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## Human Rights Council

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Agenda item 7

Human rights situation in Palestine and other  
occupied Arab territories

### **Report of the Secretary-General on the implementation of Human Rights Council resolution 19/17\***

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\* Late submission.

## I. Background

1. At its nineteenth session the Human Rights Council adopted resolution 19/17 concerning Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan. This resolution requested that the Secretary-General submit a report on the implementation thereof to the Council's twentieth session. The present document is submitted pursuant to this request. It provides information on the implementation of resolution 19/17 from 22 March, the date which the resolution was adopted, to 12 June 2012.

## II. Implementation of Human Rights Council resolution 19/17

2. Paragraph 3 of resolution 19/17 calls upon the Government of Israel to reverse its decisions to construct new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem. In addition, paragraph 5 of resolution 19/17 urges Israel to reverse its settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of existing settlements, including "natural growth" and related activities. Paragraph 5 also urges Israel to prevent any new installation of settlers in the occupied territories, including East Jerusalem.

3. The following information relevant to the Council's calls in paragraphs 3 and 5 of resolution 19/17 emerged during the reporting period. It is noted that, due to the difficulty of obtaining information from official sources regarding the issues addressed in paragraphs 3 and 5, reporting on the implementation of these paragraphs is based primarily on media sources. Wherever available, official sources have been used. On 25 March, the Israeli Supreme Court ruled that the illegal settlement outpost Migron must be evacuated by the end of July 2012.<sup>1</sup> On 29 March, it was disclosed that Israeli Civil Administration maps indicate that the Israeli Ministry of Defense has plans for an additional ten per cent of the West Bank to be developed into settlements.<sup>2</sup> Also on 29 March, it was reported that Israeli settlers had expanded an outpost near Nablus by adding four additional homes.<sup>3</sup> On 3 April, plans to establish a new settlement in East Jerusalem, consisting of 200 units, were reported.<sup>4</sup> On 4 April, the Israeli Ministry of Defence reportedly ordered the evacuation of Israeli settlers from a building, which they had taken over on 28 March, in Hebron.<sup>5</sup> Also on 4 April, it was reported that Israel's Housing and Construction Ministry published tenders for 1,121 new settler units, which are to be constructed in East Jerusalem, elsewhere

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<sup>1</sup> *New York Times*, "Israel's Top Court Orders Settlers to Leave Outpost," 25 March 2012, available at [http://www.nytimes.com/2012/03/26/world/middleeast/israeli-supreme-court-orders-settlers-off-palestinian-land.html?\\_r=2](http://www.nytimes.com/2012/03/26/world/middleeast/israeli-supreme-court-orders-settlers-off-palestinian-land.html?_r=2).

<sup>2</sup> *Haaretz*, "Israel Defense Ministry plan earmarks 10 percent of West Bank for settlement expansion," 30 March 2012, available at <http://www.haaretz.com/news/diplomacy-defense/israel-defense-ministry-plan-earmarks-10-percent-of-west-bank-for-settlement-expansion-1.421589>.

<sup>3</sup> *Wafa: Palestinian News and Information Agency*, "Settlers Expand Illegal Outpost in Nablus," 29 March 2012, available at <http://english.wafa.ps/index.php?action=detail&id=19412>.

<sup>4</sup> *Haaretz*, "Jerusalem Mayor aims to establish new settlement in East Jerusalem," 3 April 2012, available at <http://www.haaretz.com/news/national/jerusalem-mayor-aims-to-establish-new-settlement-in-east-jerusalem-1.422228>.

<sup>5</sup> *Reuters*, "Israel evicts settlers from disputed Hebron building," 4 April 2012, available at <http://af.reuters.com/article/worldNews/idAFBRE8330YA20120404>.

in the West Bank and in the occupied Syrian Golan.<sup>6</sup> On 23 April, the Government of Israel decided to “formalize the status” of three settlement outposts, namely Bruchin, Rechem, and Sansana.<sup>7</sup> On 29 April, Israel’s Supreme Court, at the request of the Government, delayed the dismantlement of five unauthorised units in a West Bank settlement.<sup>8</sup> Also on 29 April, the Government of Israel approved the establishment of temporary housing units in the Givat Hayakev settlement, to accommodate settlers from the Migron outpost.<sup>9</sup> The Israeli Ministry of Interior confirmed, on 1 May, the advancement of plans to construct 1,100 new hotel rooms in Givat Hamatos, which is a planned settlement for East Jerusalem.<sup>10</sup> On 3 May, it was reported that the Israeli Ministry of Defense handed over control of Adoraim, an abandoned military base, to the South Hebron Hills Regional Council, which is a settler organization, and that this Regional Council has been licensed by the Ministry of Defense to remodel, construct and otherwise make use of the compound.<sup>11</sup> On 6 May, the Israeli Supreme Court, responding to a request from the Government of Israel<sup>12</sup> to re-open discussions regarding the implementation of the Court’s judgement of 21 September 2011,<sup>13</sup> confirmed that the State must carry out demolition orders against five buildings in the Ulpana outpost by 1 July 2012.<sup>14</sup> On 10 May, a plan for 942 additional units in the Gilo settlement was deposited for review with the Israeli Jerusalem Municipality and the Israeli Ministry of Interior.<sup>15</sup> On 14 May, it was reported that the Israeli Ministry of Interior would soon consider a further 900 unit housing project in Gilo, which has already been approved by the Israeli Jerusalem Municipality.<sup>16</sup> On 15 May, the

- <sup>6</sup> *Agence France Presse*, “Israel unveils tenders for 1,121 new settler homes,” 4 April 2012, available at <http://www.google.com/hostednews/afp/article/ALeqM5i-qU82rCtAUYzJE1YWz3m-jm61ig?docId=CNG.a6164a792a6ceaa28c4f10c558ab597d.1d1>.
- <sup>7</sup> Prime Minister’s Office, Government of Israel, “Status of the communities of Sansana, Rechem, and Bruchin Formalized,” press release, 23 April 2012, available at <http://www.pmo.gov.il/PMOEng/Communication/Spokesman/2012/04/spokeHasdara230412.htm>. See also, Statement attributable to the spokesperson for the Secretary-General, “Legalization of illegal outposts in the West Bank,” New York, 24 April 2012, available at <http://www.unsco.org/Documents/Statements/SG/2008/SG%20Statement%20on%20Legalization%20of%20illegal%20outposts%20in%20the%20West%20Bank.pdf>.
- <sup>8</sup> *Reuters*, “Israel court puts 60-day hold on settlement razings,” 29 April 2012, available at <http://www.reuters.com/article/2012/04/29/us-palestinians-israel-court-idUSBRE83SOGF20120429>.
- <sup>9</sup> Prime Minister’s Office, Government of Israel, “Cabinet Approves Establishment of Temporary Housing Site for Migron Residents,” press release, 29 April 2012, available at <http://www.pmo.gov.il/PMOEng/Communication/Spokesman/2012/04/spokemigron290412.htm>.
- <sup>10</sup> *Agence France Presse*, “Israel pushes plan for 1,100 E. Jerusalem hotel rooms,” 1 May 2012, available at <http://www.google.com/hostednews/afp/article/ALeqM5grH-NjHI2bJzuAuOGhKg9B21JZAQ?docId=CNG.1def0ba4c89e271895bffc90db26980f.681>.
- <sup>11</sup> *Haaretz*, “IDF hands over former West Bank base to Israeli settlers,” 3 May 2012 available at <http://www.haaretz.com/news/diplomacy-defense/idf-hands-over-former-west-bank-base-to-israeli-settlers-1.428122>.
- <sup>12</sup> State of Israel, Request to renew hearings on the petition (Hebrew), 27 April 2012, available at <http://yesh-din.org/userfiles/file/Petitions/Jabel%20Artis/8-%D7%91%D7%A7%D7%A9%D7%AA%20%D7%9E%D7%93%D7%99%D7%A0%D7%94%20%D7%90%D7%A4%D7%A8%202012.pdf>.
- <sup>13</sup> High Court of Justice of Israel, HCJ 9060/80, Ruling of September 2011 (Hebrew), available at <http://yesh-din.org/userfiles/file/Petitions/Jabel%20Artis/6-%D7%A4%D7%A1%D7%A7%20%D7%93%D7%99%D7%9F%20%D7%A1%D7%A4%D7%98%202011.pdf>.
- <sup>14</sup> High Court of Justice of Israel, HCJ 9060/80, 7 May 2012, available at <http://yesh-din.org/userfiles/file/Petitions/Jabel%20Artis/HCJ%209060-08%20ruling%20070512.pdf>.
- <sup>15</sup> *Jerusalem Post*, “1,000 new units in Gilo pass early step in approval process,” 14 May 2012, available at <http://www.jpost.com/Headlines/Article.aspx?id=269926>.
- <sup>16</sup> *Ibid.*

Knesset Finance Committee approved a budget of 44 million New Israeli Shekels for settlement projects in the West Bank.<sup>17</sup> On 21 May, the Knesset amended income tax legislation to provide for a 35 per cent tax break on donations to nongovernmental organizations that encourage settlements.<sup>18</sup> On 5 June, it was reported that settlers from the Avigayil outpost had taken action to annex private Palestinian land in the Masafer Yatta area south of Hebron.<sup>19</sup> On 6 June, the Knesset rejected a piece of draft legislation that would have legalized, under Israeli law, all settlements built on privately-owned Palestinian law.<sup>20</sup> Also on 6 June, Israeli officials announced that 851 units would be constructed in settlements throughout the West Bank.<sup>21</sup> In addition, on 6 June the Israeli Government announced plans to legalize, under Israeli law, 13 illegal outposts.<sup>22</sup>

4. In paragraph 6 of resolution 19/17, the Human Rights Council calls upon Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem.

5. The following information concerns events within the reporting period that relate to the Council's call in paragraph 6 of resolution 19/17. Between 22 March and 12 June, the Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory recorded 89 incidents of violence by Israeli settlers.<sup>23</sup> This total includes 26 incidents resulting in casualties. Twelve casualties were recorded in Hebron, one was recorded in Jenin, six were recorded in East Jerusalem, and seven were recorded in Nablus. This total also includes 63 incidents of property or land damage. Ten incidents resulting in such damage were recorded in Bethlehem, 18 were recorded in Hebron, one was recorded in Jenin, one was recorded in Jericho, five were recorded in East Jerusalem, 16 were recorded in Nablus, nine were recorded in Ramallah, and three were recorded in Tulkarm.

6. The Human Rights Council demands, in paragraph 7 of resolution 19/17, that Israel comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice. Within the reporting period, there were no significant developments in relation to Israel's compliance with its legal obligations, as mentioned in the International Court of Justice's advisory opinion of 9 July 2004.

<sup>17</sup> *Times of Israel*, "Knesset panel approves \$11.5 million for settlement projects," 15 May 2012, available at <http://www.timesofisrael.com/knesset-approves-44-million-shekels-budget-for-settlements/>.

<sup>18</sup> *Jerusalem Post*, "Knesset passes controversial settlement bill," 21 May 2012, available at <http://www.jpost.com/DiplomacyAndPolitics/Article.aspx?id=270883>.

<sup>19</sup> *Ma'an News Agency*, "Settlers 'expanding illegal outpost' near Hebron," 5 June 2012, available at <http://www.maannews.net/eng/ViewDetails.aspx?ID=492452>.

<sup>20</sup> *Ma'an News Agency*, "Netanyahu fends off outpost 'legalization' bill," 6 June 2012, available at <http://maannews.net/eng/ViewDetails.aspx?ID=492747>.

<sup>21</sup> *Reuters*, "Israel announces plans for new settler homes," 6 June 2012, available at <http://uk.reuters.com/article/2012/06/06/uk-palestinians-israel-settlements-idUKBRE85516M20120606>. See also, Statement from Robert Serry, The United Nations Special Coordinator for the Middle East Peace Process, following the announcement of further settlement construction in the West Bank, Jerusalem, 7 June 2012, available at <http://www.unsco.org/Documents/Statements/SC/2008/following%20the%20announcement%20of%20further%20settlement%20construction%20in%20the%20West%20Bank.pdf>.

<sup>22</sup> *Haaretz*, "Israel plans to legalize 13 contentious West Bank outposts," 7 June 2012, available at <http://www.haaretz.com/news/israel-plans-to-legalize-13-contentious-west-bank-outposts-1.434883>.

<sup>23</sup> See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, Protection of Civilians Database at <http://www.ochaopt.org/>.

7. By paragraph 8 of resolution 19/17, the Human Rights Council urges the parties to give renewed impetus to the peace process with the aim of reaching a comprehensive political settlement that will allow two States, Israel and Palestine, to live in peace and security. The Special Coordinator for the Middle East Peace Process and the Under-Secretary-General for Political Affairs both briefed the Security Council on the situation in the Middle East during the reporting period. These briefings addressed the current state of affairs related to the Council's exhortation in paragraph 8 of resolution 19/17.<sup>24</sup> Of particular note in this connection is the Quartet on the Middle East Peace Process's statement of 11 April, following its meeting in Washington, D.C.<sup>25</sup> In this statement, among other things, the Quartet expressed its concern about continued settlement building and ongoing settler violence and incitement in the West Bank.

8. The Human Rights Council decided, through paragraph 9 of resolution 19/17, to dispatch an independent international fact-finding mission, to be appointed by the President of the Human Rights Council, to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory including East Jerusalem. In paragraph 9, the Council also calls upon Israel not to obstruct the process of investigation and to cooperate fully with the mission.

9. In response to paragraph 9 of resolution 19/17, the President of the Human Rights Council has launched a process to appoint the members of a fact-finding mission to carry out an investigation in line with the Council's request. The President envisages the appointment of three distinguished individuals who have expertise in relevant subject areas, in particular international human rights law. Once appointed, the members of the mission will convene in order to agree on terms of reference and methods of work, establish contacts with relevant interlocutors and prepare its program of work. Notwithstanding the call upon Israel in paragraph 9 of resolution 19/17 to not obstruct the said investigation and to cooperate fully with the mission, by letter dated 14 May 2012, the Government of Israel informed the President of the Human Rights Council of its decision to suspend its relationship with the Council, as well as with the Office of the High Commissioner for Human Rights.<sup>26</sup>

10. By paragraph 10 of resolution 19/17, the Human Rights Council requests the Secretary-General and the High Commissioner for Human Rights to provide all administrative, technical and logistical assistance to enable the mission to fulfill its mandate

<sup>24</sup> Special Coordinator for the Middle East Peace Process, Briefing to the Security Council on the Situation in the Middle East, 27 March 2012, available at <http://www.unsco.org/Documents/Statements/MSCB/2008/Security%20Council%20Brief%2027%20March%202012.pdf>; Under-Secretary-General for Political Affairs, Briefing to the Security Council on the Situation in the Middle East, 23 April 2012, available at <http://www.unsco.org/Documents/Statements/MSCB/2008/Middle%20East%20Situation%2023%20April%202012.pdf>; and Special Coordinator for the Middle East Peace Process, Briefing to the Security Council on the Situation in the Middle East, 29 May 2012, available at <http://www.unsco.org/Documents/Statements/MSCB/2008/SCB%2029%20May%202012.pdf>.

<sup>25</sup> Statement by the Middle East Quartet, Washington, D.C., 11 April 2012, available at <http://www.unsco.org/Documents/Statements/Quartet/2008/STATEMENT%20OF%20THE%20MIDDLE%20EAST%20QUARTET%2011%20April%202012.pdf>.

<sup>26</sup> Available on the Human Rights Council Extranet, [https://extranet.ohchr.org/sites/hrc/PresidencyBureau/BureauRegionalGroupsCorrespondence/Corresp20112012DL/IsraeliAmblettertoPdtofHRC\\_14May2012.pdf](https://extranet.ohchr.org/sites/hrc/PresidencyBureau/BureauRegionalGroupsCorrespondence/Corresp20112012DL/IsraeliAmblettertoPdtofHRC_14May2012.pdf). See also, Prime Minister's Office, Government of Israel, "PM Netanyahu Response [sic] to Today's Decision by the UN Human Rights Council," press release, 22 March 2012, available at <http://www.pmo.gov.il/PMOEng/Communication/Spokesman/2012/03/spokeadam220312.htm>.

promptly and efficiently. In response to paragraph 10, a dedicated secretariat has been established by the High Commissioner to provide all the necessary support to the mission.

11. It is recalled that the settlements are contrary to international law and Israel's obligations under the Roadmap. I have many times urged Israel to cease all settlement activity in the occupied West Bank, including East Jerusalem. Settlements undermine confidence, prejudge the outcome of the permanent status negotiations, and hamper efforts at bringing the parties back to the negotiating table. As a Road Map obligation, a freeze to settlement activity is critical to move the peace process forward. Recalling paragraph 8 of resolution 19/7, it is essential that the parties intensify cooperation and resume a credible political process of negotiation, supported by the United Nations' continued commitment to work for a comprehensive resolution of the Arab-Israeli conflict on the basis of UN Security Council Resolutions, the Madrid principles including land for peace, the Roadmap, and the agreements previously reached between the parties.

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