



General Assembly

Distr.: General
3 October 2022

Original: English

Seventy-seventh session

Agenda item 47

**Israeli practices and settlement activities affecting
the rights of the Palestinian people and other Arabs
of the occupied territories**

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-fourth 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 General 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 contains information regarding the efforts of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories to implement its mandate and on the human rights situation in the occupied Arab territories, from 1 September 2021 to 31 August 2022. For the first time since the onset of the coronavirus disease (COVID-19) pandemic, the Special Committee conducted annual consultations with Member States in Geneva and undertook its annual mission to the region. The Special Committee regrets that Israeli authorities did not respond to a request for consultations with them during the visit or grant members access to Israel, the Occupied Palestinian Territory and the occupied Syrian Golan. In the present report, a number of concerns are addressed relating to the humanitarian situation and blockade in Gaza and the escalation in hostilities in August 2022; attacks on journalists, human rights defenders and freedom of expression in the occupied West Bank, including East Jerusalem; demolitions and forcible evictions, expansion of settlements, settler violence and the complicity of Israeli security forces; the situation of Palestine refugees; the situation of human rights in the occupied Syrian Golan; and Israeli policies and practices that infringe upon the human rights of Palestinians in a discriminatory manner vis-à-vis the treatment granted to Israeli citizens living in the same area.

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 currently composed of three Member States: Malaysia, Senegal and Sri Lanka. In 2022, the Special Committee was represented by three members: the Permanent Representative of Sri Lanka to the United Nations in New York, Mohan Pieris (Chair), the Permanent Representative of Malaysia to the United Nations in New York, Syed Mohamad Hasrin Aidid, and the Permanent Representative of Senegal to the United Nations in New York, Cheikh Niang.

II. Mandate

2. The mandate of the Special Committee, as set out in General Assembly resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories. The occupied territories are considered to be those remaining under Israeli occupation since 1967, namely, the Occupied Palestinian Territory, which comprises the occupied West Bank, including East Jerusalem, and Gaza, as well as the occupied Syrian Golan.

3. The present report is submitted pursuant to General Assembly resolution 76/80, in which the Assembly requested the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross, according to its regulations, in order to ensure that the welfare and human rights of the peoples of the occupied territories, including prisoners and detainees, are safeguarded, as well as to submit to the Secretary-General annual reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem. The present report covers the period from 1 September 2021 to 31 August 2022.

III. Activities of the Special Committee

A. Consultations with Member States in Geneva

4. The Special Committee held its annual consultations in Geneva on 24 and 25 March 2022. It met with Member States and other stakeholders, including the Permanent Observers of the State of Palestine and the Organization of Islamic Cooperation and the Permanent Representatives of Egypt, Jordan, Lebanon and the Syrian Arab Republic. The Special Committee also met the United Nations Deputy High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the members of the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, as well as representatives of non-governmental organizations (NGOs).

5. During the consultations, the Special Committee gathered information and views on the most pressing issues to address in its report to the General Assembly and

on recent developments in the Occupied Palestinian Territory and in the occupied Syrian Golan.

B. Field mission to investigate Israeli practices

6. The Special Committee wrote to the Government of Israel on 19 May 2022 to request access to Israel and the Occupied Palestinian Territory and the occupied Syrian Golan. As in previous years, Israel did not respond. The Special Committee regrets that it was therefore unable to hold consultations with the relevant Israeli authorities or to gain access to the occupied territories.

7. Owing to insecurity in the region, the Special Committee was unable to visit Gaza through the Rafah crossing, or the Syrian Arab Republic. Instead, the Special Committee convened meetings with civil society, victims and witnesses, Palestinian officials and United Nations representatives in Amman from 4 to 8 July 2022. The Special Committee expresses its sincere appreciation to all those who provided testimony and briefings on a wide range of human rights and humanitarian issues. When witnesses were unable to travel to Amman, especially from Gaza and the occupied Syrian Golan due to the denial of travel permits, the Special Committee gathered testimony and briefings through teleconferences. On 15 July 2022, the Special Committee released an end-of-mission statement.¹ Documentation and other materials provided to the Special Committee were carefully examined prior to the preparation of the present report. Information contained in the report is based primarily on testimony and submissions received by the Special Committee over the course of its mission in July 2022.

IV. Situation of human rights in the Occupied Palestinian Territory

8. The Special Committee was informed about a wide range of human rights issues during its meetings and through written submissions resulting from the continued occupation that has lasted over 55 years. Briefings to the Special Committee underscored Israeli policies and practices that infringe upon the human rights of Palestinians in a discriminatory manner vis-à-vis the treatment granted to Israeli citizens living in the same area. Other specific areas of concern highlighted throughout the mission included the alarming increase in Palestinian fatalities throughout the reporting period; the steady increase in violence by settlers with the acquiescence, support and participation of Israeli security forces; the criminalization and detention of human rights defenders; the detention, assault and killing of journalists; and continued Israeli annexation of Palestinian land, including Masafer Yatta, which constitutes the largest displacement of Palestinians since 1967 and may amount to forcible transfer, a grave breach of international humanitarian law.

Killing of Palestinians

9. From 1 January to 11 August 2022, Israeli security forces killed 74 Palestinians, including 20 children, in the context of purported law enforcement operations in the West Bank, including East Jerusalem.² During the same period in 2021 – which itself saw high tensions amid conduct of the Israeli security forces operation “Guardian of

¹ See www.ohchr.org/en/statements/2022/07/end-mission-statement-un-special-committee-investigate-israeli-practices.

² See www.ohchr.org/en/press-releases/2022/08/bachelet-alarmed-number-palestinian-children-killed-latest-escalation-urges.

the walls” from 10 to 21 May 2021 – 41 Palestinians, including 9 children, were killed by Israeli security forces. According to data collected by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Israeli security forces injure a greater number of Palestinians in refugee camps with live ammunition than anywhere else in the occupied West Bank.

10. In many instances, lethal force is used by Israeli security forces as a first resort, including the 11 May 2022 killing of a 16-year-old Palestinian boy in the context of a stone-throwing incident. The boy was shot in the chest from a distance of 100 m, a distance at which he could not have posed a threat to Israeli soldiers. On 15 March 2022, another 16-year-old Palestinian boy was shot several times in the back and killed while running away from an armoured vehicle of the Israeli security forces.³ On 2 July 2022, according to video and eyewitness evidence, a 17-year-old Palestinian boy was fatally shot from a range of 30 metres as he turned and ran after throwing stones at Israeli soldiers.⁴ On 6 July 2022, during the Special Committee’s visit to the region, a Palestinian man was shot and killed as he left his house during a nearby arrest operation conducted by Israeli security forces. Israeli security forces stated that the man had been shot after trying to run away.⁵ The Special Committee was also briefed on a “confirmation of kill” incident in the Old City of Jerusalem on 7 March 2022, in which Israeli security forces were filmed employing lethal force against a suspect who had already been injured and was no longer posing a threat.⁶

11. The Special Committee was briefed that Israel is currently holding the bodies of 325 Palestinians, which denies families closure and may constitute an act of collective punishment. The Special Committee calls on Israel to immediately release the bodies of all deceased Palestinians in its custody in accordance with international law and as a humanitarian gesture.

Annexation of Masafer Yatta

12. On 4 May 2022, the Israeli High Court of Justice issued a decision on the Masafer Yatta – or “Firing Zone 918” – eviction case, approving the removal of 1,150 Palestinians, 569 of them children, from 215 Palestinian households.⁷ The Special Committee was advised that affected Palestinian residents had exhausted virtually all legal remedies before Israeli courts and were now unprotected and at imminent risk of forcible transfer.⁸ Following the decision, on 11 May 2022, demolitions in Khirbat al-Fakhit and Markaz communities resulted in the forced eviction of 49 persons, 24 of whom were children. The Special Committee notes that the forcible transfer of civilians from, or within, the Occupied Palestinian Territory is absolutely prohibited under international humanitarian law.⁹

13. The Special Committee was briefed that the 4 May 2022 ruling of the Israeli High Court of Justice on Masafer Yatta appeared to be part of a wider policy of Israel to use closed military areas in the Occupied Palestinian Territory to justify the confiscation and demolitions of Palestinian lands and homes, in some cases to

³ Presentation given by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory to the Special Committee, 5 July 2022.

⁴ Briefing given by the Special Coordinator for the Middle East Peace Process to the Security Council, 26 July 2022.

⁵ Ibid.

⁶ See www.haaretz.com/israel-news/twilight-zone/2022-04-09/ty-article-magazine/.highlight/an-incapacitated-assailant-is-shot-point-blank-in-jerusalem-but-no-one-cares/00000180-5bb0-dbl1e-ald4-dff1d9b80000.

⁷ See www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022.

⁸ West Bank Protection Consortium: Protecting Communities from Forcible Transfer, “Bi-monthly situation report”, May 2022.

⁹ Fourth Geneva Convention, art. 49.

facilitate the establishment and expansion of settlements.¹⁰ Documented cases of transfers of land from firing zones to settlements exacerbated those concerns.¹¹ On 28 February 2022, the Israeli High Court of Justice observed that “civilian Jewish presence is part of the regional security doctrine in the area”.¹² The Government has endorsed this policy in the South Hebron Hills since at least July 1981, according to recently published minutes of government meetings.¹³

14. During the Special Committee’s visit to the region in July 2022, the Israel Defense Forces were conducting a live ammunition exercise in Masafer Yatta, the first such exercise to be conducted there in over 20 years.¹⁴ Residents reported incidents of bullets striking homes, extensive movement restrictions and tank tracks destroying agricultural land during the month-long exercise. According to the Office for the Coordination of Humanitarian Affairs, 78 per cent of declared firing zones within the West Bank are otherwise unused, but zoning restrictions criminalize Bedouin livelihoods.

15. The Special Committee was briefed that the residents of Masafer Yatta were among the most vulnerable in the Occupied Palestinian Territory and were dependent on humanitarian aid, due to a restrictive and discriminatory planning regime.¹⁵ All four Palestinian schools and clinics in Masafer Yatta are under pending demolition orders, and a total of 56 schools across the occupied West Bank have demolition orders in place. Palestinian communities live in constant fear of home demolitions, arson and violence from adjacent settlers. The Special Committee was briefed that demolition orders were arbitrarily enforced, and military orders for demolition within 72 hours were increasing. Often issued on Thursday evening, demolitions usually occur in the middle of the night, casting Palestinian families out onto the street. The Special Committee was informed that at least 80 per cent of demolitions in the South Hebron Hills during the reporting period occurred within three km of existing settlements, in order to facilitate settlement expansion.

16. The Special Committee notes that on 28 June 2022, Sami Hureini, a prominent human rights defender and member of the peaceful resistance activist group “Youth of Sumud”, was reportedly arrested at a checkpoint in Masafer Yatta. Mr. Hureini is currently being tried in the Ofer Military Court for allegedly obstructing and assaulting a soldier and entering a closed military zone, following his participation in a peaceful demonstration on 8 January 2021. Reportedly, no physical evidence substantiating the allegations against Mr. Hureini has been presented to the court. In a press release issued on 2 August 2022, human rights experts demanded that the criminalization and harassment of human rights defenders in Masafer Yatta must end.¹⁶

¹⁰ West Bank Protection Consortium: Protecting Communities from Forcible Transfer, “Bi-monthly situation report”, May 2022.

¹¹ A/73/410, para.28.

¹² See www.haaretz.com/opinion/editorial/2022-03-03/ty-article-opinion/.premium/settlements-dont-create-security-justice-stein/0000017f-db7b-db22-a17f-ffb79440000.

¹³ See www.akevot.org.il/wp-content/uploads/2020/08/2020-08-09-Haaretz-Documents-Reveals-Ariel-Sharons-Plans-to-Expel-1000-Palestinians.pdf.

¹⁴ See www.haaretz.com/israel-news/2022-06-16/ty-article/.premium/idf-to-carry-out-live-fire-war-games-near-several-palestinian-villages-facing-eviction/00000181-6bea-dd01-a593-6feab7b70000.

¹⁵ See www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022.

¹⁶ See www.ohchr.org/en/press-releases/2022/08/israel-criminalisation-and-harassment-human-rights-defenders-masafer-yatta.

Settlement expansion, settler violence and participation of Israeli security forces

17. The Special Committee was briefed on the increase, throughout the reporting period, in advancement plans for settlement construction, with plans for some 9,200 housing units in the West Bank (7,200 in Area C and 2,000 in East Jerusalem)¹⁷ having been advanced or approved by the Israeli authorities. The Special Committee reiterates that the establishment and expansion of Israeli settlements in the Occupied Palestinian Territory amount to the transfer of Israeli civilian population into the Occupied Palestinian Territory in violation of international humanitarian law, and may amount to a war crime.¹⁸ The establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, have no legal validity and constitute a flagrant violation of international law, as reiterated in Security Council resolution 2334 (2016) and other relevant United Nations resolutions.

18. The Special Committee was briefed that settlement advancements aimed at further consolidating a ring of settlements around East Jerusalem continued. On 4 and 18 October, and on 8 November 2021, the Israeli Civil Administration held discussions on settlement housing plans for nearly 3,500 units in the strategic E1 area immediately east of East Jerusalem. Throughout January 2022, Israeli authorities advanced plans for some 2,700 housing units in the East Jerusalem settlement of “Gilo” and Palestinian neighbourhoods.¹⁹

19. The Special Committee notes that these advancements will create a contiguous build-up of settlements along the perimeter of East Jerusalem and will create territorial contiguity between Jerusalem, the “Gilo” settlement and the “Gush Etzion” settlement bloc, adjacent to Bethlehem. By contrast this will isolate the Palestinian village of Walaja, sever the connection between the northern and southern West Bank, detach East Jerusalem from the rest of the West Bank, in effect undermining the possibility for a viable and contiguous Palestinian State. In East Jerusalem, Israeli policies and practices that infringe upon the human rights of Palestinians vis-à-vis Israeli citizens are thus pursued systematically, with the clear objective of Judaizing Jerusalem.²⁰

20. The Special Committee was advised that Palestinians were still unable to access their lands in vicinity of the former “Homesh” settlement, which was evacuated in 2005. Although the settlement was dismantled as part of the disengagement of Israel in 2005 from the Gaza Strip and sections of the West Bank, the site remains a de facto outpost, which the Government of Israel has acknowledged is illegal and should be evacuated.²¹ Israeli security forces fail to enforce bans on settlers accessing the site, and regularly provide security for large settler marches to the site. The senior commander of the Israel Defense Forces in the region is publicly pro-settler (see para. 25 below).²² On 19 April 2022, thousands of demonstrators took part in a large march to the “Homesh” settlement under the protection of Israeli security forces, while movement restrictions were imposed on Palestinians. In subsequent clashes

¹⁷ A/77/493.

¹⁸ Fourth Geneva Convention, art. 49 (6). See also Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

¹⁹ Briefing given by the Special Coordinator for the Middle East Peace Process to the Security Council, March 2022.

²⁰ See www.haaretz.com/israel-news/2022-04-06/ty-article-magazine/.highlight/maps-prove-the-judaization-of-east-jerusalem-gathers-steam/00000180-5b98-dc66-a392-7fdb31340000.

²¹ See www.haaretz.com/israel-news/2022-05-29/ty-article/.premium/west-bank-outpost-of-homesh-to-be-evacuated-israel-tells-top-court/00000181-102f-dff4-a3f5-b6ef2e2a0000.

²² See www.haaretz.com/opinion/editorial/2022-06-12/ty-article-opinion/the-settlers-brigade-commander/00000181-5960-d399-a7d7-5967a9cd0000.

with Israeli security forces, 79 Palestinian civilians were reportedly wounded by tear gas, rubber bullets and other riot control measures.²³

21. The Special Committee notes with concern the participation of two serving Members of the Israeli Knesset in the 19 April 2022 “Homesh” settler march, Idit Silman and Itamar Ben-Gvir. Mr. Ben-Gvir also reportedly accessed the Aqsa Mosque compound on 7 August under police protection on the final day of the Israeli security forces “Operation Breaking Dawn”, participated in the Jerusalem Day march on 29 May and established a makeshift office in Shaykh Jarrah in February. The makeshift office prompted protests by Palestinian residents and violent clashes that led to six people being injured with sponge-tipped bullets, and another 25 injured from tear gas inhalation. The then Prime Minister of Israel, Naftali Bennett, condemned Mr. Ben-Gvir’s acts as a provocation, designed to inflame the situation “solely for political goals”.²⁴

22. In the context of such acts of incitement, the Special Committee was briefed on unprecedented levels of settler violence during the reporting period. Although the Israeli Minister of Defence, Benjamin Gantz, convened an emergency meeting on 18 November 2021²⁵ to address the steep rise in settler violence, attacks continued with impunity in 2022, the sixth year of consecutive annual growth in the number of settler attacks. The average number of attacks per month resulting in injury and/or property damage in 2022 stands at 59, an increase of 48 per cent compared with 2021.²⁶ Perpetrators are very rarely held accountable, and everyday settler attacks rarely garner attention. On 21 January 2022, seven Israeli human rights activists were attacked south of Nablus by 15 masked assailants from the nearby illegal outpost of Giv’at Ronen, striking the activists with clubs, throwing stones and setting one of their cars on fire.²⁷ Responding to widespread criticism, the Yesha Council, the umbrella organization of municipal councils of West Bank settlements, described this particular attack as “unusual” and condemned the attack. The only unusual characteristic of this attack was that the victims were Israelis.

23. The Special Committee received multiple reports of gangs of armed and masked settlers dragging Palestinians out of their homes, beating Palestinian farmers, seizing land by force, smashing windows, uprooting or burning olive groves, and terrorizing entire communities. Settler attacks have become increasingly well coordinated during the reporting period. The Office of the United Nations High Commissioner for Human Rights (OHCHR) briefed the Special Committee on the participation of settlement guards – “civilian security coordinators” – in attacks, notably on 25 February 2022 at “Esh Kodesh” and 23 March 2022 at “Maskiyot”. The civilian security coordinators are paid, trained and armed by Israeli security forces, are granted certain law enforcement powers and are subject to the military discipline system. As such, they are agents of the State.²⁸

²³ See www.haaretz.com/israel-news/2022-04-19/ty-article/.premium/israeli-army-to-secure-10-000-strong-march-to-west-bank-outpost/00000180-655b-db2f-a1c0-ef5f630a0000.

²⁴ See www.haaretz.com/israel-news/2022-02-14/ty-article/.premium/after-a-day-of-clashes-far-right-lawmaker-returns-to-sheikh-jarrah/0000017f-e99c-da9b-a1ff-edff9c950000.

²⁵ See www.haaretz.com/israel-news/2021-11-19/ty-article/.premium/settler-attacks-on-palestinian-spike-reflecting-israels-systemic-failure/0000017f-e228-d38f-a57f-e67aa5090000.

²⁶ West Bank Protection Consortium: Protecting Communities from Forcible Transfer, “Bi-monthly situation report, May 2022.

²⁷ See www.haaretz.com/israel-news/2022-01-21/ty-article/settlers-attack-activists-in-west-bank-set-their-car-ablaze/0000017f-f7a7-ddde-abff-ffe7c69e0000.

²⁸ CCPR/C/GC/36, paragraph 15. See also Fourth Geneva Convention, art. 29, and International Law Commission Draft Articles on Responsibility of States for Internationally Wrongful Acts, article 8.

24. The Special Committee was also briefed on many instances of settler attacks being directly facilitated by Israeli security forces, which often act as a de facto heavily armed, protected and highly mobile reserve force in the event of Palestinian resistance. In written reports and media statements, Israeli security forces euphemistically refer to settler attacks as “friction”. In reality, settler attacks are used by the State as a “tool that benefits Israel as it brings about politically significant, unilateral changes aimed at consolidating its rule in the territory conquered in 1967”.²⁹ Palestinian resistance to settler attacks, usually in the form of throwing stones, is often met by tear gas, rubber bullets or lethal force by Israeli security forces. Tear gas and rubber-coated metal bullets are often fatal when employed against children, and the United Nations Children’s Fund has advised the Special Committee that tear gas and rubber bullets constitute the leading causes of death for children in the occupied West Bank and East Jerusalem (live ammunition ranks third)

25. The Special Committee was appalled to receive multiple reports of a qualitative increase in the participation and complicity of Israeli security forces in settler violence, with junior officers and soldiers often taking a direct part in attacks. Senior commanders in the Occupied Palestinian Territory openly declare their support for settlers. On 30 May 2022, the Commander of the Samaria Regional Brigade of the Israel Defense Forces in the northern West Bank, Colonel Roy Zweig, told local yeshiva students in a Jerusalem Day speech: “It has often been said that the army and the settlement movement work together. I disagree with that, I think the army and the settlement movement are one and the same.”³⁰ Colonel Zweig was given a verbal reprimand but retained command. According to ex-Israel Defense Forces soldiers now employed by the non-governmental organization Breaking the Silence, Israeli settlers are directly involved in shaping administrative and military policy. Ex-soldiers who served in the Coordinator of Government Activities in the Territories unit of the Ministry of Defence, described several meetings with leaders of settler councils and settler movements for the purpose of conducting mission planning, in addition to the management of State lands and advancement of construction plans in settlements.³¹

26. In this context, the Special Committee finds it increasingly difficult to discern between settler and State violence. The Special Committee was briefed about an incident that occurred in Jerusalem on 17 November 2021, in which it was not possible to determine whether a 16-year-old boy had been shot dead by a settler or by Israel security forces. OHCHR reported on a similar incident near the Hizma checkpoint on 16 June 2021 and another two incidents in May 2021.³² On 12 January 2022, a 78-year-old Palestinian-American, Omar Abdalmajeed As’ad, died at an impromptu Netzah Yehuda battalion checkpoint after being beaten, handcuffed, blindfolded and gagged and left for 20–60 minutes in very cold conditions. A post-mortem confirmed that Mr. As’ad had died after suffering a “stress-induced sudden cardiac arrest stemming from external violence”.³³ None of the soldiers involved were suspended from duty or indicted; however, after several members of the United States

²⁹ See www.haaretz.com/israel-news/2022-02-10/ty-article-magazine/.highlight/violent-israeli-settlers-are-starting-to-resemble-the-kkk/0000017f-e69d-dea7-adff-f7ff4a810000.

³⁰ See www.timesofisrael.com/commander-reprimanded-after-saying-idf-settlement-movement-one-and-the-same/.

³¹ See www.haaretz.com/israel-news/2022-08-02/ty-article/.highlight/former-israeli-soldiers-denying-palestinians-permits-used-to-suppress-hunger-strikes/00000182-5e05-d9b3-a1a2-5fdd5c160000.

³² A/HRC/49/85, para. 22.

³³ See www.theguardian.com/world/2022/jan/26/man-78-died-of-stress-induced-heart-attack-after-israeli-detention-says-autopsy.

Congress called for an investigation, three commanders were reportedly reassigned as a cosmetic measure.³⁴

27. The Special Committee was informed that since 1967, Israel had established, or allowed the establishment of, 279 settlements, outposts or satellite neighbourhoods in the West Bank. As of August, the settler population was approximately 700,000 persons. By contrast, Israel issues “stop work” orders against most Palestinian infrastructure development works, citing an absence of permits. Less than 1 per cent of Palestinian requests for construction permits in Area C were granted between 2016 and 2020.³⁵ However, 98 per cent of Israeli planning applications are accepted.³⁶ A decade-long trend of new outposts³⁷ continued during the reporting period. The Special Committee also received reports of Israeli and international settler organizations recruiting prospective settlers from abroad, and various foreign Governments offering tax incentives and other concessions for financial contributions to settler organizations.

28. The Special Committee notes that Israel has continued to consolidate settlement blocs with networks of bypass roads and the separation wall. East of Jerusalem, a new “eastern ring road” will reportedly not be accessible to Palestinians and is expected to accelerate development of new settlements in the West Bank. As a result, Palestinians’ rights to freedom of movement and access to services and livelihoods continue to be systematically infringed, including due to discriminatory restrictions on accessing key roads on “security” grounds.³⁸ The Special Committee notes that the separation of populations by forms of urban control such as road networks was a key characteristic of urban planning regimes in southern Africa under apartheid.

29. The Special Committee notes that under international law, the occupation of territory in wartime is a temporary, de facto situation, which deprives the occupied power neither of its statehood or its sovereignty. Its 55-year occupation of Palestine and settlement of titles by Israel constitutes an irreversible act of sovereignty by a permanent regime and subverts the principle that occupation is inherently temporary.³⁹ The Special Committee is of the view that the unabated rise in settler violence and the complicity of Israeli security forces documented above are symptoms of an occupation with no parallel in modern history. As population growth fuels increased competition for limited resources in the occupied West Bank, this violence will likely continue to worsen. Spiralling rates of settler violence will therefore not end until Israel ends its occupation. In the absence of engagement by Israel with the Special Committee, the Special Committee is aware of no legal basis to justify the continued occupation by Israel of Palestinian territory. The Special Committee is therefore unable to reconcile the policies and practices of the State of Israel, its soldiers and its settlers on Palestinian territory with international law. The Special Committee notes the March 2022 finding of the former Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, that these Israeli policies and practices amount to the crime of apartheid.⁴⁰

³⁴ See www.nytimes.com/2022/02/01/world/middleeast/israel-commanders-palestinian-man.html.

³⁵ See www.haaretz.com/israel-news/2021-12-07/ty-article/.premium/demolition-orders-for-palestinians-in-west-banks-area-c-hit-five-year-record/0000017f-f234-d487-abff-f3fe38d0000.

³⁶ Briefing given by the Office for the Coordination of Humanitarian Assistance in the Occupied Palestinian Territory to the Special Committee, 7 July 2022.

³⁷ A/76/336, para. 9.

³⁸ See <https://peacenow.org.il/en/keidar-road>.

³⁹ Regulations respecting the Laws and Customs of War on Land, arts. 43 and 55.

⁴⁰ A/HRC/49/87.

Discriminatory access to justice

30. The Special Committee notes that the lives of Palestinians in the West Bank are governed by more than 1,800 military orders issued since 1967 by the Commander of the Israel Defense Forces, covering issues from security to land planning and zoning, natural resources and the administration of justice. The military legal system of Israel in the occupied West Bank applies to Palestinians, but not Israeli settlers. Palestinians arrested for security offences can be detained without charge for a much longer period than Israeli settlers. The military legal system is presided over by Israeli military judges, trials are conducted in Hebrew (which many Palestinian detainees do not speak, in particular child detainees), few procedural and substantive legal protections are provided and prisoners' lawyers are significantly restricted in their access to evidence.⁴¹

31. The Special Committee was briefed on the fact that, over the past 15 years, 92 per cent of Palestinian claims of settler violence were closed without indictments, usually as a result of poor police work and evidence collection.⁴² Israeli police data confirms that charges were filed in under 4 per cent of settler violence cases in the period from 2018 to 2020.⁴³ By contrast, 90 per cent of investigations into Palestinians in the period from 2014 to 2018 led to indictments in military courts, with 96 per cent of cases prosecuted resulting in conviction, 99.6 per cent based on plea deals between 2018 and April 2021.⁴⁴ This divergence is symptomatic of separate standards of adherence to the rule of law in the occupied West Bank – one standard for Israelis and one for Palestinians – as observed by then- Ambassador of the United States of America to Israel, Daniel Shapiro, in 2016.⁴⁵

32. On 21 June 2022, a 27-year-old Palestinian man, Ali Hassan Harb, was stabbed to death by a settler near Salfit in the central occupied West Bank. An Israeli court placed a gag order on the details of the investigation, preventing release of the settler's name. The State prosecutor closed the case against the assailant on 25 August, claiming that self-defence could not be ruled out.⁴⁶ The treatment of the assailant in this case is irreconcilable with cases involving Palestinian assailants. The Special Committee considers this discrepancy to be symptomatic of discriminatory Israeli law enforcement and legal accountability, which often afford impunity to Israelis who commit serious crimes.

Evictions and demolitions

33. The Special Committee was briefed that over 80 per cent of demolitions across the Occupied Palestinian Territory occurred within three km of existing settlements, thereby connecting existing settlements and undermining the contiguity of Palestinian territory. In addition to declaring "closed firing zones", Israel also regularly designates large tracts of land as "nature reserves", which landowners cannot cultivate without pre-approval from an Israeli Nature Reserve Officer. On 12 April 2022, Israeli authorities proceeded with plans to declare a "nature reserve" on approximately

⁴¹ Ibid.

⁴² See www.haaretz.com/israel-news/2022-02-10/ty-article-magazine/.highlight/violent-israeli-settlers-are-starting-to-resemble-the-kkk/0000017f-e69d-dea7-adff-f7ff4a810000.

⁴³ See www.haaretz.com/israel-news/2022-02-07/ty-article-magazine/.premium/charges-are-pressed-in-just-4-of-settler-violence-cases/0000017f-e826-df2c-a1ff-fe77f5090000.

⁴⁴ See www.haaretz.com/israel-news/2022-04-25/ty-article-magazine/.highlight/israels-other-justice-system-has-rules-of-its-own/00000180-6566-d824-ad9e-e7664fa10000.

⁴⁵ See www.jta.org/2016/01/18/israel/us-ambassador-to-israel-blasts-2-standards-of-law-in-west-bank.

⁴⁶ See www.haaretz.com/israel-news/2022-08-25/ty-article/.premium/israel-closes-case-against-settler-suspected-of-fatally-stabbing-palestinian/00000182-d597-d972-a7d6-dd9f49470000?lts=1661501201006.

5,000 acres of land south of Jericho, of which some 1,500 acres are private Palestinian-owned property. The so-called Nachal Og Nature Reserve is the largest reserve to be declared in 25 years. As of July 2022, Israel had declared about 48 nature reserves in the occupied West Bank, comprising approximately 12 per cent of Area C and 7 per cent of the entire occupied West Bank.⁴⁷ The Special Committee notes that continued evictions of Palestinians and settlement expansion during 55 years of occupation alters the reality on the ground, contrary to international humanitarian law and the Security Council resolutions.

34. On 26 July 2022, Israel carried out the punitive demolitions of the homes of two Palestinians accused of killing a security guard outside the settlement of “Ariel” in the occupied West Bank on 29 April.⁴⁸ Punitive house demolitions may amount to collective punishment,⁴⁹ in violation of international humanitarian law. Such measures impose severe hardship on people for acts they have not committed, resulting in possible violations of a range of human rights, including the right to adequate housing as part of the right to an adequate standard of living.⁵⁰ Punitive home demolitions also disproportionately affect Palestinian women and girls, and have severe impacts on their physical and psychological well-being.⁵¹ The Committee against Torture considers that the policy of punitive house demolitions violates article 16 (2) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁵²

35. The Jerusalem Municipality requires affected homeowners to defray the financial costs of its demolition of their homes. In many cases, homeowners cannot afford to pay these costs and face large fines or imprisonment. The Special Committee was briefed on a dramatic increase in the number of self-demolitions under compulsion over recent years. This increase has been largely fuelled by Amendment 116 to the Planning and Building Law, which entered into force in October 2017.⁵³ In conjunction with the Administrative Offenses Regulations, which entered into force in December 2018, the amendment provides for increased fines and prison sentences for those who refuse to demolish their homes, while simultaneously limiting the potential for judicial remedies in such cases.⁵⁴ The coercion of East Jerusalem residents – through the application of acute financial pressure and threats to liberty – to destroy their own homes is particularly cruel and devastating, especially for children.

36. In East Jerusalem, one third of Palestinian homes are at risk of demolition, and Palestinians are in effect prohibited from building in approximately 85 per cent of East Jerusalem.⁵⁵ The Special Committee was informed that at least 970 Palestinians, including more than 420 children, were currently facing the threat of home demolition and forced eviction in East Jerusalem, mostly in the neighbourhoods of Sheikh Jarrah and Silwan. The Special Committee is concerned that on 15 May 2022, the Israeli High Court of Justice upheld the plan of the Government of Israel to construct a cable car connecting West Jerusalem to a settler organization centre near an old city gate

⁴⁷ S/2022/504, para. 5.

⁴⁸ See <https://www.reuters.com/world/middle-east/israeli-forces-demolish-houses-accused-palestinian-gunmen-2022-07-26/>.

⁴⁹ A/HRC/46/63, paras. 9–10.

⁵⁰ International Covenant on Economic, Social and Cultural Rights, art. 11.

⁵¹ CEDAW/C/ISR/CO/6, paras. 32–33, and A/HRC/46/63, para. 10.

⁵² CAT/C/ISR/CO/5, para. 41.

⁵³ See www.ir-amim.org.il/sites/default/files/REPORT-%20AMENDMENT%20116%20TO%20THE%20PLANNING%20AND%20BUILDING%20LAW.pdf.

⁵⁴ West Bank Protection Consortium: Protecting Communities from Forcible Transfer, “Bi-monthly situation report”, May 2022.

⁵⁵ Ibid.

while threatening home demolitions and forced evictions of Palestinian residents in Silwan.⁵⁶

37. Discriminatory Israeli planning resulting in forced evictions and demolitions affect Palestinian women and girls disproportionately.⁵⁷ The Human Rights Committee has concluded that the systematic practice of demolitions and forced evictions based on the discriminatory policies had led to the separation of Jewish and Palestinian communities in the OPT, which amounted to racial segregation.⁵⁸ They also breach the obligations of Israel as the occupying Power and further exacerbate the coercive environment increasing the risk of forcible transfer. Along with forcible transfer, extensive and wanton destruction of property without military necessity are also grave breaches of the Fourth Geneva Convention and thus war crimes.⁵⁹

Shrinking civic space

38. The Special Committee is gravely concerned that Israeli restrictions on freedom of expression, association and peaceful assembly escalated to unprecedented levels during the reporting period. On 18 August 2022, Israeli security forces caused extensive damage to property and issued military orders imposing the closure of seven Palestinian human rights and humanitarian organizations,⁶⁰ following the declaration of these organizations as “unlawful” by the Military Commander, and the designation in October 2021 of six of those organizations as “terrorist” by the Israeli Minister of Defence.⁶¹ The Special Committee was briefed that OHCHR, the European Union and the United States Central Intelligence Agency⁶² remained unaware of any credible evidence to support the accusations and that OHCHR had concluded that the designation decisions were based on vague and unsubstantiated allegations.⁶³ The Special Committee urges all donors to continue funding the work of the six NGOs, which are among the most eminent and respected NGOs in the Occupied Palestinian Territory.

39. These designations and closures by Israeli authorities raise serious concerns that counter-terrorism legislation and military orders are being used to halt, restrict or criminalize legitimate human rights and humanitarian work, including important work on accountability. These measures, adding to a series of actions undermining civil society organizations working for the human rights of Palestinians, constitute attacks on human rights defenders, and seriously inhibit freedoms of association, opinion, expression and the right to public participation.⁶⁴ The Special Committee echoes the call of the United Nations High Commissioner for Human Rights for Israel to revoke its designations against Palestinian human rights and humanitarian organizations, and cease its attacks on these organizations in the absence of sufficient evidentiary basis for terrorism designations.

⁵⁶ See <https://www.jlac.ps/details.php?id=u72v7ka2360yjidx4vf8r>.

⁵⁷ CEDAW/C/ISR/CO/6, paras. 32–33.

⁵⁸ CCPR/C/ISR/CO/5, para. 42.

⁵⁹ Fourth Geneva Convention, arts. 49, 53 and 147; Regulations respecting the Laws and Customs of War on Land, arts. 46 and 56.

⁶⁰ See [https://www.ohchr.org/en/press-releases/2022/08/un-experts-condemn-israeli-suppression-palestinian-human-rights#:~:text=GENEVA%20\(24%20August%202022\)%20%2D,shut%20them%20down%20last%20week](https://www.ohchr.org/en/press-releases/2022/08/un-experts-condemn-israeli-suppression-palestinian-human-rights#:~:text=GENEVA%20(24%20August%202022)%20%2D,shut%20them%20down%20last%20week).

⁶¹ A/HRC/49/25, paras. 36–40.

⁶² See www.theguardian.com/world/2022/aug/22/cia-report-israel-palestinian-rights-groups.

⁶³ See www.ohchr.org/en/statements/2022/03/human-rights-situation-opt-including-east-jerusalem-and-obligation-ensure.

⁶⁴ Ibid.

Attacks on journalists

40. The Special Committee was deeply distressed by the killing of eminent Palestinian-American journalist Shireen Abu Akleh and the wounding of her colleague Ali Sammoudi in Jenin on 11 May 2022. The Special Committee is gravely concerned that Israeli authorities have not conducted a criminal investigation, despite acknowledging the “very high likelihood” that Ms. Abu Akleh was killed by an Israeli soldier.⁶⁵ The Special Committee was briefed by the OHCHR Office in the Occupied Palestinian Territory, which inspected photo, video and audio material, visited the scene, interviewed witnesses, consulted experts, and reviewed official communications from the Israeli security forces and the Palestinian Attorney-General. On the basis of this information, the Special Committee was informed that several well-aimed bullets were fired at the journalists from the direction of an Israeli security forces convoy located approximately 180 m away, despite clear “PRESS” markings on the journalists’ body armour. One bullet injured Mr. Sammoudi in the shoulder; another bullet hit Ms. Abu Akleh in the head, killing her instantly.⁶⁶

41. Several further single shots were fired as colleagues attempted to reach Ms. Abu Akleh and provide first aid. The killing of Ms. Abu Akleh, known as the “voice of Palestine”, is profoundly symbolic. Her death visibly affected every member of Palestinian civic society that briefed the Special Committee during its visit, particularly the women journalists and human rights defenders whom she inspired. The Special Committee also deplores the desecration of Ms. Abu Akleh’s funeral procession, in East Jerusalem on 13 May, by Israeli security forces who physically attacked pallbearers and mourners. Israeli security forces also seized Palestinian flags from mourners,⁶⁷ and smashed the window of the hearse carrying Ms. Abu Akleh’s body, removing a Palestinian flag. The Special Committee is appalled by the lack of dignity, respect and humanity displayed by Israeli security forces during the funeral of a civilian Palestinian icon.

42. International human rights law requires prompt, thorough, transparent, independent and impartial investigation into all use of force resulting in death or serious injury. The Special Committee urges Israeli authorities to initiate a criminal investigation into Ms. Abu Akleh’s killing and into all other killings and serious injuries by Israeli security forces in the Occupied Palestinian Territory, including into the killing in Gaza on 6 April 2018, of the Palestinian journalist, Yasser Murtaja, and the serious injury of two other journalists.

Detention of Palestinians

43. The Special Committee was extensively briefed on the use of arbitrary arrests, medical neglect and torture against many of the 4,700 Palestinians currently detained in Israeli prisons, and the increased deployment of administrative detention as an arbitrary, coercive, and punitive measure between January and May 2022 as compared to the same period in 2021.⁶⁸ The Special Committee was briefed that women are often subjected to gender-based violence during the arrest process, including unwarranted body searches and threats of sexual violence. Mothers are often threatened with the detention of their children if they do not comply. According to the United Nations Children’s Fund, on average, 150 Palestinian children are in custody at any given time, 100 of them in pretrial detention. The Special Committee urges Israel to immediately release Ahmad Manasra, a 20-year-old Palestinian suffering

⁶⁵ See <https://idfanc.activetrail.biz/ANC0509202205>.

⁶⁶ See www.ohchr.org/en/press-briefing-notes/2022/06/killing-journalist-occupied-palestinian-territory.

⁶⁷ See www.nytimes.com/live/2022/05/13/world/shireen-abu-akleh-funeral-israel.

⁶⁸ See <https://addameer.org/news/4847>.

from schizophrenia who has been detained in Israeli prisons since he was 14 years old. The overriding consideration of Israel in this case was security considerations, not the best interests of the child.⁶⁹

44. The Special Committee was briefed on the case of the French-Palestinian human rights defender, Salah Hammouri, who has been subjected to repeated arbitrary arrests since 2000. In that regard, the Special Committee was also informed that on 11 July 2022, the Paris Prosecutor opened a judicial investigation into the NSO Group's surveillance of Mr. Hammouri's phone in October 2021.⁷⁰ The administrative detainment of Mr. Hammouri since 7 March 2022⁷¹ has been extended until at least December 2022. The Special Committee was briefed on the continued lack of accountability for the use of torture by the Israel Security Agency (also known as Shabak or Shin Bet), in particular in the case of the Palestinian prisoner, Samer Arbeed, who was hospitalized with broken ribs and facial injuries that left him unrecognizable following an interrogation that almost killed him.⁷² The Special Committee was also briefed on the situation of a detainee at Damon prison, Sa'deyeh Farjallah, who had passed away on 2 July 2022 after suffering from apparent medical neglect.⁷³ The Special Committee deplores the continued administrative detention by Israel of approximately 640 Palestinian prisoners, including, on average, two to seven children at any one time.

45. The Special Committee was briefed on the detention of the former Programme Director of the Gaza office of World Vision, Mohammad el-Halabi. In 2016, he was arrested by the Israel Security Agency at the Bayt Hanun/Erez crossing, on the basis of allegations that he had diverted \$50 million in humanitarian funds for irregular use in Gaza. He was reportedly subjected to ill-treatment, solitary confinement, duress and coercion to admit guilt, all of which may amount to torture. Mr. el-Halabi has consistently maintained his innocence and refused to negotiate a plea. Both World Vision and an independent audit found no evidence of diversion of funds. Mr. el-Halabi was charged with terrorism-related offences, largely on the basis of secret evidence. On 15 June 2022, the Beersheba District Court in Israel convicted Mr. el-Halabi on 13 charges of terrorism, including membership of a terrorist organization and diverting humanitarian funds to finance terrorist activities.⁷⁴ The Special Committee calls upon the Israeli authorities to afford Mr. el-Halabi the right to appeal the conviction and proceedings that respect and protect his fair trial guarantees, and to release him, pending appeal.

Discriminatory access to basic services

46. The Special Committee was advised that the Palestinian Water Authority only controlled 20 per cent of water supply in the Occupied Palestinian Territory. Israel limits access to the Jordan River basin and controls the remaining 80 per cent of the water supply to the Occupied Palestinian Territory. According to the Palestinian Authority, access to water is limited to 84 litres per person per day, below the minimum guidelines of the World Health Organization (WHO). This decreases over the summer months. Since nearly 30 per cent of Area C is designated by Israeli security forces as "firing zones", in addition to the constant threat of evictions and demolitions, the 38 Palestinian

⁶⁹ See www.ohchr.org/en/press-releases/2022/07/un-experts-urge-israel-free-ahmad-manasra.

⁷⁰ See www.fidh.org/en/region/north-africa-middle-east/israel-palestine/france-salah-hammouri-judicial-investigation-opened-targeting-nso.

⁷¹ Ibid.

⁷² See www.addameer.org/news/addameer-condemns-israeli-attorney-generals-decision-close-investigation-against-shabak.

⁷³ See <https://www.addameer.org/ar/node/4847>.

⁷⁴ See www.ohchr.org/en/press-releases/2022/06/un-experts-condemn-israels-arbitrary-detention-and-conviction-palestinian.

communities (over 6,200 people) in those zones have limited access to education and health services, and water, sanitation, and electricity infrastructure.⁷⁵ The 13 Palestinian herding communities of Masafer Yatta in the southern Hebron area often survive on less than 40 litres per person per day, while Israeli settlers have access to 320 litres per capita per day.⁷⁶ Discriminatory limitations of Palestinian access to and use of farmland, water and other natural resources, and restrictions on the provision of health, education and basic services deprive Palestinians of their economic and social rights. Decades of discriminatory allocation of resources by Israeli authorities, for the benefit of Jewish Israeli citizens in Israel and Israeli settlers in the Occupied Palestinian Territory, compound these inequalities.⁷⁷

47. The blockade and the repeated military offensives on Gaza by Israel have “created conditions inimical to human life” due to shortages of housing, potable water and electricity, and lack of access to essential medicines and medical care, food, educational equipment and building materials.⁷⁸ Gaza’s coastal aquifer, its sole source of natural drinking water, has become polluted and unfit for human consumption because of contamination by seawater and sewage. Ninety per cent of households in Gaza have to buy water from desalination or purification plants, costing between 10 and 30 times more than piped water.⁷⁹

Human rights situation in the Gaza Strip

48. The Special Committee was briefed extensively about the dire human rights and humanitarian situation in the Gaza Strip. The 15-yearland, sea and air blockade has in effect caused 2.1 million Palestinians to be trapped in the 365 km² of the Gaza Strip. This makes Gaza one of the most densely populated areas on Earth, and the blockade constitutes a form of collective punishment in conditions Gazan and international civil society organizations describe as an “open-air prison”.⁸⁰ At least two thirds of Gazans (1.4 million people) are registered with UNRWA as refugees, and UNRWA assistance is critical to ensure that the most basic food needs of vulnerable refugees are met.⁸¹ The blockade and border closures imposed by Israel, the effects of the conflicts that occurred from 10 to 21 May 2021 and from 5 to 7 August 2022 and the impact of the coronavirus disease (COVID-19) pandemic have continued to stifle the local economy, constricting the livelihoods of the population. The Special Committee was briefed that the unemployment rate in Gaza, which had exceeded 50 per cent in 2021, was currently at 71.8 per cent for youth aged 15 to 29 years,⁸² and permits to obtain employment outside of Gaza were extremely rare, with current quotas amounting to less than 1 per cent of the population of Gaza. Livelihoods available in Gaza, such as fishery and agriculture, expose Gazans to grave risks of violence and attacks by Israeli security forces. Fishers are often fired upon with rubber bullets and water cannons, subjected to ill-treatment and physical abuse upon arrest, and not allowed to contact their families once detained.⁸³

⁷⁵ Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory, humanitarian key facts and figures, May 2022.

⁷⁶ See www.ochaopt.org/content/palestinians-strive-access-water-jordan-valley.

⁷⁷ See www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/.

⁷⁸ Ibid.

⁷⁹ A/HRC/49/87.

⁸⁰ See www.hrw.org/news/2022/06/14/gaza-israels-open-air-prison-15.

⁸¹ See www.unrwa.org/sites/default/files/content/resources/2022_opt_ea-english_eng.pdf.

⁸² See www.unrwa.org/sites/default/files/content/resources/2022_opt_ea-english_eng.pdf; and www.pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=4109.

⁸³ Briefing given by the Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory to the Special Committee, 7 July 2022. See also www.ochaopt.org/content/gaza-strip-humanitarian-impact-15-years-blockade-june-2022.

49. The Special Committee expresses deep concern with regard to the right to health in Gaza, in particular in the context of the ongoing COVID-19 pandemic. Palestinians with medical needs have been severely affected by the blockade, owing to the limited ability of the health-care system in Gaza to respond to those needs, which are growing. The entry and export of goods is strictly controlled and restricted by Israel. Gazans requiring urgent medical care outside the Gaza Strip are unable to do so without exit permits from Israel. The Special Committee was briefed on several tragic cases of Palestinian infants and children dying of treatable causes while waiting for exit permits to seek lifesaving specialized treatment in East Jerusalem. According to the WHO Office for the West Bank and Gaza, during the reporting period, 36.1 per cent of patient permit applications were delayed. The Al Mezan Center for Human Rights briefed the Special Committee on the case of Fatma Al-Misri, a Palestinian infant diagnosed with an atrial septal defect in 2021.⁸⁴ The WHO Office for the West Bank and Gaza noted that lifesaving surgery was successful in 99.9 per cent of cases for her condition. Despite having obtained a medical referral from the Palestinian Ministry of Health and three confirmed hospital appointments at Makassed Islamic Charitable Society Hospital in Jerusalem, Israeli authorities denied Fatma the requisite exit permit to travel to Jerusalem for her appointments. Fatma died on 22 March 2022, when she was 19 months old.

50. Amnesty International has noted that since 2008, Israel has imposed sweeping prohibitions on residency permits for Gaza residents, based on the premise that “the Gaza Strip is a region where activity which may endanger the security of the State of Israel and its citizens takes place, and as such it is difficult for the government to conduct individual security assessments of family unification applicants”.⁸⁵ The Special Committee is of the view that this generic classification of Gazans as an individual and collective security threat continues to permeate Israeli policies and practices, and is at the core of most of the human rights violations in Gaza. WHO noted that Gazan men aged between the ages of 18 and 40 are far less likely than any other demographic in Gaza to receive permits for medical travel, irrespective of medical need. Those who do receive a permit are often transferred and/or treated in handcuffs if treated in Israel, according to the Palestinian Ministry of Detainee Affairs. Physicians for Human Rights and the WHO Office for the West Bank and Gaza have observed that the Ministry of Health has considerably less involvement in the permit approval process than the Coordinator of Government Activities in the Territories.

51. The Special Committee strongly condemns the conduct by Israel of “Operation Breaking Dawn” in Gaza from 5 to 7 August, during which 48 Palestinians were killed. Among those killed, 22 were verified by OHCHR as civilians, including 17 children and 4 women.⁸⁶ A number of Israeli airstrikes hit prima facie civilian objects, and the Special Committee calls on all parties to refrain from targeting civilians, in particular children. As the Secretary-General of the United Nations remarked during the previous offensive by Israel on Gaza in May 2021, if there were a hell on Earth, it would be the lives of children in Gaza today.⁸⁷

⁸⁴ See www.mezan.org/en/post/24117/Press+Release:+Al+Mezan+holds+Israel+responsible+for+the+death+of+19-month-old+patient+in+Gaza+denied+care+for+five+months.

⁸⁵ Amnesty International, *Israel's Apartheid against Palestinians: Cruel System of Domination and Crime against Humanity*, p. 99. Available from <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>.

⁸⁶ See www.ohchr.org/en/press-releases/2022/08/bachelet-alarmed-number-palestinian-children-killed-latest-escalation-urges.

⁸⁷ See www.un.org/sg/en/content/sg/statement/2021-05-20/secretary-general%E2%80%99s-remarks-the-general-assembly-meeting-the-situation-the-middle-east-and-palestine-delivered.

52. Since 2007, Israel has imposed a “dual use” policy and restricted entry into Gaza of any goods it deems to have potential military as well as civilian use. This includes medical equipment such as X-ray machines and other medical equipment “with communications functions”. Israel has banned the import of medical devices necessary for radiology services in Gaza hospitals since April 2021, in addition to the import of spare parts necessary for the maintenance of broken and out-of-service medical devices.⁸⁸ Limiting the supply of fuel into Gaza during political and security crises further reduces the electricity supply in Gaza, with immediate health consequences for patients requiring specialist and 24-hour medical care. The Special Committee is deeply concerned that draconian limitations on the movement of persons and goods, including medical and humanitarian relief items, has undeniably resulted in preventable deaths.

53. The picture emerging from the Gaza Strip is increasingly bleak, with the population deprived of access to adequate health care, employment, basic services such as water and electricity, and freedom of movement. The blockade has affected every area of Palestinian life, including well-being, health, education, livelihood and environment. The dire situation in the Gaza Strip is a man-made humanitarian catastrophe, maintained and perpetuated by deliberate policies and practices designed to control a trapped population. The Special Committee urges the international community to shift its focus from humanitarian emergency to addressing the root cause of the catastrophe, including ending the blockade and border closures.

Human rights situation of Palestine Refugees

54. The Special Committee received briefings from UNRWA at the Agency’s headquarters in Amman, and at the Marka refugee camp for Gazan refugees. Although UNRWA faces a dire financial situation and a programme budget shortfall of almost \$120 million, it continues to deliver above and beyond all expectations and is sustained by a dedicated cadre of staff, many of whom had benefited as children from the relief, social, health and education services of UNRWA. UNRWA urgently requires predictable and sustainable funding in order to continue to fulfil its critical role for Palestine refugees and regional stability. Health and education services in particular are not sustainable on an ad hoc or emergency funding basis.

55. For Palestine refugees, UNRWA is also a symbol of their right of return. While UNRWA is consistently the subject of political attacks from Israel and pro-Israel NGOs aimed at harming the Agency’s reputation, the collapse of the Agency would have catastrophic impacts for Israel and the region. The Special Committee implores traditional donors and the broader international community to provide UNRWA with predictable and sustainable funding or face an inevitable humanitarian and security crisis in the event of its collapse.

V. Human rights situation in the occupied Syrian Golan

56. The Special Committee is seriously concerned by the Israeli Cabinet’s approval on 26 December 2021 of an unprecedented plan to double the Israeli population in the occupied Syrian Golan. The plan includes the building of 7,300 additional residential units in existing settlements, including “Katzrin”, for 23,000 new Israeli settlers within the next five years, as well as the establishment of two new settlements (“Asif” and “Matar”) with 2,000 units each in the occupied Syrian Golan.⁸⁹ The Special Committee recalls that the transfer of Israeli civilian population into occupied

⁸⁸ See <https://pchrgaza.org/en/israel-bans-import-of-medical-devices-into-gaza-strip-hospitals>.

⁸⁹ See www.gov.il/en/departments/news/cabinet-approves-special-plan-to-develop-golan-heights-26-dec-2021.

territory is prohibited under international humanitarian law. It may also amount to a war crime.⁹⁰

57. The Special Committee noted with concern that in his remarks to the Cabinet meeting on 26 December 2021, the then Prime Minister of Israel, Naftali Bennett, had stated that “the Golan Heights [were] Israeli” and had called on Israelis to come to the Golan. Mr. Bennett also highlighted that United States Administrations under the former President, Donald Trump, and the current President, Joseph Biden, had recognized Israeli sovereignty over the occupied Syrian Golan, and that there was “an opportunity to advance the interests of the State of Israel”.⁹¹ The Special Committee recalls Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan was null and void and without international legal effect.

58. The Special Committee was briefed on the discriminatory allocation of drinking and irrigation water, as well as discriminatory access to work and health care in the occupied Syrian Golan in favour of the Israeli settlers. The Special Committee heard that the Syrian population was regularly denied building permits, while Israeli settlers were encouraged and received incentives to build their homes in the occupied territory.

59. Interlocutors explained to the Special Committee how the 34 existing Israeli settlements, as well as the Israeli commercial activity in the occupied Syrian Golan, including the wind turbine project, have limited the Syrian population’s access to natural and agricultural resources, in violation of their rights to food, health and adequate housing.

60. The Special Committee noted with concern that Syrians who live in the occupied Syrian Golan and refuse to take the Israeli nationality, continue to have their nationality declared as “undefined” in their travel documents, impeding them from studying, working or visiting family abroad.⁹²

61. The Special Committee was informed that on 16 October 2021, Medhat al-Saleh, a native of the occupied Syrian Golan and director of the Occupied Golan Affairs Office in the Syrian Presidential Office, had been allegedly killed by Israeli security forces next to his home in Ayn al-Tinah, opposite occupied Majdal Shams, hundreds of metres from the ceasefire line.⁹³ The Special Committee calls for an investigation into his death.

VI. Recommendations

62. The Special Committee calls upon the Government of Israel:

(a) To implement all prior recommendations contained in the reports of the Special Committee to the General Assembly and to facilitate access by the Special Committee to the Occupied Palestinian Territory and the occupied Syrian Golan;

(b) To end its occupation of the Occupied Palestinian Territory, namely the West Bank, including East Jerusalem, and Gaza, as well as its occupation of the Syrian Golan, in compliance with Security Council resolutions 242 (1967)

⁹⁰ Fourth Geneva Convention, art. 49 (6). See also Rome Statute of the International Criminal Court, art. 8 (2) (b) (viii).

⁹¹ See www.gov.il/en/departments/news/cabinet-approves-special-plan-to-develop-golan-heights-26-dec-2021.

⁹² See <https://golan-marsad.org/revocation-of-residency-2/>.

⁹³ See <https://golan-marsad.org/al-marsad-condemns-the-assassination-of-medhat-al-saleh/>.

and **497 (1981)** and its obligations under international human rights law and international humanitarian law, and to promptly address the gendered impact of occupation;

(c) To systematically investigate all cases of settler violence in the occupied West Bank that result in death or serious injury, and hold perpetrators to account;

(d) To take all measures necessary to ensure that Israeli security forces act in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Israeli security forces should under no circumstances allow, facilitate or participate in settler attacks in the occupied West Bank;

(e) To systematically investigate all cases of excessive use of force by Israeli security forces that have led to death or serious injury, including in the context of the recent escalation in Gaza and the West Bank, including East Jerusalem, and to ensure that those responsible are held accountable;

(f) To cease all settlement activity, in compliance with Security Council resolution **2334 (2016)**, and construction of the separation wall in the occupied West Bank, including East Jerusalem, which contravenes international law and undermines the right of self-determination of the Palestinian people;

(g) To cease all settlement and other illegal activities in the occupied Syrian Golan and ensure access to a non-discriminatory planning and zoning process that will advance the interests of the protected population;

(h) To cease offering tax incentives and other concessions to settler organizations;

(i) To immediately freeze and end the illegal practice of demolitions, including administrative and punitive demolitions, which further constitute illegal collective punishment and which contribute to the creation of a coercive environment and may lead to the forcible transfer of vulnerable communities, in violation of international humanitarian law and the rights of the Palestinian people;

(j) To rescind all demolition, eviction and seizure orders that are likely to lead to the forcible transfer of Palestinians in the occupied West Bank, including Bedouin communities;

(k) To ensure that Palestinians have access to a non-discriminatory planning and zoning process that will advance the interests of the protected population in Area C, including Palestine refugees;

(l) To ensure that detainees are treated in accordance with provisions in international human rights and humanitarian law, in particular with respect to the detention of children, and to end the practice of administrative detention;

(m) To lift the illegal land and sea blockade that has been imposed on Gaza for more than 15 years and open up opportunities for trade and increasing movement of Palestinians between Gaza and the West Bank;

(n) To immediately address the humanitarian crisis in Gaza, which has been made acute by the recent escalation in hostilities, lack of access to clean water and sewage treatment;

(o) To facilitate access to adequate health care for Palestinians in the Occupied Palestinian Territory, with a focus on urgent needs in Gaza due to the deteriorating conditions caused by the escalation in hostilities, the blockade and

the COVID-19 pandemic, and to provide COVID-19 vaccines to Palestinians in the West Bank, including East Jerusalem, and Gaza and Syrians in the occupied Syrian Golan;

(p) To review the practice of prolonged administrative detention, carry out prompt, thorough, effective and impartial investigations into all allegations of torture and ill-treatment of prisoners and improve conditions of detention, and ensure access to justice and health-care services;

(q) To combat the environmental degradation in the Occupied Palestinian Territory and the occupied Syrian Golan, to halt the exploitation of natural resources and to address the lack of access for Palestinians and Syrians to important natural resources, notably water resources in the West Bank, Gaza and the occupied Syrian Golan;

(r) To ensure the protection necessary for the Palestinian civilian population, human rights defenders, particularly women human rights defenders, and humanitarian personnel, and to allow them to carry out their work freely and without fear of attacks and harassment;

(s) To ensure that medical facilities and civilian infrastructure are respected and protected in all circumstances;

(t) To reverse its designation and declaration of prominent Palestinian human rights and humanitarian organizations as “terrorists” and “unlawful”, and to cease harassing, attacking and detaining human rights defenders in the Occupied Palestinian Territory;

(u) To cease harassment and physical attacks against journalists and to systematically investigate the killing or injury of journalists, and to ensure that those responsible are held accountable;

(v) To hold elected officials accountable for all acts of incitement that result in death or serious injury;

(w) To desist from implementing any plans to annex parts of the West Bank and the Jordan Valley, as they would constitute a grave breach of international law, the Charter of the United Nations and numerous Security Council resolutions on the issue and would entail an intensification of existing human rights violations against Palestinians, including the forcible displacement of hundreds of thousands of Palestinians.

63. The Special Committee calls upon the international community:

(a) To urge Israel to end its occupation of the Occupied Palestinian Territory, namely, the West Bank, including East Jerusalem, and Gaza, as well as the occupied Syrian Golan, in compliance with Security Council resolutions [242 \(1967\)](#) and [497 \(1981\)](#);

(b) To call upon Israel to end the blockade of Gaza, which has a significant detrimental effect on Palestinians, and, in particular, to immediately address the acute humanitarian crisis;

(c) To call upon Israel to cease all settlement activity in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, which contravenes international law and has a detrimental effect on the protected population;

(d) To address the pattern of non-cooperation by Israel with the United Nations, in particular regarding the implementation of resolutions of the General Assembly and the Security Council and mechanisms established by the Assembly and its subsidiary bodies;

- (e) To give effect to its legal obligations, as contained in the 2004 advisory opinion of the International Court of Justice, on the separation wall;
- (f) To review national policies, legislation, regulations and enforcement measures in relation to business activity to ensure that they in effect serve to prevent and address the heightened risk of human rights abuses in the occupied territories;
- (g) To review the 21 March 2022 report of the former Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967, Michael Lynk, which concluded that Israel's political system of entrenched rule in the Occupied Palestinian Territory satisfied the prevailing evidentiary standard for the existence of apartheid;
- (h) To urge the Office of the United Nations High Commissioner for Human Rights to take the steps necessary to update annually the database of business enterprises involved in settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and to make it available to the public, as mandated in Human Rights Council resolution [31/36](#);
- (i) To ensure that corporations respect human rights and cease to fund or enter 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;
- (j) To cease offering tax incentives and other concessions to settler organizations;
- (k) To support UNRWA so as to ensure uninterrupted service provision to millions of Palestine refugees and to preserve the rights, dignity and hope of Palestine refugees, especially women and children.
