent increase on the previous year's figures, respectively.⁸⁸ According to Israeli media, by 26 June 2023 the Government of Israel had already broken its previous record for the

⁸¹ According to data by the Israel Central Bureau of Statistics, as at 31 December 2022, 5 per cent of Israelis reside in the "Judea and Samaria area" (see www.cbs.gov.il/he/publications/doclib/2023/2.shnatonpopulation/st02_15x.pdf). However, Israel does not include East Jerusalem settlements in those figures, as Israel claimed the "complete and united Jerusalem" as the "capital of Israel" in 1980. In total, more than 700,000 of the country's population of 9.7 million are settlers.

⁸² Minister for Finance, Bezalel Smotrich, and Minister for National Security, Itamar Ben-Gvir. The State Security Cabinet is headed by the Prime Minister and, as of September 2023, also consists of the Foreign Minister, Defense Minister and Justice Minister.

⁸³ See www.reuters.com/world/middle-east/israel-authorises-west-bank-outposts-despite-us-admonition-2023-02-12/.

⁸⁴ See www.un.org/sg/en/content/sg/statement/2023-06-28/statement-attributable-the-spokesperson-for-the-secretary-general-the-occupied-palestinian-territory.

⁸⁵ See A/77/501, paras. 20 and 21.

⁸⁶ See www.state.gov/briefings/departments-press-briefing-march-21-2023/#post-431426-ispal2.

⁸⁷ See www.ft.com/content/e9b2167f-79b0-49bb-834c-112327c2ab31.

⁸⁸ See A/78/554, para. 9.

most settlement homes advanced for construction in a year, with 13,082 settlement units advanced in six months, eclipsing the 2020 record of 12,159 units.⁸⁹ Between 15 June and 19 September 2023, “some 9,500 housing units advanced in this period alone”.⁹⁰ As the Special Committee has now noted in all 55 of its annual reports, settlements have no legal validity and constitute a flagrant violation of international law and every United Nations resolution on this item since June 1967.

26. Article 119 of the Palestine Defence (Emergency) Regulations of 1945 permitted British military commanders to order the forfeiture of property, as a penal provision⁹¹ for violent acts generally committed by the (Zionist) insurgency against the British mandate. It further permitted the military commander to “destroy the house or the structure or anything growing on the land”.⁹² Although repealed by the United Kingdom of Great Britain and Northern Ireland before it withdrew from Palestine in 1948, this punitive colonial practice was revived by Israel following its June 1967 occupation until the end of the second intifada, when an Israeli army review of the first 1,000 days of the conflict found “no proof of the deterrent influence of house demolitions” and reportedly also stated that attacks had risen after the army had begun demolishing homes.⁹³ Israel resumed the practice in 2014, under Prime Minister Netanyahu. Under Mr. Netanyahu’s current Government, in the first quarter of 2023, the Office for the Coordination of Humanitarian Affairs reported a 46 per cent increase in home demolitions compared with the same period in 2022, which already saw the highest numbers of demolitions on record in the West Bank, including East Jerusalem, since 2016.⁹⁴ One month into the job, the National Security Minister, Itamar Ben-Gvir, tweeted⁹⁵ photos of demolitions he had ordered. On 17 August, a Palestinian elementary school in Ein Samiya serving nearly 80 pupils aged 6 to 12 was demolished days before the start of the school year.⁹⁶

27. On 25 January 2023, during a joint Israeli military and police operation in East Jerusalem’s Shuafat refugee camp to demolish the home of Uday Tamimi, Israeli police shot and killed 17-year-old Mohammad Ali, who had been holding a toy gun.⁹⁷ On 13 February, 13-year-old Mohammad Zalabani, an eyewitness to the police shooting of his friend less than three weeks prior and likely motivated by that trauma, reportedly attempted to stab an Israeli Police officer with a kitchen knife on a bus.⁹⁸ A private security guard on the bus attempted to shoot the boy, but instead shot and killed the policeman. Mohammad Zalabani was taken into juvenile detention, awaiting charges. A court dismissed his family’s appeal against the demolition of their home on 25 August,⁹⁹ which will make 13-year-old Mohammad the youngest Palestinian to have his home demolished by Israel. As this tragic chain of events demonstrates, home demolitions have no deterrent effect, and in some instances have incited further violence. The Special Committee reiterates its call for home demolitions in Palestine – a vengeful colonial relic and a grave breach of article 53

⁸⁹ See www.timesofisrael.com/israel-advances-plans-for-5700-settlement-homes-breaking-annual-record-in-6-months/.

⁹⁰ See S/PV.9425.

⁹¹ See <https://archive.org/details/DefenceEmergencyRegulations1945/page/n31/mode/2up>.

⁹² Ibid.

⁹³ See www.haaretz.com/2005-02-17/ty-article/idf-panel-recommends-ending-punitive-house-demolitions-for-terrorists-families/0000017f-da82-dc0c-aff-dbdb4dcf0000.

⁹⁴ See <https://ochaopt.org/content/west-bank-demolitions-and-displacement-january-march-2023>.

⁹⁵ See <https://twitter.com/itamarbengvir/status/1619967010292768770>.

⁹⁶ See www.ochaopt.org/content/elementary-school-ein-samiya-demolished.

⁹⁷ See <https://apnews.com/article/politics-israel-ab135938d2a8a9289e6af1c5323916c5>.

⁹⁸ See <https://apnews.com/article/israel-palestinians-demolition-militants-explosion-jerusalem-court-b05977502bc2c40e61eb68ab733653b4>.

⁹⁹ See www.amnesty.org/en/latest/news/2023/08/israel-opt-supreme-court-approves-punitive-demolition-of-child-detainees-home/#:~:text=The%20Israeli%20Supreme%20Court%20today,trial%20detention%20on%20unfair%20charges.

of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention, 1949) – to cease immediately. The Special Committee notes that home demolitions also constitute an act of collective punishment, criminalized under article 33 of the Convention.

Hebron protection crisis

28. The biblical Palestinian city of Hebron has Jewish, Christian and Islamic heritage, making it a religious, cultural and strategic target to many Israeli policymakers. However, no previous Government has featured a Hebron settler as a senior minister, with a vested personal interest in consolidating Israeli control of the city. Hebron is the only city aside from East Jerusalem where Israeli settlers reside in a Palestinian urban area, and, following Israeli settlement in Hebron since 1968 and its corresponding violence, the city was divided into two zones, “H1” and “H2”, under the 1997 Hebron Protocol. Over 200,000 Palestinians reside in H1, and approximately 33,000 Palestinians and 700 to 800 Israeli settlers reside in H2. The Al-Ibrahimi Mosque/Tomb of the Patriarchs in Hebron’s Old City (H2) is the fourth-holiest site in Islam and the second-holiest site in Judaism. At this flashpoint, Palestinians are increasingly vulnerable to religious violence.

29. Israel established a “closed military zone” encompassing most of Hebron’s Old City (H2) in November 2015, and three protective presence organizations withdrew in November 2015, citing the closed military zone.¹⁰⁰ The avowedly non-violent Palestinian civil society organization “Youth Against Settlements” also received its first temporary closure order in H2 in November 2015.¹⁰¹ As documented in paragraph 11 of the present report, in January 2019, Prime Minister Netanyahu refused to renew the mandate of the temporary international presence in Hebron and expelled its protective presence of 65 international civilian monitors. Since 2020, Israel has rolled out the “wolf pack” facial recognition database in H2,¹⁰² an initiative it labels “Hebron Smart City”,¹⁰³ but which Amnesty International describes as “automated apartheid”.

30. In its May 2023 report, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel documented a February 2023 incident in which Issa Amro, founder of “Youth Against Settlements” and the OHCHR human rights defender of the year for Palestine in 2010, was grabbed by the throat, pushed to the ground and kicked by an Israeli soldier. Pulitzer-prize winning journalist Lawrence Wright, who filmed the incident, noted: “I never had a source assaulted in front of me until today when an Israeli soldier who stopped my interview did this”.¹⁰⁴ Following widespread media attention,¹⁰⁵ the soldier was sentenced to 10 days in detention. The Commission of Inquiry documented that the National Security Minister, Itamar Ben-Gvir, stated that the soldier should not have been sent to military detention for his actions and should have received the support of the establishment instead.¹⁰⁶ Earlier in the reporting period, United Nations experts condemned Israeli forces’ imposition of a “closed military zone” around Mr. Amro’s house on 31 October 2022, the day after he had sought to file a police complaint against Israeli settler violence. United Nations experts had previously called for

¹⁰⁰ See www.ochaopt.org/content/dignity-denied-life-settlement-area-hebron-city.

¹⁰¹ See https://unsco.unmissions.org/sites/default/files/joint_un_strategy_for_hebron.pdf.

¹⁰² See www.amnesty.org/en/documents/mde15/6701/2023/en/, p. 41.

¹⁰³ See www.washingtonpost.com/world/middle_east/israel-palestinians-surveillance-facial-recognition/2021/11/05/3787bf42-26b2-11ec-8739-5cb6aba30a30_story.html.

¹⁰⁴ See https://twitter.com/lawrence_wright/status/1625225014978002944.

¹⁰⁵ See, for example, <https://edition.cnn.com/2023/02/17/middleeast/palestinian-activist-israeli-soldier-intl/index.html>.

¹⁰⁶ See A/HRC/53/22, para. 19.

Mr. Amro's protection in April 2019,¹⁰⁷ noting that the removal by Israel of the temporary international presence in Hebron in 2019 had led to a group of human rights defenders, including Mr. Amro, accompanying children to school in order to protect them from settlers in Hebron.

31. In its 2007 report, the Special Committee observed that settlers living in and around Hebron are particularly militant and violent.¹⁰⁸ In its detailed findings on attacks, restrictions and harassment of civil society actors, issued in June 2023, the Commission of Inquiry also noted that Hebron had long been an epicentre of settler violence – including violence against human rights defenders.¹⁰⁹ A 2016 United Nations joint strategy for Hebron similarly included concerns of continued reports of human rights defenders subjected to physical attacks, harassment, arrest and detention, and death threats, particularly in H2.¹¹⁰ H2 is one of the most sophisticated surveillance environments on Earth; a single checkpoint on Hebron's Shuhada Street – checkpoint 56 – reportedly has at least 24 audiovisual surveillance devices and other sensors mounted on it.¹¹¹ It is impossible for acts of settler violence to occur in H2 without the knowledge and acquiescence of the battalion of approximately 600 Israeli soldiers in the immediate vicinity, however Israeli forces are central to the protection crisis. Last year, the Special Committee noted that, in this context, it is increasingly difficult to discern between settler and State violence.¹¹² The Special Committee notes that, in September 2023, the Norwegian Refugee Council directly attributed settler violence to the State of Israel, finding Israel is responsible for settler violence where its legislature, judiciary or executive, including the armed forces, fail to take all necessary steps to protect Palestinians and prevent settler violence directed at them.

32. In the context of the Hebron protection crisis and the unwillingness of Israel to prevent acts of settler violence, the Special Committee calls upon the Security Council urgently to renew the mandate of the international observer presence in Hebron in accordance with its resolution 904 (1994). The Special Committee recalls that the Commission of Inquiry recently warned of instances of settler violence coinciding with Shabbat Chayei Sarah celebrations in Hebron in late November each year.¹¹³ The Special Committee also notes that, in 2024, the holiday of Purim will mark the thirtieth anniversary of Baruch Goldstein's terrorist act at the Al-Ibrahimi Mosque, and Kahanists have previously commemorated Purim with further violence.

Human rights situation in the Gaza Strip

33. As the policies and practices of the current Government of Israel are increasingly driven by settler interests in the occupied West Bank, emerging policies of the Government are generally less visible in Gaza, as Israel withdrew its Gaza settlements in August 2005. However, the predominance of ultranationalists in the current Government of Israel has equally grave consequences for Palestinian human

¹⁰⁷ See www.un.org/unispal/document/israel-must-ensure-protection-for-issa-amro-and-other-human-rights-defenders-say-un-special-rapporteurs-press-release/.

¹⁰⁸ See A/62/360, para. 36.

¹⁰⁹ See A/HRC/53/CRP/1, para. 75, available at www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session53/A-HRC-53-CRP1.pdf.

¹¹⁰ See https://unsco.unmissions.org/sites/default/files/joint_un_strategy_for_hebron.pdf.

¹¹¹ See www.amnesty.org/en/documents/mde15/6701/2023/en/, p. 40.

¹¹² See A/77/501, para. 26.

¹¹³ See A/HRC/53/CRP/1, para. 76. See also www.haaretz.com/israel-news/2022-11-22/ty-article-magazine/premium/hebron-palestinians-recall-nothing-like-last-weekends-violence-from-jewish-visitors/00000184-9a7d-d199-ade4-db7ff63a0000.

rights in Gaza,¹¹⁴ noting the National Security Minister has continued to campaign for attacks on Gaza since assuming office,¹¹⁵ and the Finance Minister and Additional Minister in the Ministry of Defence, Bezalel Smotrich, who once protested with gasoline the disengagement of Israel from Gaza, has been described as the “arsonist running the fire station”.¹¹⁶ The recommendations of the Special Committee in its 2019 report, following the “Great March of Return” protests (an idea conceived by a Palestinian poet and envisaged as a non-violent march at the separation fence), are particularly pertinent in 2023 amid renewed violence at the Gaza perimeter fence. This latest round of violence again demonstrates the urgent need to end the 16-year air, sea and land blockade by Israel, as demanded by the Special Committee in every one of its reports since 2006.

34. On 31 August 2023, Hamas’s “Supreme National Committee for the March of Return and Breaking the Siege” announced that it intended to erect tents near the border fence east of Gaza City as a prelude to weekly marches demanding the Palestinian right of return and protesting the blockade by Israel. Senior Hamas officials told media representatives that the economic and humanitarian situation in Gaza had worsened again in 2023, and the renewed protests were intended to raise international awareness of the humanitarian situation.¹¹⁷ The Special Committee is deeply concerned that Palestinians were again killed at the Gaza perimeter in September and recalls that during the “Great March of Return” from 30 March 2018 until 27 December 2019, Israeli forces killed 214 Palestinian protestors, including 46 children. Thousands of Palestinians were maimed, and over 36,100, including nearly 8,800 children, were wounded.¹¹⁸

35. In its 2019 report, the Commission of Inquiry on the protests in the Occupied Palestinian Territory documented that, prior to the first “Great March of Return” demonstration in March 2018, Israeli forces reinforced their positions at the fence with additional troops, including more than 100 sharpshooters, and permitted snipers to shoot at the legs of the “main inciters” as a means to prevent a demonstrating crowd from crossing the separation fence.¹¹⁹ The Commission of Inquiry on the protests noted that, in its view, the demonstrations were civilian in nature, had clearly stated political aims and, despite some acts of significant violence, did not constitute combat or a military campaign.¹²⁰ Israeli forces were therefore only permitted to employ firearms in self-defence or for the defence of others in the event of an imminent threat to life.

36. On 30 March 2018, the first day of the protests, Israeli forces killed 18 people and wounded 703, including a two-year-old child who was wounded in the head and

¹¹⁴ For more detailed coverage of the deteriorating human rights situation in Gaza during the present reporting period, see reporting by the Office for the Coordination of Humanitarian Affairs, UNRWA, OHCHR, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women and the United Nations Children’s Fund, in addition to reporting by the Palestine Red Crescent Society and annual reports of the Al Mezan Centre for Human Rights on the situation of economic, social and cultural rights in the Gaza Strip.

¹¹⁵ See www.haaretz.com/israel-news/2023-01-24/ty-article/.highlight/warning-of-imminent-gaza-war-ben-gvir-calls-to-reinforce-police-launch-national-guard/00000185-e4cb-d322-ab8d-edeba10a0000.

¹¹⁶ See <https://time.com/6260249/israel-rising-settler-violence/>.

¹¹⁷ See www.haaretz.com/israel-news/2023-08-31/ty-article/.premium/hamas-weighing-renewal-of-marches-of-return-protests-building-tents-on-israels-border/0000018a-4b8a-d845-adfe-fbeadbb10000.

¹¹⁸ See www.un.org/unispal/document/two-years-on-people-injured-and-traumatized-during-the-great-march-of-return-are-still-struggling/.

¹¹⁹ See A/HRC/40/74, paras. 30 and 31.

¹²⁰ Ibid., para. 32.

a 71-year-old woman who was shot in the legs.¹²¹ Of the 703 wounded, a 16-year-old boy was shot in the face as he distributed sandwiches to demonstrators; a 17-year-old student athlete lost his right leg after being shot from behind while aiding tear-gas victims; and a 19-year-old student journalist wearing a blue “PRESS” vest was shot in both legs, resulting in his right leg being amputated.¹²² A 21-year-old member of the Palestinian cycling team was “shot by Israeli forces in the right leg as he stood holding his bicycle, wearing his cycling kit, watching the demonstrations” and also required a leg amputation. On 14 May 2018, the seventieth anniversary of the declaration of independence by Israel and the Palestinian *Nakba*, Israeli forces killed 60 Palestinian demonstrators, the highest one-day death toll in Gaza since Israel launched its “Operation Protective Edge” in 2014. On 14 May 2018 alone, Israeli snipers shot at least 1,162 people with live ammunition and “hospitals in Gaza were literally overwhelmed by the sheer number of deaths and injuries”.¹²³ The Commission of Inquiry on the protests found reasonable grounds to believe that Israeli snipers shot health-care workers and journalists intentionally, “despite seeing that they were clearly marked as such”.¹²⁴

37. In its 2019 report, the Special Committee called on Israel to systematically investigate all cases of excessive use of force that had led to death or serious injury, including in the context of the Great March of Return and demonstrations in Gaza and the West Bank, including East Jerusalem, and to ensure that all those responsible are held accountable. This has not occurred, and the accountability deficit of Israel persists. The Special Committee notes that, on 20 December 2019, the Prosecutor of the International Criminal Court’s Summary of Preliminary Examination Findings announced that she was satisfied that there was a reasonable basis to believe that war crimes had been committed in the West Bank, including East Jerusalem, and the Gaza Strip.¹²⁵ On 3 March 2021, the Court confirmed it had initiated an ongoing investigation into the situation in the State of Palestine.¹²⁶ As of September 2023, the investigation did not appear to have materially progressed.

38. As a group of 32 Special Rapporteurs noted in March, since the International Criminal Court opened its investigation, “many new violations, allegedly amounting to war crimes and crimes against humanity, have been committed”.¹²⁷ In the view of the Special Committee, this includes the targeted killing of journalist Shireen Abu Akleh in Jenin in May 2022, which followed almost identical incidents of Israeli marksmen targeting Palestinian journalists wearing helmets and protective blue jackets labelled “PRESS” at the Gaza perimeter fence in 2018. The Special Committee implores the Court to make progress in its investigation, particularly noting Israeli judicial paralysis in the context of a constitutional crisis and the prevailing culture of impunity for Israeli war crimes committed in the Occupied Palestinian Territory.

¹²¹ Ibid., para. 46.

¹²² Ibid., para. 44.

¹²³ Ibid., paras. 58 and 59.

¹²⁴ Ibid., paras. 71 and 74.

¹²⁵ See www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-conclusion-preliminary-examination-situation-palestine.

¹²⁶ See www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-respecting-investigation-situation-palestine.

¹²⁷ See www.ohchr.org/sites/default/files/documents/countries/palestine/2023-03-23-Letter-ICC-Palestine.pdf.

Human rights situation of Palestine refugees

39. UNRWA¹²⁸ provides critical services to millions of registered Palestine refugees in the Occupied Palestine Territory, Jordan, Lebanon and the Syrian Arab Republic. UNRWA services include education, health care, relief and social services, protection, infrastructure and camp improvement, and emergency assistance. Although it provides public-like services, UNRWA is funded almost entirely by voluntary contributions and has been chronically underfunded for a decade, with overall income stagnant at 2013 levels while needs and costs have increased. The suspension of UNRWA services would result in a humanitarian crisis, potentially destabilize Jordan, Lebanon and the Syrian Arab Republic and have security consequences for the entire region. Potential flashpoints are already visible. On 3 August 2023, the caretaker Prime Minister of Lebanon called the Palestinian President to warn him that the Lebanese Army might intervene to address armed violence in the Ein El Hilweh Palestinian refugee camp, the largest such camp in Lebanon,¹²⁹ after clashes in which 13 people were and 40 wounded, including an UNRWA staff member.¹³⁰ On 7 September, 4 people were killed and 60 wounded in further clashes in the camp.¹³¹

40. During the reporting period, UNRWA emergency appeals followed earthquakes affecting refugee communities in Lebanon and the Syrian Arab Republic,¹³² as well as Israeli attacks on Gaza¹³³ and Jenin.¹³⁴ Despite a pledging conference in June and a ministerial-level meeting co-hosted by Sweden and Jordan on the sidelines of the General Assembly on 21 September 2023, UNRWA still lacks the funds to operate from November 2023. Days prior to the conference, the International Crisis Group warned that “the perpetual state of [the UNRWA financial] crisis is untenable. It undermines staff morale, prompts salary strikes and reduces an international agency with a proud record of aiding Palestinian refugees to a miserable beggar for alms. It is also inefficient to run what amounts to a welfare state for three million people on a shoestring, as it militates against investing in infrastructure, digitization and other updating of outlay, eroding the quality of services.”¹³⁵ The Group urged “a mix of traditional donors and new ones” to provide multi-year funding commitments, noting “cleaning up after an UNRWA breakdown would be far more costly than closing the financial gap.”

41. On 29 August 2023, 63 members of the United States Congress addressed a letter to the United States Senate Foreign Relations Committee, requesting the release of \$75 million in previously appropriated congressional funding for the delivery by UNRWA of food assistance in Gaza and the West Bank, and noting that United States assistance to Palestine refugees was a “reflection of American values as well as in the diplomatic and security interests of the United States.”¹³⁶ These funds were released

¹²⁸ Established by the General Assembly, in its resolution 302 (IV), to carry out direct relief and works programmes for 750,000 Palestine refugees displaced by the establishment of Israel and the 1948 war.

¹²⁹ See <https://apnews.com/article/lebanon-palestinian-camp-ein-el-hilweh-clashes-7ea1ab956e65d6c61d0bdce8606f4227>.

¹³⁰ See www.unrwa.org/newsroom/official-statements/ongoing-armed-violence-southern-lebanon-refugee-camp-leaves-11-dead.

¹³¹ See www.unrwa.org/newsroom/official-statements/four-killed-and-more-60-injured-amid-heavy-violence-ein-el-hilweh.

¹³² See www.unrwa.org/resources/emergency-appeals/updated-unrwa-flash-appeal-emergency-and-early-recovery-response-support.

¹³³ See www.unrwa.org/newsroom/official-statements/unrwa-responds-palestine-refugees%E2%80%99-needs-gaza-strip-conflict-intensifies.

¹³⁴ See www.unrwa.org/sites/default/files/content/resources/unrwa_jenin_flashappeal_eng_final.pdf.

¹³⁵ See www.crisisgroup.org/middle-east-north-africa/east-mediterranean-mena/israelpalestine/242-unrwas-reckoning-preserving-un-agency-serving-palestinian-refugees.

¹³⁶ See <https://fmep.org/wp-content/uploads/CarsonSanders-UN-Relief-and-Works-Agency-Funding-PDF-Final.pdf>.

on 30 September. The United States also announced it would provide “more than \$73 million in additional funding to support UNRWA’s core and emergency services”¹³⁷ at the 21 September ministerial meeting. While the Special Committee welcomes the resumption of United States funding to UNRWA, which has returned to approximately \$350 million a year after being frozen from 2018 to 2021, current United States funding to UNRWA equates to 7 to 9 per cent of the foreign military assistance provided by the United States to Israel each year, set at \$3.8 billion a year but often supplemented by an additional \$1 billion to replenish the Israeli “Iron Dome” system.¹³⁸ This foreign military assistance provides the United States with no measurable influence over Israeli policies and practices, as repeatedly demonstrated throughout 2023 and acknowledged by former United States Ambassadors to Israel, Daniel Kurtzer and Martin Indyk.¹³⁹ The Special Committee urges the United States to divert a substantial portion of its annual allocation to the Israeli military to instead fund the UNRWA programme budget, thereby making a real investment in Palestinian human rights.

VI. Human rights situation in the occupied Syrian Golan

42. Israeli acts of incitement at Jerusalem’s Haram al-Sharif during Ramadan in 2023 prompted violent reactions from all occupied territories, including the Syrian Golan. After footage of Israeli police beating worshippers inside the Al-Aqsa Mosque in the early hours of 5 April 2023 prompted outrage across the region, rockets were fired into Israel by Palestinian groups in Gaza, southern Lebanon and the Syrian Arab Republic.¹⁴⁰ On 8 to 9 April 2023, six rockets were fired at the Israeli-occupied Golan from the Syrian Arab Republic, reportedly by the Damascus-based Palestinian group Al-Quds Brigade.¹⁴¹ In response, Israel bombed Damascus and fired tank and artillery rounds into southern Syrian Arab Republic, showering shrapnel on United Nations peacekeepers and local civilians in the occupied Syrian Golan. Civilians living on or near the Golan were regularly endangered by Israeli targeting operations throughout 2023, most recently on 21 September 2023, when two people riding a motorcycle were reportedly killed by an Israeli targeted strike near the Syrian town of Beit Jinn.¹⁴²

43. For Syrians living in the occupied Golan, the ongoing conflict between Israel and the Syrian Arab Republic severely constrains their freedom of movement, unless they accept Israeli citizenship. Many Golan residents are Druze Arabs, who, unlike Palestinian citizens of Israel, may be conscripted to serve in the Israel Defense Forces. This coercive environment was codified in Israeli legislation in December 1981, when the Knesset passed the “Golan Heights Law”, purportedly annexing the Golan Heights. At the time, international media reported that there were approximately 12,500 Druze Arabs living in the Golan Heights and 6,000 Israeli settlers, and that annexation “was regarded, in part, as a government attempt to mollify militant settlers in Sinai, who have vowed to resist physically when Israel returns the final strip of the desert peninsula to Egypt [which it did in April 1982], as required by the peace treaty [with Egypt]”.¹⁴³ In 1981, the Finance Minister, Bezalel Smotrich, was an infant living

¹³⁷ See <https://usun.usmission.gov/remarks-by-ambassador-linda-thomas-greenfield-at-a-ministerial-level-meeting-on-unrwa/>.

¹³⁸ See www.reuters.com/world/us/military-aid-israel-removed-us-bill-fund-government-2021-09-21/.

¹³⁹ See www.nytimes.com/2023/07/22/opinion/israel-military-aid.html.

¹⁴⁰ See <https://news.un.org/en/story/2023/04/1135382>.

¹⁴¹ See www.reuters.com/world/middle-east/israel-says-missile-alert-sounded-golan-heights-2023-04-08/#:~:text=State%20media%20in%20Syria%20reported,overnight%20towards%20the%20Golan%20Heights.

¹⁴² See www.reuters.com/world/middle-east/israel-says-its-tanks-hit-two-structures-used-by-syrian-army-golan-area-2023-09-21/.

¹⁴³ See www.nytimes.com/1981/12/15/world/the-golan-heights-annexed-by-israel-in-an-abrupt-move.html.

in the religious Haspin settlement, among 6,000 settlers. By 2023, the number of settlers in the occupied Golan had risen to 29,000, outnumbering the local population of approximately 28,000.¹⁴⁴

44. The Special Committee reiterates its concern that the 34 existing Israeli settlements in the occupied Syrian Golan, in addition to Israeli commercial activity such as the wind turbine project, have limited the Syrian population's access to natural and agricultural resources, in violation of their basic human rights. In June 2023, violent protests against the expansion by Israel of its wind turbine project in the Golan were dispersed by Israeli police firing tear gas and water cannons.¹⁴⁵ Four demonstrators were reportedly seriously wounded, one from gunfire.¹⁴⁶ In total, 12 Israeli police suffered minor injuries. The mayor reportedly warned of further violence and expressed the community's outrage "at Israel's policies and planning laws".¹⁴⁷ The Israeli Finance Minister, Mr. Smotrich, said he supported the police in "enforcing the law, order and governance in the Golan Heights." In the Golan, as in Palestine, the ongoing military occupation and settlement by Israel continue to deny the fulfilment of basic human rights.

VII. Recommendations

45. **The General Assembly and its Member States should:**

(a) **Urge the Security Council to renew the mandate of the international observer presence in Hebron, in accordance with Council resolution 904 (1994);**

(b) **Urge the International Criminal Court to make progress in its investigation into the situation in Palestine, noting that, since the Court announced it had initiated an investigation in March 2021, Israel has allegedly committed further war crimes and crimes against humanity in Gaza and the occupied West Bank;**

(c) **Ensure Israel immediately desists from the practice of home demolitions, in accordance with the decolonization mandate of the Political and Decolonization Committee, noting the British Empire had repealed this penal provision 75 years ago.**

46. **The Special Committee reiterates its recommendations for the General Assembly and its Member States from its previous reports, specifically that the General Assembly should:**

(a) **Urge the Security Council to consider sanctions against Israel if it persists in paying no attention to its international legal obligations;**

(b) **Urge the High Contracting Parties to the Fourth Geneva Convention to take concrete measures in respect of their obligation to ensure respect of the Convention by Israel; a meeting of the High Contracting Parties to that effect should be convened urgently;**

(c) **Urge Israel to end its occupation, in accordance with Security Council resolution 242 (1967) and all relevant subsequent resolutions;**

(d) **Urge Israel to end its blockade of Gaza;**

¹⁴⁴ See A/78/554.

¹⁴⁵ See www.reuters.com/world/middle-east/druze-opposing-golan-wind-farm-scuffle-with-israeli-police-2023-06-21/.

¹⁴⁶ See <https://apnews.com/article/israel-druze-golan-syria-1630cc39ebe1839d4dd1c05d92fd44d9>.

¹⁴⁷ See www.timesofisrael.com/4-druze-seriously-injured-12-cops-hurt-in-massive-riots-against-golan-wind-farm/.

(e) Urge Israel to cease all settlement activity in the occupied West Bank, including East Jerusalem, and in the occupied Syrian Golan;

(f) Ensure that all Member States review national policies, legislation, regulations and enforcement measures in relation to business activity in order to ensure that they in effect serve to prevent and address the heightened risk of human rights abuses in the occupied territories; in accordance with paragraph 5 of Security Council resolution 2334 (2016), all Member States must distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

(g) Ensure that corporations respect human rights and cease funding or entering into commercial transactions with organizations and bodies involved in settlements or the exploitation of natural resources in the Occupied Palestinian Territory and the occupied Syrian Golan;

(h) Ensure that Member States cease offering tax incentives and other concessions to settler organizations;

(i) Give effect to the legal obligations contained in the relevant advisory opinions of the International Court of Justice;

(j) Support UNRWA with predictable and sustainable funding, to ensure uninterrupted service provision to millions of Palestinian refugees and to preserve the rights, dignity and hope of Palestine refugees, especially women and children.

47. The Government of Israel should:

(a) Reverse its January 2019 decision to end the mandate of the international observer presence in Hebron;

(b) Investigate all incidents involving the use of force resulting in death or injury, in particular war crimes and crimes against humanity committed by Israeli forces, and hold perpetrators accountable;

(c) Immediately desist from the practice of home demolitions.

48. The Special Committee reiterates the following recommendations for Israel from its previous reports:

(a) End the occupation, in accordance with Security Council resolution 242 (1967) and subsequent resolutions;

(b) End the blockade on Gaza;

(c) Ensure accountability for violations of international criminal law, international humanitarian law and international human rights law;

(d) End and reverse all policies and practices of home evictions, demolitions and settlements in the occupied territories;

(e) Investigate and prosecute all instances of settler violence;

(f) Restore freedom of movement for the people of the occupied territories;

(g) End the mass detention of Palestinians;

(h) Cooperate with the United Nations.