DESTINATION: OCCUPATION

DIGITAL TOURISM AND ISRAEL'S ILLEGAL SETTLEMENTS IN THE OCCUPIED PALESTINIAN TERRITORIES.

AMNESTY INTERNATIONAL

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First published in 2015 by Amnesty International Ltd
Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK

Index: MDE 15/9490/2019
Original language: English
amnesty.org

Cover photo:
A Palestinian boy sits on a chair with a national flag as Israeli authorities demolish a school site in the village of Yatta, south of the West Bank city of Hebron and to be relocated in another area, on July 11 2018.
Credit: HAZEM BADER/AFP/Getty Images

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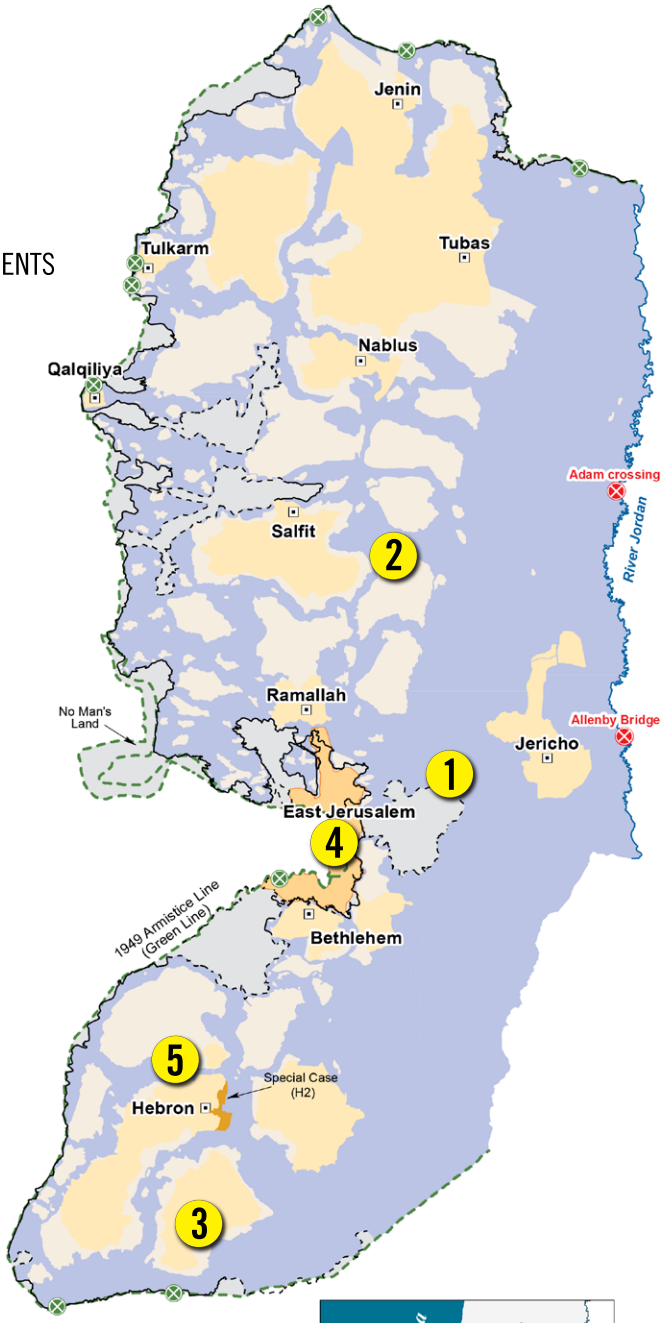
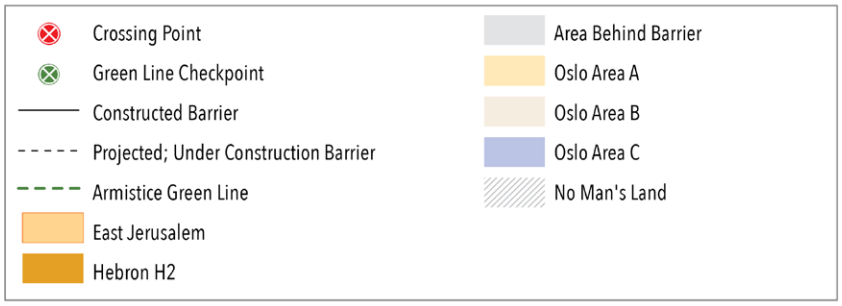
CASE STUDIES

1. KFAR ADUMIM – KHAN AL-AHMAR
2. SHILOH – QARYUT / JALUD
3. SUSYA – KHIRBET SUSIYA
4. CITY OF DAVID – SILWAN
5. HEBRON





Base map source: OCHA oPT - December 2018

GLOSSARY

Area A	An area covering the major Palestinian cities in the West Bank except for Hebron and East Jerusalem. Under the Oslo Accords (see below), the State of Palestine (previously known as the Palestinian Authority) is responsible for law enforcement and civil affairs, for example, health and education, in Area A. Israel retains overall military control.
Area B	An area comprising almost 450 Palestinian towns and villages in the West Bank. Under the Oslo Accords (see below), the State of Palestine is responsible for civil affairs, while Israel is responsible for security. Some 90% of the Palestinian population of the territory lives in Areas A and B.
Area C	A zone comprising 60% of the West Bank's geographic area. It contains most of the Israeli settlements, as well as most of the territory's agricultural land and other natural resources. Israel retains both civil and military control in Area C.
East Jerusalem	A part of the West Bank that Israel illegally annexed in 1967 and where Israeli civil law applies, contrary to the provisions of the international law of occupation.
H1	A sector of Hebron, where most of the city's 115,000 inhabitants live and which is under the administration of the State of Palestine, similar to Area A.
H2	A sector of Hebron where 800 Israeli settlers and 40,000 Palestinians live and where Israel retains direct administrative and military control, similar to Area C.
Oslo Accords	Agreements between Israel and the Palestinian Liberation Organization in the mid-1990s that led to the creation of the Palestinian Authority (now known as the State of Palestine) and the division of the West Bank into Areas A, B and C.
Occupied Palestinian Territories (OPT)	The West Bank, including East Jerusalem, and the Gaza Strip, captured by Israel in 1967.
"Outpost"	An Israeli settlement in the OPT that has not been officially authorized by the Israeli government.
Settlement	An Israeli village, town or city in the OPT. All settlements are illegal under international law.
West Bank	Areas A, B and C, East Jerusalem and H1 and H2 constitute the total territory of the West Bank.

EXECUTIVE SUMMARY

> ***"Every visitor to the land of Israel should definitely come visit this site. It can give you a better perspective of Israel. Fun place!"***
>
> TripAdvisor review of archaeological site at Susya settlement.

> ***"Experience the tranquillity of the desert and get a taste of warm Israeli hospitality."***
>
> Airbnb listing in Kfar Adumim settlement.

A bulldozer destroys Palestinians' tents and sheds in Khan al-Ahmar village on 4 July 2018. Photo by Issam Rimawi/Anadolu Agency/Getty Images

Digital companies are revolutionizing how the world does tourism. Rather than buying holidays through traditional high street travel agents, consumers can now book everything online. In turn, the likes of Airbnb, Inc. (Airbnb), Booking.com B.V. (Booking.com), Expedia Group, Inc. (Expedia) and TripAdvisor, Inc. (TripAdvisor) offer them an unprecedented choice of places to stay and things to do in almost every corner of the globe. As a result, each of these companies – which dominate the multi-billion-dollar global online tourism industry – has become hugely successful. For example, TripAdvisor says that its website is viewed more than 450 million times a month. The parent company of Booking.com has been valued at over US$100 billion.

These companies all also list numerous hotels, B&Bs, attractions or tours in Israeli settlements in the Occupied Palestinian Territories (OPT). They are doing so despite knowing that Israel's occupation of the West Bank, including East Jerusalem, is governed by international humanitarian law under which Israeli settlements are deemed illegal. In addition, key acts required for the establishment of settlements, such as the transfer of Israel's population into occupied territory and the appropriation of property without military justification, amount to war crimes under the Rome Statute of the International Criminal Court.

These companies also know that the United Nations and independent international organizations, including Amnesty International and many Palestinian and Israeli organizations, have documented, for years, how Israel's policy of developing, expanding and guarding its settlements is inherently discriminatory and behind a wide range of human rights violations. Any basic preliminary risk assessment by the companies would reveal that any business activity in or with settlements would unavoidably contribute to sustaining an illegal situation, as well as a regime that is inherently discriminatory and abusive of the human rights of Palestinians.

All four companies claim to operate under high ethical values and respect for the rule of law. However, none of these standards appears to influence the companies' decisions in relation to settlement listings. In doing business with settlements, all four companies are contributing to, and profiting from, the maintenance, development and expansion of illegal settlements, which amount to war crimes under international criminal law. They are also contributing to violations of human rights law and acting in direct contradiction with their own corporate standards. Their promotion of Israeli settlements in the OPT as a tourist destination also has the effect of "normalizing", and legitimizing to the public what is recognized under international law as an illegal situation.

AMNESTY INTERNATIONAL'S CAMPAIGN

June 2017 marked the 50th anniversary of Israel's occupation of Palestinian territory, and of the beginning of Israel's unlawful settlement enterprise. At this time, Amnesty International launched a campaign calling on third states to prevent companies domiciled in their territory from operating in settlements or from trading in settlement goods. As part of this campaign, Amnesty International is now focusing on the digital tourism industry.

Over the last year, researchers examined the ways in which Airbnb, Booking.com, Expedia and TripAdvisor are, by listing settlement properties and attractions, participating in Israel's plans to boost tourism to Israel's illegal settlements and helping sustain and expand them. Amnesty International researchers also examined the impact that these settlements are having on specific Palestinian communities, and the ways in which the digital tourism companies are contributing to human rights violations. Amnesty International chose to focus on these companies because they dominate the industry, have global coverage, and list numerous properties or attractions in settlements in the OPT. These are clearly defined geographic areas, and Amnesty International researchers were able to identify listings in settlements using the map search function on each website. This makes it possible to differentiate which listings are in Israeli settlements and which are in neighbouring Palestinian communities.

COMPANY	
airbnb	**Founded in 2008, Airbnb owns and operates the world's largest online property rental platform. On 19 November 2018, the privately owned US-based company announced that it would remove approximately 200 listings in Israeli settlements in the "occupied West Bank". However, this commitment did not extend to its 100 listings in settlements in East Jerusalem, even though this too is occupied territory. The company did not explain why it had made this exception. At the time of writing (January 2019), Airbnb had not yet implemented its announcement and was still listing properties across the OPT.**
Booking.com	**Booking.com is the Netherlands-headquartered company that operates the world's most popular accommodation booking website. Amnesty International found that Booking.com listed 45 hotels and rentals in settlements, including in East Jerusalem.**
Expedia®	**The US-listed company, Expedia, is the owner and operator of the accommodation booking websites Expedia.com and Hotels.com. These sites list nine accommodation providers, including four large hotels, in settlements in the OPT including in East Jerusalem.**
tripadvisor®	**TripAdvisor, also based in the USA, claims to run the world's most visited travel-related site. Amnesty International found that TripAdvisor lists more than 70 different attractions, tours, restaurants, cafés, hotels and rental apartments in settlements in the OPT, including in East Jerusalem.**

THE ISRAELI SETTLEMENTS IN THE WEST BANK

In addition to some 3 million Palestinians, there are around 600,000 Israeli settlers living in the West Bank, of whom about 200,000 live in occupied East Jerusalem. Israel captured the West Bank, as well as the Gaza Strip, during a war with its Arab neighbours in 1967. Together these make up the OPT. Since 1967, it has been Israeli government policy to promote the creation and expansion of Israeli settlements in the OPT. There are now approximately 250 settlements.

Most states and international bodies have long recognized that Israeli settlements are illegal under international law. The European Union has stated that: "settlement building anywhere in the occupied Palestinian Territory, including East Jerusalem, is illegal under international law, constitutes an obstacle to peace and threatens to make a two-state solution impossible." The settlements have been condemned as illegal in many UN Security Council and other UN resolutions, most recently in December 2016.

Yet despite broad recognition of the illegality of settlements, Israel continues to flagrantly disregard international law, and is constructing thousands of new housing units. Palestinian civilians continue to be subjected to forcible displacement, the confiscation of their land and natural resources, the demolition of their homes, properties and infrastructure, and restrictions on their movement. This has a devastating impact on Palestinians' rights to an adequate standard of living, to work, to housing, to health, and to education and has progressively crippled the Palestinian economy.

An independent fact-finding mission, mandated by the UN Human Rights Council to investigate the human rights implications of the Israeli settlements in the OPT, reported in 2013 on how a range of business activities, involving both Israeli and foreign companies, sustains the illegal settlements. A progress report, published in 2018, noted that tourism activities "ensure the sustainability of residential settlement communities" and "contribute to the profitability of the settlements".

THE TOURISM INDUSTRY OF THE SETTLEMENTS

Israel provides a range of financial incentives to businesses working across a range of sectors that operate in settlements as part of its policy to help sustain and expand them. As part of this, Israel has increased support to the tourism industry linked to settlements in recent years. It has allocated considerable financial resources to develop tourism attractions and infrastructure.

Israel's policy of developing a tourism industry based in and around settlements comes as the country enjoys a boom in numbers. In 2018, there were more than four million visitors to Israel - a record total. This growth has brought financial benefits both to Israel and to businesses operating in occupied territory. This is because most foreign visitors also enter the OPT, visiting major tourist attractions such as the City of David National Park in East Jerusalem and the Dead Sea. Even small rural settlements receive large number of visitors.

As well as the financial gains, the Israeli government has political and ideological reasons for developing a tourism industry in the West Bank. Settler groups supported by the Israeli government emphasize the Jewish people's historic connections to the region. Israel has constructed many of its settlements close to archaeological sites to make the link between the modern State of Israel and its Jewish history explicit. At the same time, Israel downplays or ignores the significance of non-Jewish periods at archaeological and historic sites.

The designation of certain locations as tourist sites is also used by the Israeli government to justify the takeover of Palestinian land and homes. This has resulted in forced evictions as well as restrictions on the ability of Palestinian residents to establish or expand their homes or use land for agricultural purposes.

Brochures promoting visits to sites in the Occupied Palestinian Territories. June 2018. © Amnesty International

SETTLEMENTS AND THIRD STATE RESPONSIBILITY

All state parties to the Fourth Geneva Convention, which include Israel and its key economic partners, are under an obligation to "ensure respect" for the Convention. This includes taking steps to enforce compliance among those under the state's jurisdiction. Israel's settlement project entails serious breaches of peremptory norms, which give rise to certain additional duties on all states. These duties are: the duty to "cooperate to bring to an end through lawful means" serious breaches; the duty to not "recognize as lawful" the situation created by such breaches; and the duty to not "render aid or assistance in maintaining that situation".

Although different in substance, the implications of these duties converge in one clear direction: states must not promote, support or allow business entities domiciled or headquartered within their jurisdiction to conduct business in the settlements or with settlement actors. Such activities fuel the settlement economy, which helps finance the continued existence and expansion of illegal settlements. States must equally prohibit or regulate activities taking place within their jurisdiction which support, promote or fuel the settlement economy. A failure to act to prohibit or regulate these activities, when a state is both practically and legally able to do so, is contrary to its obligations under international law.

THE DUTY TO PROTECT HUMAN RIGHTS BEYOND BORDERS

In addition to ensuring respect for the rights of protected persons in situations of conflict, third states have a duty to protect their human rights from potential abuses by corporate actors over which they exercise regulatory control.

Many UN treaty bodies, including the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, have affirmed states' extraterritorial obligation to prevent and redress infringements of human rights that occur outside their territories due to the activities of business entities over which they can exercise control. The UN Guiding Principles on Business and Human Rights (UN Guiding Principles) specifically address the implications of state duties in relation to businesses operating in conflict-affected areas. Among other measures, they recommend that states ensure their "policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses."

In essence, states' extraterritorial obligations require that they take measures to prevent companies operating, domiciled or headquartered within their jurisdiction from causing or contributing to human rights abuses in other countries. In the context of Israeli settlements, these duties entail regulating the activities of such companies to ensure they do not cause or contribute to violations of the human rights of the Palestinian population. Currently, no third state is fulfilling these obligations in relation to illegal Israeli settlements. While condemning them, most states are failing to take concrete action to regulate companies or activities over which they have control, in order to prevent them from fuelling the settlement economy. By failing to take regulatory action to prohibit these activities, states are knowingly allowing business activities which help maintain an illegal situation and are, therefore, acting in breach of their international obligations.

AN IMPORTANT STEP TOWARDS ACCOUNTABILITY: THE UN DATABASE

The UN Human Rights Council passed a resolution in March 2016 requesting that the Office of the UN High Commissioner for Human Rights (OHCHR) create a database of all business enterprises involved in activities which, according to the report, "raise particular human rights violations concerns" (the UN Database). The purpose of the UN Database is, among other things, to assist states in ensuring that companies domiciled in their territory and/or under their jurisdiction that conduct activities in or related to the settlements respect human rights. In January 2018, the OHCHR published a progress report describing the steps taken towards the consolidation of the UN Database. To the extent that digital tourism companies and their provision of online services to settlers are not addressed in the first iteration of the UN Database, Amnesty International would encourage the OHCHR to consider including them in subsequent updates.

CORPORATE RESPONSIBILITY UNDER INTERNATIONAL STANDARDS

The UN Guiding Principles on Business and Human Rights make clear that companies have a responsibility to respect international humanitarian law. They also state that companies have a responsibility to respect all internationally recognized human rights wherever in the world they operate. The responsibility to respect human rights requires companies to "avoid causing or contributing to adverse human rights impacts through their own activities and address such impacts when they occur." If a company identifies that it is causing or contributing to human rights abuses, and that it cannot prevent this, the only possible course of action is not to undertake the relevant activity.

COMPANIES PROFITING FROM TOURISM IN ILLEGAL SETTLEMENTS

Airbnb, Booking.com, Expedia and TripAdvisor all engage in business activities with settlement actors. These digital tourism companies charge hosts or customers a fee when a booking is made, therefore deriving a direct profit from these activities. The companies also benefit extensively from the exploitation of illegally appropriated Palestinian land and other natural resources. To boost bookings, many listings in settlements boast of their proximity to areas of natural beauty in the occupied territories, such as the Dead Sea, nature reserves and the desert. By listing and promoting these natural features and nature-based activities and attractions the digital companies are increasing the attractiveness of the listings, securing greater numbers of tourists and ultimately benefiting financially from the illegal exploitation of Palestinian natural resources.

DIGITAL TOURISM COMPANIES ARE CONTRIBUTING TO VIOLATIONS OF THE RIGHTS OF SPECIFIC PALESTINIAN COMMUNITIES

To examine how digital tourism companies directly or indirectly contribute to human rights violations of specific groups of people, Amnesty International researchers visited five settlements and neighbouring Palestinian communities in the OPT on at least two occasions each between February and October 2018. The locations were chosen because of the importance of tourism to the settlements. To understand how these violations are currently felt by the Palestinian communities, researchers interviewed human rights defenders and other residents in each location.

Azam Nawaja and other Palestinian residents of Khirbet Susiya village were forced to leave their homes to make way for an archaeological site. June 2018. © Amnesty International

"The occupiers forced us to leave our land as they wanted to make money from tourists. They could have given it to us to manage it. We wouldn't have destroyed it, but the occupiers would never let us profit from our own land."

Azam Nawaja

CASE STUDY ONE: KFAR ADUMIM - KHAN AL-AHMAR

The Israeli settlement of Kfar Adumim, overlooking the Jordan Valley, is a popular tourist destination. June 2018. © Amnesty International

Airbnb, Booking.com, Expedia and TripAdvisor all provided listings for holiday rentals and a campsite in or near Kfar Adumim settlement, some 10km east of Jerusalem. TripAdvisor also listed a national park, a museum, a desert tour and a Bible-themed attraction on land nearby. The development and expansion of the settlement and these attractions has had a harmful impact on numerous human rights of the neighbouring Palestinian Bedouin community of Khan al-Ahmar, who have lost access to grazing land, have been under pressure to leave the area for years and are threatened with the imminent demolition of their homes. These rights include those to adequate housing, to avoid forced evictions and to an adequate standard of living, as well as their rights as Indigenous Peoples to freely pursue their economic development, to use and enjoy their land, territories and resources, and to enjoy their own means of subsistence.

CASE STUDY TWO: SHILOH – QARYUT/JALUD

Palestinian activist Basher Muammar shows a map of Israeli settlements surrounding the Palestinian village of Qaryut. June 2018. © Amnesty International

At the time of writing, Airbnb listed five properties in the settlement of Shiloh, and surrounding settlements in the northern part of the West Bank. Booking.com listed one property, and TripAdvisor listed an archaeological site and visitor attraction, managed by settlers from Shiloh, as well as tour guides who take people to the site. The establishment and expansion to these settlements have had a harmful impact on the human rights of residents of neighbouring Palestinian villages Qaryut and Jalud. Residents have lost access to farmland and the main road leading to their homes. They often come under attack from settlers. The human rights that have been violated include the rights to physical integrity, to an adequate standard of living and food, to health, to education and to freedom of movement.

“People are leaving the village now because we are isolated. Many people sold their lands and houses and moved out to Ramallah. The village is not located next to the main road any more so no one would come here, unless they have a reason to. Many shops have recently closed because their business was not working properly,” said Basher Muammar, a resident of Qaryut.

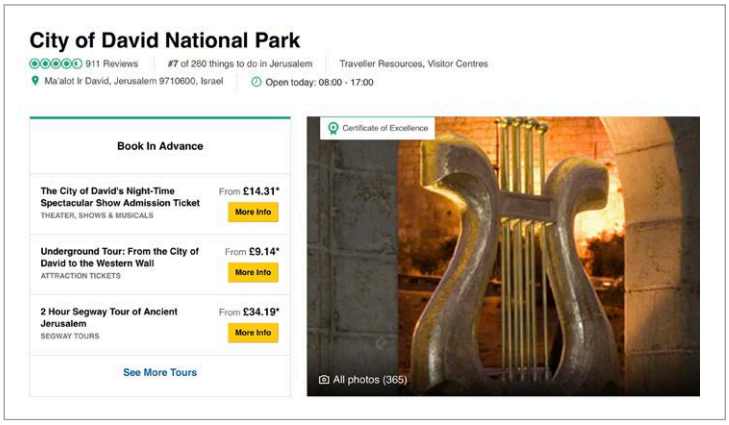
CASE STUDY THREE: SUSYA – KHIRBET SUSIYA

Visitors at the archaeological site in the Israeli settlement of Susya. June 2018. © Amnesty International

Airbnb listed one property in Susya settlement in the far south of the West Bank. TripAdvisor listed a winery in the settlement, as well as an archaeological site and visitor attraction run by settlers. Israel forcibly evicted the Palestinian residents of Khirbet Susiya to make way for the visitor attraction, and the construction of the settlement resulted in them losing access to farmland. The people of Khirbet Susiya live under the constant threat of their homes being demolished. Human rights that have been violated include the rights to physical integrity, to privacy, to adequate housing, to avoid forced evictions, to water, to sanitation and to an adequate standard of living and food.

"At night a bulldozer could destroy everything. Children here live in fear," said Fatima Nawaja, a resident of Khirbet Susiya.

CASE STUDY FOUR: CITY OF DAVID – SILWAN



TripAdvisor advertises several tours of the City of David National Park, in the East Jerusalem neighbourhood of Silwan. Screenshot of TripAdvisor, January 2019.

TripAdvisor has prominently featured, and acted as a booking agent for, the City of David – a popular tourist attraction that lies in Silwan, a Palestinian neighbourhood of occupied East Jerusalem. It is managed by an organization called the Elad Foundation (Elad), which is backed by the Israeli government and has in the past moved Israeli settlers into the area. According to a spokesperson for the group, Elad wants to "Judaize" East Jerusalem. Hundreds of Palestinian residents are threatened with forced eviction, as Elad plans to expand the City of David to include residences for more settlers. Human rights that have been violated include the rights to adequate housing and to an adequate standard of living.

CASE STUDY FIVE: HEBRON

Israeli settlers installed information boards in Hebron in 2018 as part of efforts to boost tourism in the area Israel controls. October 2018.
© Amnesty International

TripAdvisor listed a guided tour, run by settlers, of Israeli settlements in the centre of Hebron, a city divided into Israeli and Palestinian-administered zones. It also listed a museum run by settlers. Airbnb listed a property in a settlement. Hebron's settlements are a main driver of a wide range of human rights violations suffered by the Palestinian population of the city, including the rights to security of the person, to health, to freedom of movement, to non-discrimination, to privacy, to family life, to due process and to remedy.

Airbnb, Booking.com, Expedia and TripAdvisor have contributed to the economy of the settlements and, as a result, to their maintenance, consolidation and further expansion. In doing so, they have indirectly contributed to the many human rights violations affecting Palestinian residents of Khan al-Ahmar, Qaryut, Jalud, Khirbet Susiya, Silwan and Hebron that are a direct result of these settlements or settler-run tourist attractions.

Some business activities are much more closely linked to violations of the human rights of certain groups of Palestinian neighbours. For example, the listing by Airbnb, Expedia, Booking.com and TripAdvisor of tourist attractions built or developed on land previously used by the Bedouin community of Khan al-Ahmar has directly contributed to the violation of many of their rights as Indigenous Peoples.

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TripAdvisor has also listed tourist attractions that constitute the main driver behind some of the human rights violations affecting the Palestinian communities of Qaryut and Jalud and Khirbet Susiya. The development of the Tel Shiloh and Susya archaeological sites is pivotal to Israeli and settler plans to develop and expand the Shiloh and Susya settlements. TripAdvisor's listing of the archaeological sites makes the company complicit in this endeavour. TripAdvisor has directly contributed to, and benefited from, violations of the human rights of the residents of Qaryut, Jalud and Khirbet Susiya that result from the existence and/or development of the archaeological sites and is helping perpetuate them.

MISLEADING INFORMATION ON LOCATIONS

The failure to accurately disclose the location of settlement properties and attractions exacerbates the companies' contribution to breaches of international humanitarian law. Each of the companies is failing to accurately and consistently label listings as being in settlements, in many cases describing them as being in Israel.

Airbnb provides the least accurate information – none of the hosts labelled their properties as being in settlements in the OPT even though this is where they are located. Since October 2018 Booking.com and Expedia have started labelling some properties as being in Israeli settlements, but not those they list in East Jerusalem. TripAdvisor's geographical descriptions are also inconsistent. It described some attractions in settlements as being in the "Palestinian Territories". But this is an incomplete description as the company does not clarify that they are inside Israeli settlements in the OPT. In other cases, TripAdvisor described settlements as being within Israel.

The websites ensure greater numbers of visitors than there might otherwise have been had these visitors known the exact location of the property or attraction they were booking.

INADEQUATE COMPANY RESPONSES

Amnesty International provided the four digital companies featured in this report with the opportunity to respond to our findings, as well as answer a series of questions. At the time of writing, two companies, Airbnb and TripAdvisor, had not replied.

Neither Expedia nor Booking.com addressed the organization's findings or questions directly. In their short responses they appeared to suggest that they were not under any legal obligation to stop business activities in relation to Israeli settlements. Amnesty International is greatly disappointed by the failure of these companies to address their responsibilities to respect international humanitarian and human rights law and to give adequate answers to our concerns in this regard.

Airbnb's announcement that it will stop listing in settlements in the West Bank (excluding East Jerusalem) is welcome, but only a first step. The company must implement this announcement, it must reflect its commitment in a revised public policy, and it must redress the harm it has contributed to. Airbnb must also extend its commitment to Israeli settlements in East Jerusalem.

CONCLUSION AND RECOMMENDATIONS

Governments worldwide must take action to regulate companies or activities over which they have control in order to prevent them from fuelling the settlement economy and, is so doing, sustaining Israel's illegal settlement enterprise. Failing to do so and merely standing by makes them complicit in this enterprise. In the specific context of the tourism activities cited in this report, governments must take regulatory action to ensure digital tourism companies, including Airbnb, Booking.com, Expedia and TripAdvisor, do not extend their services to Israeli settlers and do not promote settlers' tourism services in the OPT.

To comply with their responsibilities to uphold international humanitarian law and respect human rights, Airbnb, Booking.com, Expedia and TripAdvisor must stop listing tourist accommodation, activities and attractions in settlements or run by settlers in the OPT, including East Jerusalem.

METHODODOLGY

Since June 2017, Amnesty International has campaigned for states to prevent companies domiciled in their territory from operating in Israeli settlements in the Occupied Palestinian Territories (OPT) or trading in settlement goods.[1] It is also campaigning for states to enact and implement laws and regulations to prevent settlement goods being imported into their markets. This report contributes to this ongoing campaign and follows an Amnesty International briefing published in April 2018 that examines the human rights risk of companies doing business with Israeli settlements.[2]

Israel's human rights violations in the OPT and the negative impact of Israeli settlements on the Palestinian population have been documented for years by Amnesty International and other organizations. In writing this report, researchers drew on Amnesty International's archive of publications[3] and on publications by Palestinian, Israeli and international organizations.[4]

To examine how digital tourism companies directly or indirectly contribute to human rights violations of specific groups of people, Amnesty International researchers visited five Palestinian communities in the OPT on at least two occasions each between February and October 2018. The locations were chosen because of the importance of tourism to neighbouring Israeli settlements. To understand how these violations are currently felt by the communities, researchers met human rights defenders and other residents in each community. In total, researchers interviewed three residents of Khan al-Ahmar, four residents of Qaryut and Khirbet Seilun, seven residents of Khirbet Susiya, 11 residents of Silwan and seven residents of Hebron. All interviewees were informed of the purpose of the interview and how the information gathered would be used and freely consented to be interviewed. Some interviewees requested that their names not be published for security reasons; their names have been withheld in this report. Information relating to the settlements was corroborated by reports previously published by Amnesty International, the UN and other organizations.

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1. Amnesty International, *Israel's Occupation: 50 Years of Dispossession*, June 2017, www.amnesty.org/en/latest/campaigns/2017/06/israel-occupation-50-years-of-dispossession/

2. Amnesty International UK, *Think Twice: The human rights risk of doing business with Israeli settlements in the Occupied Palestinian Territories*, April 2018, www.amnesty.org.uk/files/2018-09/4.%20Campaign%20Briefing%202%20-%20Settlement%20trade%20briefing%20April%202018.pdf?pJdS3TnFKB8rqA3zL5YZFCPvVFR9FYaI=

3. These include: Amnesty International, *Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city*, February 2016 (Index: MDE 15/3529/2016), www.amnesty.org/download/Documents/MDE1535292016ENGLISH.pdf; *Trigger-happy: Israel's use of excessive force in the West Bank*, February 2014 (Index: MDE 15/002/2014), www.amnesty.org/en/documents/MDE15/002/2014/en/; *Khan al-Ahmar: The human rights impact of Israel's settlement expansion*, 13 August 2013, www.amnesty.org/en/latest/campaigns/2013/08/khan-al-ahmar-the-human-rights-impact-of-israel-s-settlement-expansion/ *Israel/Occupied Palestinian Territories: Troubled Waters - Palestinians Denied Fair Access to Water*, October 2009 (Index: MDE 15/027/2009), www.amnesty.org/en/documents/MDE15/027/2009/en/; *Israel and the Occupied Palestinian Territories: Enduring Occupation. Palestinians Under Siege In The West Bank*, June 2007 (Index: MDE 15/033/2007) www.amnesty.org/en/documents/MDE15/033/2007/en/; *Israel and the Occupied Territories: Surviving under siege: The impact of movement restrictions on the right to work*, September 2003 (Index: MDE 15/001/2003), www.amnesty.org/en/documents/mde15/001/2003/en/

4. These include: Addameer, Al Haq, B'Tselem, the Ecumenical Accompaniment Programme in Palestine and Israel, Human Rights Defenders (Hebron), Human Rights Watch, the Israeli Committee Against Home Demolitions (ICAHD), Kerem Navot, Peace Now, the UN Office for the Coordination of Humanitarian Affairs (OCHA), the UN Office of the High Commissioner for Human Rights (OHCHR), Rabbis for Human Rights, and Yesh Din.

To understand Israel's settlements policy, including government support for the tourism industry, as well as look into details relating to the specific tourist attractions and tours within or in the vicinity of the settlements and the neighbouring Palestinian communities researchers referred to official documents, visited tourist attractions in the West Bank, and collected tourist information. These included maps, brochures and guide books produced by settlers in the OPT. Researchers also met with the Israeli organizations Emek Shaveh and Ir Amim, which have published extensively on the role that archaeology and tourism play in Israel's settlements policy.[5] Amnesty International wrote to the Israeli government to provide them with an opportunity to respond to this report; at the time of publication, no response had been received.

This report focuses on the operations of four international digital tourism companies. These were selected because they are industry leaders, with global coverage, that list numerous properties or attractions in settlements in the OPT. Researchers used the map search functions of each website to identify listings in settlements, and crosschecked these with the constantly updated list of settlements maintained by the Israeli organization Peace Now.[6] These companies are (in alphabetical order):

COMPANY	
Airbnb	Airbnb, Inc. is a privately owned US-based company which owns and operates the online vacation rentals platform Airbnb.com.[7] For customers in most countries, including Israel and the OPT, it runs its business through a Dublin-domiciled company, Airbnb Ireland UC.[8] This report refers to all these entities collectively as Airbnb.
Booking.com	Booking.com BV operates the Booking.com accommodation listings website.[9] The Dutch-based company is a fully owned subsidiary of Booking Holdings Inc., a US company.[10]
Expedia	Expedia Group, Inc. is a US-based company that owns travel-related websites, including Expedia.com and Hotels.com. It operates these sites through its fully owned subsidiaries Expedia Inc. and Hotels, L.P. (collectively referred to as Expedia).[11]
TripAdvisor	TripAdvisor, Inc. is the US-based owner and operator of the TripAdvisor travel website.[12]

In researching these companies' business operations, Amnesty International reviewed their annual reports, public filings, policy documents, websites and a wide range of other publicly available material such as media articles and reports by other organizations.[13] Information that these companies list on properties, attractions and tours in Israeli settlements in the OPT came from their websites.

5. See Emek Shaveh, homepage, alt-arch.org/en/, and Ir Amim, homepage, www.ir-amim.org.il/en

6. Peace Now, "Settlements List", peacenow.org.il/en/settlements-watch/israeli-settlements-at-the-west-bank-the-list

7. Airbnb, "Scope of Airbnb Services", www.airbnb.co.uk/terms#sec1 (last accessed 2 November 2018).

8. Customers (both hosts and guests) in the USA enter into contracts with Airbnb Inc. For customers outside of the USA, Airbnb runs its business through subsidiaries in China (for Chinese hosts and guests), Japan (for Japanese hosts and guests) and Ireland (for hosts and guests from the rest of the world, including Israel and the OPT). Airbnb, "Terms of Service", 16 April 2018, www.airbnb.co.uk/terms#sec1 (last accessed 2 November 2018).

9. Booking.com, "Legal", www.booking.com/content/legal.en-gb.html (last accessed 2 November 2018).

10. Until January 2018, Booking Holdings Inc. was known as the Priceline Group. See www.bookingholdings.com/about/history/ (last accessed 18 October 2018).

11. Expedia Group Inc., *2017 Annual Report*, ir.expediagroup.com/static-files/965a3092-d2f0-4383-82a4-f27946e379eb, p. 1.

12. TripAdvisor Inc., *2017 Annual Report*, ir.tripadvisor.com/static-files/840c6d1c-9c17-46c9-b52f-3586ead2515f, p. 2.

13. The two most recent are Human Rights Watch, *Bed and Breakfast on Stolen Land*, 20 November 2018, www.hrw.org/report/2018/11/20/bed-and-breakfast-stolen-land/tourist-rental-listings-west-bank-settlements; Who Profits, *Flash Report: Touring Israeli Settlements: Business And Pleasure For The Economy of Occupation*, October 2017, www.whoprofits.org/sites/default/files/touring_israeli_settlements_wp_flash_report_oct_2017-3.pdf

Prior to publication, Amnesty International wrote to the four companies and provided each with an opportunity to respond to its findings. Booking.com and Expedia provided responses, but Airbnb and TripAdvisor did not. Amnesty International reviewed the responses in detail and took appropriate account of information provided in updating its findings. Copies of the companies' responses can be found in the Annex to this report.

Amnesty International also presented its findings to the Elad Foundation (Elad), an Israeli organization that manages several tourist attractions in East Jerusalem.[14] Amnesty International also presented its findings to the Israeli ministries of Foreign Affairs and Civil Administration. Elad sent a response, which Amnesty International reviewed in detail and took appropriate account of (see Case Study Four).[15]

Tourists visiting the archaeological site at the Israeli settlement of Shiloh. June 2018. © Amnesty International

14. Elad is also known as the Ir David Foundation, see http://www.cityofdavid.org.il/en/The-Ir-David-Foundation.

15. This report does not address or allege any possible legal breaches by Elad or other settler or settlement-based organizations providing tourism services or promoting tourism in settlements.

1. BACKGROUND

THE ISRAELI OCCUPATION

There are some 3 million Palestinians and around 600,000 Israeli settlers living in the West Bank, an area which includes East Jerusalem.[16] Israel captured the West Bank, as well as the Gaza Strip, during a war with its Arab neighbours in 1967.[17] These areas are known today as the Occupied Palestinian Territories (OPT).[18]

The Old City of Jerusalem with Islam's holy site the Dome of the Rock mosque (top R) is seen from the West Bank town of Abu Dis separated by Israel's controversial barrier on February, 2017
© TOMAS COEX/AFP/Getty Images

16. OCHA, *Occupied Palestinian Territory: Humanitarian facts and figures*, 21 December 2017, www.ochaopt.org/content/humanitarian-facts-and-figures, p. 2.

17. This is known in Israel and elsewhere as the Six Day War. Palestinians call it the *Naksa* (Setback).

18. Israel also captured the Sinai Peninsula from Egypt and the Golan Heights from Syria. Israel withdrew from Sinai following a peace treaty with Egypt in 1979. The Golan Heights remain occupied by Israel. In September 2005 Israel withdrew its settlers and troops from Gaza, but retained control of Gaza's land borders, air space and territorial waters. As a result, the UN considers Gaza to remain under Israeli occupation. Since 2007, when Hamas took over the de facto administration of Gaza, Israel has subjected it to an illegal military blockade, collectively punishing its population of 2 million.

Since the start of the occupation, Israel has administered different parts of the OPT in different ways. In 1967 Israel unilaterally annexed East Jerusalem and included these Palestinian parts of the city, as well as a surrounding area of over 70km^2, within the boundaries of the Israeli municipality of Jerusalem.[19]

The Israeli military governed the remainder of the West Bank, as well as the Gaza Strip, as occupied territory from 1967 onwards.

This changed in the mid-1990s following the Oslo Accords.[20] These established the Palestinian Authority (the PA, now known as the State of Palestine) and divided the West Bank excluding East Jerusalem into Areas A, B and C. The Oslo Accords transferred partial jurisdiction of some areas to the PA, while overall security remained under Israeli control. As a result, the PA obtained varying amounts of administrative responsibility over Areas A and B. These areas included Palestinian towns and villages where 90% of the Palestinian population lived. Meanwhile, Palestinian rural areas were classified as Area C, where Israel maintained full civil and security authority.[21] A separate agreement saw the division of the city of Hebron into Palestinian and Israeli-administered sectors, known as H1 and H2 respectively.[22]

The Oslo Accords were intended to act as a "transitional arrangement lasting not exceeding five years".[23] However, its terms and implications remain in force today.

Israeli troops on patrol in Hebron, 14 September 2017. © Amnesty International

19. There is a wide international consensus that Israel's annexation of East Jerusalem was illegal. Amnesty International, *Recognition of unified Jerusalem 'reckless' and undermines Palestinians' human rights*, 6 December 2017, www.amnesty.org/en/latest/news/2017/12/usa-recognition-of-unified-jerusalem-undermines-palestinians-human-rights/

20. Declaration of Principles on Interim Self-Government Arrangements (Oslo I Accord), 13 September 1993, peacemaker.un.org/israelopt-osloaccord93, and Interim Agreement on the West Bank and the Gaza Strip (Oslo II Accord), also known as the Taba Agreement, 28 September 1995, peacemaker.un.org/israelopt-osloII95

21. The Israeli Ministry of Foreign Affairs in summarizing the Oslo Accords stated: "In Area 'C', which comprises the unpopulated areas of the West Bank, areas of strategic importance to Israel and the Jewish settlements, Israel will retain full responsibility for security and public order. The Council [Palestinian Authority] will assume all those civil responsibilities not related to territory, such as economics, health, education, etc." See Israeli Ministry of Foreign Affairs, "Main Points of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip", 28 September 1995, www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/The%20Israeli-Palestinian%20Interim%20Agreement%20-%20Main%20P.aspx

22. Protocol Concerning the Redeployment in Hebron, 17 January 1997, peacemaker.un.org/israelopt-redeploymenthebron97

23. Oslo I Accord, 13 September 1993, peacemaker.un.org/israelopt-osloaccord93, Article 1.

SETTLEMENTS IN THE WEST BANK

Since 1967, it has been Israeli government policy to promote the creation and expansion of Israeli settlements in the OPT. Successive governments have implemented this policy through a combination of legal and administrative measures.[24] They have also provided subsidies, tax incentives and low-cost utilities and resources to encourage Jewish Israelis to live in these places and to support the settlement economy.[25] Israeli settlements in the OPT are meant to be permanent places of residence or economic activity for Jewish Israelis and are built with the sole purpose of serving their needs. There are now approximately 250 settlements.[26] Some have fewer than 100 residents. Others, such as Ma'ale Adumim, which has a population of about 37,000, are well-resourced towns.[27]

Settlements are spread throughout the West Bank, connected by a network of roads. They surround all the major Palestinian cities and many towns and villages. Most settlers live in Area C of the West Bank, but about a third – 200,000 – are in East Jerusalem. Most of those in East Jerusalem live in neighbourhoods and suburbs that Israel constructed after 1967. Others have taken over hundreds of buildings within Palestinian neighbourhoods in East Jerusalem.[28] Similarly, several hundred Israelis have moved into buildings and homes in the Israeli-administered area of Hebron's city centre known as H2.[29]

Settlements are much more than residential colonies. The land controlled by settlers covers more than 53,000 hectares – or roughly 60% of Area C.[30] This includes 20 industrial zones and an estimated 9,300 hectares of agricultural land.[31] Movement restrictions imposed by the Israeli military, supposedly for security reasons, mean that over 400km of roads that connect the settlements are not accessible or are only partially accessible to Palestinians.[32]

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24. For a timeline of how this has been done, see UN Human Rights Council, *Report of the independent fact-finding mission 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* (UN Doc. A/HRC/22/63), 7 February 2013 (hereinafter: HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*), www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, pp. 24-39.

25. See B'Tselem, *By Hook and by Crook - Israeli Settlement Policy in the West Bank*, July 2010, www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf, pp. 37-48; UN Human Rights Council, *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, Report of the Secretary General* (UN Doc. A/HRC/34/39), 13 April 2017, http://undocs.org/A/HRC/34/39

26. These include 126 "localities" that the Israeli government officially recognizes. Another 100 or so settlement "outposts" have in theory been established by individuals without the authorization of the Israeli government but in practice had the backing of senior officials and military officers. Regardless of their status under Israeli law, all Israeli settlements in the OPT are unlawful under international law. For statistics on the number of officially recognized settlements see Central Bureau of Statistics, "Statistical Abstract of Israel 2017: Localities and Population, by District, Sub-District, Religion and Population Group", www.cbs.gov.il/reader/?MIval=%2Fshnaton%2Fshnatone_new.htm&CYear=2017&Vol=68&CSubject=2&sa=Continue For details on the settlement "outposts", see B'Tselem, *By Hook and by Crook - Israeli Settlement Policy in the West Bank*, July 2010, www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf, p. 13; Peace Now, *Unravelling the Mechanism behind Illegal Outposts*, 9 March 2017, peacenow.org.il/en/unraveling-mechanism-behind-illegal-outposts

27. Ma'ale Adumim, "History", jr.co.il/ma/history.htm

28. HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, p. 26.

29. OCHA, *Occupied Palestinian Territory: The Humanitarian Impact of Israeli Settlements in Hebron City*, 6 March 2018, www.ochaopt.org/content/humanitarian-impact-israeli-settlements-hebron-city

30. This is equivalent to 40% of the total of the West Bank. OCHA, *Area C of the West Bank: Key humanitarian concerns*, August 2014, www.ochaopt.org/content/area-c-west-bank-key-humanitarian-concerns-august-2014

31. Kerem Navot, *Israeli Settler Agriculture as a Means of Land Takeover in the West Bank*, August 2013, rhr.org.il/heb/wp-content/uploads/Kerem-Navot.pdf, p. 8; Human Rights Watch, *Occupation Inc*, 19 January 2016, www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian

32. Israel maintains approximately 100 checkpoints in the West Bank, including 59 permanent checkpoints near Israeli settlements. In addition, Israeli authorities created hundreds of other physical obstacles along West Bank roads, such as dirt mounds, concrete blocks and fenced-off segments to limit Palestinian access to roads used by settlers. For background, see B'Tselem, *Restrictions on Movement*, 11 November 2017, www.btselem.org/freedom_of_movement; OCHA, *Occupied Palestinian Territory: Humanitarian facts and figures*, 21 December 2017, www.ochaopt.org/content/humanitarian-facts-and-figures, p. 10.

The Israeli government has built 85% of its 700km-long "Separation Barrier", which it presents as separating Israel from the West Bank, within the West Bank. This surrounds many Israeli settlements and effectively bars thousands of Palestinians from their land.[33] It has also designated large chunks of Area C as military zones (30%) or nature reserves and parks (14.5%), further blocking Palestinians' access to their land.[34]

THE ROLE OF BUSINESSES

An independent fact-finding mission, mandated by the UN Human Rights Council to investigate the human rights implications of the Israeli settlements in the OPT, reported in 2013 on how a range of business activities, involving both Israeli and foreign companies, sustains settlements.[35] The report also flagged concerns relating to the impact of these business operations on the civil, political, economic, social and cultural rights of the local Palestinian population. Based on this report, the Human Rights Council requested that the UN Office of the High Commissioner for Human Rights (OHCHR) create a database of business enterprises involved in certain activities in the settlements.[36] A progress report, published in 2018, noted that tourism activities "ensure the sustainability of residential settlement communities" and "contribute to the profitability of the settlements".[37]

The Israeli settlement of Halmesh is seen from Nabi Saleh a Palestinian village 20km Northwest of Ramallah, Occupied Palestinian Territories, 24 September 2017. © Amnesty International

33. Amnesty International, *Israel and the Occupied Territories: Surviving under siege: The impact of movement restrictions on the right to work*, September 2003 (Index: MDE 15/001/2003), www.amnesty.org/en/documents/mde15/001/2003/en/

34. Emek Shaveh, *National parks in Israel and the West Bank – On which Side is the Grass Greener?*, 14 April 2018, alt-arch.org/en/grass-greener_en/

35. HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, p. 20, paras 96 and 97.

36. OHCHR, *Human Rights Council adopts six resolutions and closes its thirty-first regular session*, 24 March 2016, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=18535&LangID=E See also UN Human Rights Council, *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (UN Doc. A/HRC/31/L.39), 22 March 2016, www.un.org/ga/search/view_doc.asp?symbol=A/HRC/31/L.39

37. OHCHR, *Database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent international fact-finding mission 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* (UN Doc. A/HRC/37/39), 1 February 2018, ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/39, para. 46. The progress report also stated that the database was not yet complete, and that the OHCHR was in the process of communicating with 206 Israeli and foreign companies that it had preliminarily identified.

2. THE TOURISM INDUSTRY OF THE SETTLEMENTS

ISRAELI GOVERNMENT SUPPORT FOR THE SETTLEMENT TOURISM INDUSTRY

Israel provides a range of financial incentives to businesses operating in settlements as part of its policy to help sustain and expand them. For example, Israel has designated 90 settlements as "national priority areas", which allows businesses to benefit from reductions in the price of land, grants for the development of infrastructure and preferential tax treatment.[38]

As part of this programme of government support for the settlement economy, Israel has increased support to the tourism industry linked to settlements in recent years.[39] For example, in 2010, it allocated approximately US$110 million to protect and develop visitor infrastructure at historic sites "that reflect the national heritage of the Jewish people" across Israel and the OPT.[40] These sites included 13 in East Jerusalem and 30 in the rest of the West Bank.[41]

Within East Jerusalem, the government is developing ambitious plans to build tourism infrastructure in Palestinian parts of the city.[42] In May 2018, it announced it would spend US$13 million on excavations at the City of David, a settler-managed archaeological site in the neighbourhood of Silwan.[43] In May 2018, the Israeli government also announced a budget of approximately US$54 million for a controversial cable car project that will connect the visitors' centre at the City of David to West Jerusalem.[44]

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38. OHCHR, *Database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent international fact-finding mission 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* (UN Doc. A/HRC/37/39), 1 February 2018, ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/39, para. 43.

39. Israel's support for tourism infrastructure has also come at the cost of Palestine's own tourism industry, which has faced numerous restrictions imposed by Israel since 1967. See Negotiation Affairs Department, *Israel's Exploitation of Palestinian Tourism and International Complicity: Tourism as a Tool to Normalize Occupation*, 5 December 2017, www.nad.ps/en/publication-resources/publications/israel%E2%80%99s-exploitation-palestinian-tourism-and-international; Who Profits, *Flash Report: Touring Israeli Settlements: Business and Pleasure For The Economy Of Occupation*, September 2017, www.whoprofits.org/sites/default/files/touring_israeli_settlements_wp_flash_report_oct_2017-3.pdf

40. Prime Minister's Office, "Empowerment of National Heritage Infrastructure – Heritage Program" (in Hebrew), 21 February 2010, www.gov.il/he/departments/policies/2010_des1412

41. Some projects celebrated Israel's illegal settlements by, for example, preserving the original houses built in Ofra, one of the first settlements in the West Bank.

42. Ir Amim, *2017 Year-end Summary: From Deepening Control of the Heart of the City to Advancing Plans to Redraw its Boundaries*, 31 January 2018, www.ir-amim.org.il/en/node/2201

43. Emek Shaveh, "Government Meeting on Jerusalem Day: Strengthening the Settlements in the Historic Basin, State-Funded Excavations, and Promotion of Cable Car Project as 'National Priority'", 15 May 2018, alt-arch.org/en/government_decisions_en/

44. Emek Shaveh, "The Car Cable to the Old City, Who Gains and Who Loses?", 22 January 2018, alt-arch.org/en/wp-content/uploads/2018/01/cable-car-to-old-city.pdf; Ir Amim, "Cable car project fast tracked through special committee", 13 December 2017, https://fmep.org/wp/wp-content/uploads/Ir-Amim-Alert-CC-Fast-Tracked.pdf9d:1261228

In June 2016, the government announced an additional programme of "special financial aid", with specific provisions to support the development of the tourism industry in settlements in Area C.[45] This resulted in a grant of US$1.3 million for "public tourism infrastructure". The Prime Minister's Office also announced subsidies for the "establishment, conversion and expansion" of hotels, B&Bs and guest rooms in settlements in the West Bank.[46]

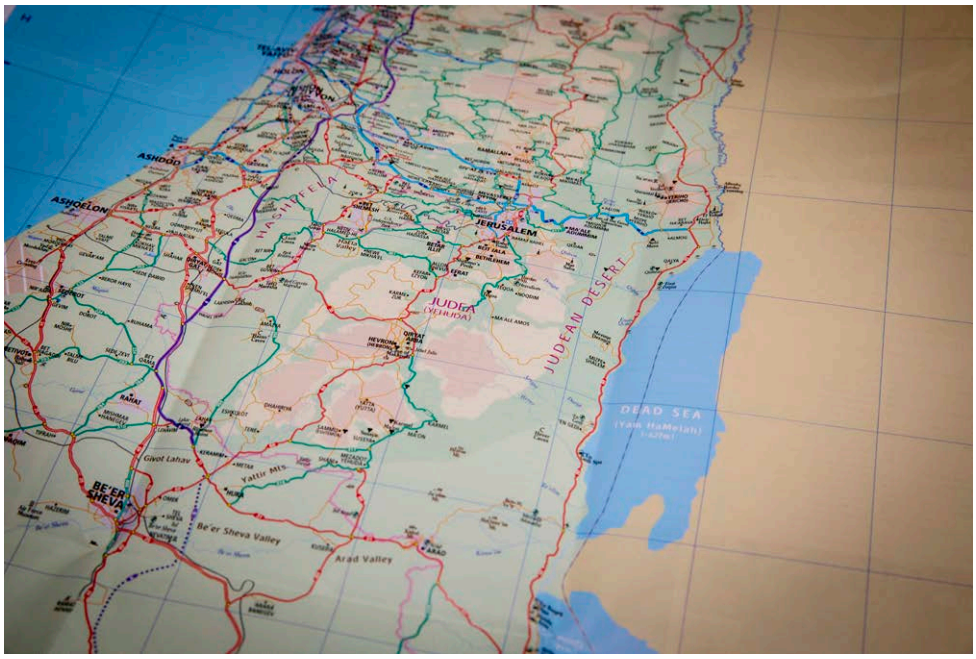

Photo of touring map published by Israel's tourism ministry in 2017. It does not mark the borders of the OPT and labels the West Bank as "Judea" and "Samaria" which are terms used by settlers but not Palestinians. © Amnesty International

THE IMPORTANCE OF TOURISM TO THE SETTLEMENT ECONOMY

Israel's policy of developing a tourism industry based in and around settlements comes as the country enjoys a boom in visitor numbers. In 2017, tourist arrivals grew by 25% to a record 3.6 million visitors, bringing in US$5.8 billion. In 2018, more than four million visitors were recorded.[47] This growth has brought financial benefits both to Israel and to businesses operating in occupied territory. This is because most foreign visitors also enter the OPT. The top three most visited places by foreign tourists in 2017 were all in Jerusalem's Old City, which Israel annexed in 1967 along with the rest of East Jerusalem.[48]

45. Prime Minister's Office, "Government Resolution 1561: Special Assistance for the Year of 2016 to Judea and Samaria" (in Hebrew), 19 June 2016, www.pmo.gov.il

46. As part of this drive to increase the amount of accommodation available, Israel's Ministry of Tourism encourages foreign businesses to invest in new hotels in Israel and the OPT. For example, in September 2018, it advertised the opportunity for businesses to invest in a hotel development in Sal'it settlement: https://story.mapme.com/israelhotelinvestment/overview (last accessed 27 September 2018).

47. Ministry of Tourism, Visitors & Tourists Arrivals 2018, https://info.goisrael.com/en/visitors-tourists-arrivals-2018

48. These are: the Western Wall, the Jewish Quarter and the Church of the Holy Sepulchre. Israel Ministry of Tourism, *Inbound Tourism Survey Annual Report 2017*, May 2018, motwebmediastg01.blob.core.windows.net/nop-attachment/8862_english5.pdf, p. 7.

Many foreign and Israeli tourists also visit attractions linked to settlements in Area C. According to Israeli Ministry of Tourism figures, 45% of foreign visitors went to the Dead Sea, much of which is in the OPT.[49] The rest of Area C is not well known as a tourist destination and there are no government figures for visitors. However, as an indication of how popular it is becoming, the Yesha Council, an umbrella body for Israeli settlement municipal councils, stated that during the Passover holiday in 2018, some 300,000 people visited various "tourist sites, routes, museums, festivals, wineries and archaeological sites".[50] There are many of these scattered across Area C. A recent guidebook listed more than 200 places to visit, stay or eat in settlements.[51]

In addition, gift shops and visitor centres at tourist sites in the OPT sell produce grown and manufactured by Israeli settlers, such as wine, olive oil, handicrafts and cosmetics.[52] Tourists visiting these attractions and spending money in the restaurants and other sites directly contribute to the maintenance and growth of settlements, since businesses are owned or managed by settlers.

LEGITIMIZING OCCUPATION THROUGH TOURISM?

As well as the financial gains, the Israeli government has political and ideological reasons for developing a tourism industry in occupied East Jerusalem and Area C of the West Bank. Settler groups supported by the Israeli government emphasize the Jewish people's historic connections to the region. As a spokesperson for settlers in Hebron explained:

"From our perspective, living here is key to giving the modern state of Israel its rooting in Jewish history."[53]

Israel has constructed many of its settlements close to archaeological sites to make the link between the modern State of Israel and its Jewish history explicit.[54] This is part of an active campaign to normalize and legitimize Israel's increasing control of the OPT.[55] At the same time, Israel downplays or ignores the significance of non-Jewish periods at archaeological and historic sites.[56] This rewriting of history has the effect of minimizing the Palestinian people's own historic links to the region.

In addition, websites and visitor maps issued by the Israel Nature and Parks Authority and Israel's Ministry of Tourism do not show the West Bank's borders. Instead, the area is marked as "Judea" and "Samaria", a term for the West Bank used by the government and settlers and not by Palestinians.[57] This suggests a deliberate attempt to conceal from tourists that these places are in the OPT.

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49. Israel Ministry of Tourism, *Inbound Tourism Survey Annual Report 2017*, May 2018, motwebmediastg01.blob.core.windows.net/nop-attachment/8862_english5.pdf, p. 6.

50. My Yesha, "A Spring Celebration in the Settlement" (in Hebrew), 11 April 2018, www.myesha.org.il/?CategoryID=187&ArticleID=7924 (last accessed 5 November 2018).

51. Karni Eldad and Shlomo Bashan, *Yesha is Fun: The Good Life Guide to Judea and Samaria*, 2013.

52. Amnesty International researchers saw this at visitor centres in Susya, Shiloh and Kfar Adumim in June 2018.

53. Yishai Fleisher, "Goodbye, President Obama: Parting Words From an Israeli Settler", 18 January 2017, en.hebron.org.il/blog/51/627

54. Diakonia IHL Resource Centre, *Occupation Remains, A Legal Analysis of the Israeli Archeology Policies in the West Bank: An International Law Perspective*, December 2015, www.diakonia.se/globalassets/documents/ihl/ihl-resources-center/archeology-report-report.pdf

55. In 1981, the umbrella organization for settler municipal councils, the Yesha Council, wrote to the government calling for it to extend the jurisdiction of settlements to include archaeological sites. The Yesha Council said that this was to "ensure that the Jewish people are in control of the sites which embody its history, its memories and the most obvious and direct testament to its roots and right to the land." The list of sites mentioned in this memo include Tel Shilo and Susya. Cited in Emek Shaveh and Yesh Din, *Appropriating the Past: Israel's Archaeological Practices in the West Bank*, December 2017, alt-arch.org/en/wp-content/uploads/2017/12/Menachsim-Eng-Web.pdf, p. 14.

56. Amnesty International researchers observed this at a number of sites. For example, visitors to the Shiloh archaeological site learn that it may have been the location of an important Old Testament episode, but are told little about the actual ruins which in fact include two mosques and a Byzantine church.

57. Israel Ministry of Tourism, *Touring Map*, 2017, on file with Amnesty International.

This is keenly felt by Palestinians living close to archaeological and tourism sites.

“Tourists coming here are brainwashed, they are lied to, they do not know this is our land,” explained Mahmoud Zaki Hassan Abu Shenar, a farmer living next to Shiloh settlement.[58] There, the settlers run and are developing a large visitor centre with Israeli government funding.

The designation of certain locations as tourist sites is also used by the Israeli government to justify the takeover of Palestinian land and homes.[59] For example, by declaring that populated areas of annexed East Jerusalem lie within national parks, the government has limited the ability of Palestinian residents there to construct or expand their homes and exposed them to a risk of house demolitions. It has also limited the ability of Palestinian landowners to farm their land and resulted in expulsions.[60] Nature reserves in Area C are protected by military order, which penalizes Palestinians for attempting to graze their animals and prevents them from establishing or expanding their homes and other structures or using land for agricultural purposes.[61] Palestinian communities living next to archaeological sites falling within the jurisdiction of settler regional councils have been evicted from their homes and barred from entering their land.[62]

Information board and map for Hebrew-speaking visitors to Hebron, October 2018. © Amnesty International

58. Amnesty International interview, 10 June 2018, Khirbet Sara.

59. See case studies in chapter 5.

60. B’Tselem, *National parks as tool for constraining Palestinian neighborhoods in East Jerusalem*, 16 September 2014, www.btselem.org/jerusalem/national_parks. See also Emek Shaveh, *National parks in Israel and the West Bank – On which Side is the Grass Greener?*, 15 April 2018, alt-arch.org/en/grass-greener_en/

61. Emek Shaveh, *National parks in Israel and the West Bank – On which Side is the Grass Greener?*, 15 April 2018, alt-arch.org/en/grass-greener_en/

62. For example at Susya and Shiloh. See chapter 5.

3. ISRAELI SETTLEMENTS AND INTERNATIONAL LAW

The situation in the OPT is primarily governed by two international legal regimes: international humanitarian law (including the rules of the law of occupation) and international human rights law. International criminal law is also relevant as some serious violations may constitute war crimes.

An Israeli sign warning its citizens not to enter a Palestinian village near Route 60, the road between Ramallah and Hebron
© Amnesty International (Photo: Richard Burton)

STATUS OF SETTLEMENTS UNDER INTERNATIONAL LAW

Israel's policy of settling its civilians in occupied Palestinian territory and displacing the local population contravenes fundamental rules of international humanitarian law.

Article 49 of the Fourth Geneva Convention states: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."[63] It also prohibits the "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory".[64]

The extensive appropriation of land and the appropriation and destruction of property required to build and expand settlements also breach other rules of international humanitarian law. Under the Hague Regulations of 1907, the public property of the occupied population (such as lands, forests and agricultural estates) is subject to the laws of usufruct. This means that an occupying state is only allowed a very limited use of this property.[65] This limitation is derived from the notion that occupation is temporary, the core idea of the law of occupation. In the words of the International Committee of the Red Cross, the occupying power "has a duty to ensure the protection, security, and welfare of the people living under occupation and to guarantee that they can live as normal a life as possible, in accordance with their own laws, culture, and traditions."[66]

The Hague Regulations prohibit the confiscation of private property.[67] The Fourth Geneva Convention prohibits the destruction of private or state property, "except where such destruction is rendered absolutely necessary by military operations".[68]

As the occupier, Israel is therefore forbidden from using state land and natural resources for purposes other than military or security needs or for the benefit of the local population.[69] The unlawful appropriation of property by an occupying power amounts to "pillage", which is prohibited by both the Hague Regulations and Fourth Geneva Convention[70] and is a war crime under the Rome Statute of the International Criminal Court [71] and many national laws.[72]

Israel's building of settlements in the West Bank, including in East Jerusalem, does not respect any of these rules and exceptions. Transferring the occupying power's civilians into the occupied territory is prohibited without exception. Furthermore, as explained earlier, the settlements and associated infrastructure are not temporary, do not benefit Palestinians and do not serve the legitimate security needs of the occupying power. Settlements entirely depend on the large-scale appropriation and/or destruction of Palestinian private and state property which are not militarily necessary.[73] They are created with the sole purpose of permanently establishing Jewish Israelis on occupied land.

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63. Fourth Geneva Convention relative to the protection of civilian populations in time of war (1949), Article 49, para. 6.

64. Fourth Geneva Convention, Article 49, para. 1.

65. Article 55 of The Hague Regulations, which makes occupied property subject to the laws of usufruct.

66. International Committee of the Red Cross (ICRC), *West Bank: Israel Must Abide by International Humanitarian Law*, 13 September 2018, www.icrc.org/en/document/west-bank-israel-must-abide-international-humanitarian-law

67. The Hague Regulations, Article 46.

68. Fourth Geneva Convention, Article 53.

69. James Crawford, Opinion, *Third Party Obligations with respect to Israeli Settlements in the Occupied Palestinian Territories*, www.tuc.org.uk/sites/default/files/tucfiles/LegalOpinionIsraeliSettlements.pdf, p. 24. See also *Letter to Policy Makers in the European Union and its Member States Calling for Compliance with International Legal Obligations related to Withholding Trade from and toward Israeli Settlements*, www.eccpalestine.org/wp-content/uploads/2015/12/Letter-on-settlement-trade-FINAL-.pdf, Annex.

70. Pillage is expressly prohibited under Article 47 of The Hague Regulations of 1907 and Article 33 of the Fourth Geneva Convention.

71. Article 8.2(b)(xvi) of the Rome Statute of the International Criminal Court.

72. According to the ICRC, "Pillage constitutes an offence under the legislation of a large number of States". See also ICRC, Rule 52, ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule52#Fn_5496F01E_00007 (last accessed November 2018).

73. As explained earlier, settlements are spread throughout the West Bank. Large amounts of land and property have been unlawfully appropriated to accommodate the estimated 600,000 settlers that now live in the West Bank, including large cities such as East Jerusalem and Hebron. The land controlled by settlers covers roughly 40% of the entire West Bank. OCHA, "Area C of the West Bank: Key humanitarian concerns", August 2014, www.ochaopt.org/content/area-c-west-bank-key-humanitarian-concerns-august-2014

In addition to being violations of international humanitarian law, key acts required for the establishment of settlements amount to war crimes under the Rome Statute of the International Criminal Court. Under this body of law, the "extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly" and the "transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory" constitute war crimes.[74] As stated above, "pillage" is also a war crime under the Rome Statute.

Israel's settlement policy also violates a special category of obligations entitled peremptory norms of international law (*jus cogens*) from which no derogation is permitted.[75] The International Court of Justice (ICJ) affirmed that the rules of the Geneva Conventions constitute "intransgressible principles of international customary law".[76] Only a limited number of international norms acquire this status, which is a reflection of the seriousness and importance with which the international community views them. Breaches of these norms give rise to certain obligations on all other states, or "third states", which are explained below.

The security checkpoint at the entrance to the area surrounding the Masjid-e-Khalil Mosque in central Hebron, 14 September 2017.
© Amnesty International (Photo: Richard Burton)

74. Articles 8.2(a)(iv) and (b)(viii). The Rome Statute of the International Criminal Court codifies rules of customary international law which, as such, apply to all states, including Israel.

75. A peremptory norm of international law is "a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted" (Article 53 of the Vienna Convention on the Law of Treaties, signed in Vienna on 23 May 1969). Among the norms recognized as peremptory by the International Law Commission are the "basic rules of international humanitarian law" (International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts, 2001, commentary on Article 40). The Articles on Responsibility of States codify customary international law.

76. ICJ, *Legality of the Threat or Use of Nuclear Weapons,* Advisory Opinion of 8 July 1996, p. 226, para. 79.

SETTLEMENTS, DISCRIMINATION AND HUMAN RIGHTS VIOLATIONS

States have a duty to respect, protect and fulfil the human rights of people under their jurisdiction, including people living in territory that is outside national borders but under the effective control of the state. The ICJ confirmed that Israel is obliged to extend the application of the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights and other treaties to which it is a state party to people in the OPT.[77] Israel is a state party to numerous international human rights treaties and, as the occupying power, it has well defined obligations to respect, protect and fulfil the human rights of Palestinians.

However, as has been well documented for many years by the UN, Amnesty International and other NGOs, Israel's settlement policy is one of the main driving forces behind the mass human rights violations resulting from the occupation. These include:

Violations of the right to life:[78] Israeli soldiers, police and security guards have unlawfully killed and injured many Palestinian civilians in the OPT, including during protests against the confiscation of land and the construction of settlements.[79] UN agencies and fact-finding missions have also expressed concern about violence perpetrated by a minority of Israeli settlers aimed at intimidating Palestinian populations.[80]

Violations of the rights to liberty, security of the person and equal treatment before the law:[81] Amnesty International has documented how Palestinians in the OPT are routinely subjected to arbitrary detention, including through administrative detention.[82] Whereas settlers are subject to Israeli civil and criminal law, Palestinians are subject to a military court system which falls short of international standards for the fair conduct of trials and administration of justice.[83]

Violations of the right to access an effective remedy for acts violating fundamental rights:[84] Israel's failure to adequately investigate and enforce the law for acts of violence against Palestinians, together with the multiple legal, financial and procedural barriers faced by Palestinians in accessing the court system, severely limit Palestinians' ability to seek legal redress.[85] The Israeli High Court of Justice has

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77. ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, paras 110-113. See also UN Human Rights Committee, General Comment 31 (UN Doc. CCPR/C/74/CRP.4/Rev.629), para. 10; UN Human Rights Committee, Concluding observations on Israel (UN Doc. CCPR/C/ISR/CO/3), paras 9; European Court of Human Rights (Grand Chamber), *Öcalan v Turkey*, Application No. 46221/99, para. 91.

78. Protected under the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991.

79. Amnesty International, *Trigger-happy: Israel's use of excessive force in the West Bank*, February 2014 (Index: MDE 15/002/2014), www.amnesty.org/en/latest/news/2014/02/trigger-happy-israeli-army-and-police-use-reckless-force-west-bank/

80. HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, paras 50-57, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf

81. Protected under the ICCPR, ratified by Israel on 3 October 1991.

82. Administrative detention is based on secret evidence that cannot be challenged in courts. The military order of detention is usually issued for a period of four to six months and can be renewed indefinitely. See. for example, Amnesty International, *Starved of justice, Palestinians detained without trial by Israel*, June 2012 (Index: MDE 15/026/2012), www.amnesty.org/en/documents/MDE15/026/2012/en/ As of December 2018, the Palestinian NGO Addameer estimated that there were at least 482 administrative detainees in Israeli prisons. See Addameer, "Administrative Detainees", December 2018, www.addameer.org/the_prisoners/administrative_detainees (last accessed 17 December 2018).

83. HRC, Report of the independent fact-finding mission to investigate the implications of the Israeli settlements, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, paras 40 and 46. See also Human Rights Watch, *Separate and Unequal: Israel's discriminatory treatment of Palestinians in the Occupied Palestinian Territories*, December 2010, www.hrw.org/report/2010/12/19/separate-and-unequal/israels-discriminatory-treatment-palestinians-occupied; ACRI, *One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank*, October 2014, law.acri.org.il/en/wp-content/uploads/2015/02/Two-Systems-of-Law-English-FINAL.pdf

84. Protected under the ICCPR.

85. Amnesty International, *Trigger-happy: Israel's use of excessive force in the West Bank*, February 2014, www.amnesty.org/en/latest/news/2014/02/trigger-happy-israeli-army-and-police-use-reckless-force-west-bank/ See also Amnesty International's written statement to the 28th session of the UN Human Rights Council: *Accountability is the only way to prevent further war crimes in Israel and the Occupied Palestinian Territories*, 17 February 2015, www.amnesty.org/download/Documents/MDE1510442015ENGLISH.pdf See also Human Rights Council, 37th Session, *Report of the United Nations High Commissioner for Human Rights, Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem* (UN Doc. A/HRC/37/41), 19 March 2018, para. 19.

failed to rule on the legality of settlements, as it considered the settlements to be a political issue that that it is not competent to hear.[86]

Violations of the rights to freedom of expression and peaceful assembly:[87] Amnesty International has documented Israel's use of military orders to prohibit peaceful protest and criminalize freedom of expression in the West Bank.[88] Israeli forces have used tear gas, rubber bullets and occasionally live rounds to suppress peaceful protests.[89]

Violations of the rights to equality and non-discrimination:[90] Systematic discrimination against Palestinians is inherent in virtually all aspects of Israel's administration of the OPT.[91] Palestinians are also specifically targeted for a range of actions that constitute human rights violations. The Israeli government allows settlers to exploit land and natural resources that belong to Palestinians.[92] Israel provides preferential treatment to Israeli businesses operating in the OPT while putting up barriers to, or simply blocking, Palestinian ones.[93] Israeli citizens receive entitlements and Palestinians face restrictions on the grounds of nationality, ethnicity and religion, in contravention of international standards.[94]

The Israeli authorities have created a discriminatory urban planning and zoning system. Within Area C, where most settlement construction is based, Israel has allocated 70% of the land to settlements and only 1% to Palestinians.[95] In East Jerusalem, Israel has expropriated 35% of the city for the construction of settlements, while restricting Palestinians to construct on only 13% of the land. These figures clearly illustrate Israel's use of regulatory measures to discriminate against Palestinian residents in Area C.[96]

The UN has also pointed to discrimination against Palestinians in the way in which the criminal law is enforced. While prosecution rates for settler attacks against Palestinians are low, suggesting a lack of enforcement,[97] most cases of violence against Israeli settlers are investigated and proceed to court.[98]

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86. Bargil v. Government of Israel, Israeli High Court of Justice 4481/91, paras 3-4(a). An English translation is available at www.alhaq.org/attachments/article/238/91044810.z01.pdf

87. Protected under the ICCPR.

88. Amnesty International, *50 years of Israeli Occupation: Four Outrageous Facts about Military Order 101* (Blog, August 2017), www.amnesty.org/en/latest/campaigns/2017/08/50-years-of-israeli-occupation-four-outrageous-facts-about-military-order-101/

89. Amnesty International, *Trigger-happy: Israel's use of excessive force in the West Bank*, February 2014, www.amnesty.org/en/latest/news/2014/02/trigger-happy-israeli-army-and-police-use-reckless-force-west-bank/

90. Protected under both the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both ratified by Israel on 3 October 1991. The right to non-discrimination is specifically protected by the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Israel on 3 January 1979.

91. UN Human Rights Committee, *Concluding Observations on the fourth periodic report of Israel* (UN Doc. CCPR/C/ISR/CO/4), 21 November 2014, paras 7-9. See also HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, paras 39-49.

92. HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, p. 26.

93. See, for example, Human Rights Watch, *Occupation Inc.: How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights*, 19 January 2016, www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian

94. See, for example, Amnesty International, *Israel/Occupied Palestinian Territories: Troubled Waters* - Palestinians Denied Fair Access to Water, October 2009 (Index: MDE 15/027/2009), www.amnesty.org/en/documents/MDE15/027/2009/en/; *Israel and the Occupied Palestinian Territories: Enduring Occupation. Palestinians Under Siege In The West Bank*, June 2007 (Index: MDE 15/033/2007) www.amnesty.org/en/documents/MDE15/033/2007/en/; *Israel and the Occupied Territories: Surviving under siege: The impact of movement restrictions on the right to work*, September 2003 (Index: MDE 15/001/2003), www.amnesty.org/en/documents/mde15/001/2003/en/; and Human Rights Watch, *Separate and Unequal, Israel's Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories*, December 2010, www.hrw.org/report/2010/12/19/separate-and-unequal/israels-discriminatory-treatment-palestinians-occupied

95. Marya Farah, "Planning in Area C: Discrimination in Law and Practice", *Palestine-Israel Journal of Politics, Economics and Culture*, Vol. 21 No. 3 2016, www.pij.org/details.php?id=1685

96. OCHA, *The Planning Crisis in East Jerusalem*, April 2009, www.ochaopt.org/content/special-focus-planning-crisis-east-jerusalem-april-2009, p. 8.

97. HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, paras 43-44.

98. HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, para. 44.

Violations of the right to adequate housing:[99] Since 1967, Israel has constructed tens of thousands of homes on Palestinian land to accommodate settlers while, at the same time, demolishing an estimated 50,000 Palestinian homes and other structures, such as farm buildings and water tanks.[100] Israel also carries out demolitions as a form of collective punishment against the families of individuals accused of attacks on Israelis. In East Jerusalem, about 800 houses have been demolished since 2004 for lack of permits.[101] Israel also confiscates houses inhabited by Palestinians in the city to allocate them to settlers.[102] By forcibly evicting and/or demolishing their homes without providing adequate alternative accommodation, Israel has failed in its duty to respect the right to adequate housing of thousands of Palestinians.[103]

Violations of the right to freedom of movement:[104] Many restrictions on freedom of movement for Palestinian residents are directly linked to the settlements, including restrictions aimed at protecting the settlements and maintaining "buffer zones". Restrictions include checkpoints, settler-only roads and physical impediments created by walls and gates.[105]

Violations of the rights of the child:[106] Every year, 500-700 Palestinian children from the occupied West Bank are prosecuted in Israeli juvenile military courts under Israeli military orders.[107] They are often arrested in night raids and systematically ill-treated.[108] Some of these children serve their sentences within Israel, in violation of the Fourth Geneva Convention. The UN has also documented that many children have been killed or injured in settler attacks.[109]

Violations of the right to enjoyment of the highest attainable standard of physical and mental health:[110] Restrictions on movement limit Palestinians' access to health care.[111] Specialists working

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99. Protected under the ICECSR.

100. Amnesty International, *Israel and the Occupied Territories: Under the rubble: House demolition and destruction of land and property*, May 2004 (Index: MDE 15/033/2004); ICAHD, *Comprehensive Briefing on home demolitions*, 3 December 2017, icahd.org/2017/12/03/comprehensive-briefing-home-demolitions/

101. B'Tselem, "Statistics on demolition of houses built without permits in East Jerusalem", www.btselem.org/planning_and_building/east_jerusalem_statistics (last accessed 17 December 2018).

102. Human Rights Council, *Report of the United Nations High Commissioner for Human Rights, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan*, 6 March 2018 (UN Doc. A/HRC/37/43), documents-dds-ny.un.org/doc/UNDOC/GEN/G18/057/33/PDF/G1805733.pdf?OpenElement, para. 33.

103. Amnesty International, *Israel and The Occupied Palestinian Territories: Stop the transfer: Israel about to expel Bedouin to expand settlements*, 8 February 2012 (Index: MDE 15/001/2012), www.amnesty.org/en/documents/MDE15/001/2012/en/ *Israel and The Occupied Palestinian Territories: As Safe As Houses? Israel's demolition of Palestinian homes*, 16 June 2010 (Index: MDE 15/006/2010), www.amnesty.org/en/documents/mde15/006/2010/en/ A forced eviction is the removal of people against their will from the homes or land they occupy, without due process or other legal safeguards. See CESCR, General Comment 7: The right to adequate housing (Article 11.1), 20 May 1997, paras 13, 15 and 16: tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en

104. Protected under the ICCPR.

105. See Amnesty International, *Israel and the Occupied Territories: Surviving under siege: The impact of movement restrictions on the right to work*, September 2003 (Index: MDE 15/001/2003). See also B'Tselem, "Restrictions on movement", 11 November 2017, www.btselem.org/freedom_of_movement

106. Protected under the Convention on the Rights of the Child, ratified by Israel on 3 October 1991.

107. Defence for Children International (Palestine), *No way to treat a child, Palestinian children in the Israeli military detention system*, 14 April 2016, www.dci-palestine.org/palestinian_children_in_the_israeli_military_detention_system

108. Defence for Children International (Palestine), *No way to treat a child, Palestinian children in the Israeli military detention system*, 14 April 2016, www.dci-palestine.org/palestinian_children_in_the_israeli_military_detention_system

109. The OHCHR has documented the cases of four children killed and 267 children injured due to settler attacks from 2006 to 2013. See unispal.un.org/pdfs/UHCHR_SettlerViolence.pdf

110. Protected under the ICESCR.

111. Amnesty International, *Israel: Conflict, Occupation and Patriarchy: Women Carry the Burden*, 30 March 2005 (Index: MDE 15/016/2005), www.amnesty.org/en/documents/MDE15/016/2005/en/; Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967* (UN Doc. A/HRC/37/75), 15 March 2018, www.ohchr.org/en/hrbodies/sp/countriesmandates/ps/pages/srpalestine.aspx

with Palestinian populations have also documented a range of serious mental health conditions that stem from exposure to violence and abuse in the OPT.[112]

Violations of the right to water:[113] Most Palestinian communities in Area C are not connected to the water network and are prevented from repairing or constructing wells or water cisterns that hold rainwater.[114] Water consumption in some Area C communities is reported by the UN to be 20% of the minimum recommended standard.[115] Israel's failure to ensure Palestinian residents have a sufficient supply of clean, safe water for drinking and other domestic uses constitutes a violation of its obligations to respect and fulfil the right to water.[116]

Violations of the right to education:[117] Palestinian students face numerous obstacles in accessing education, including forced displacement, demolitions, restrictions on movement and a shortage of school places.[118] An independent fact-finding mission in 2012 noted an "upward trend" of cases of settler attacks on Palestinian schools and harassment of Palestinian children on their way to and from school.[119] Such problems can result in children not attending school and in a deterioration in the quality of learning.[120]

Violations of the right to earn a decent living through work:[121] The expansion of settlements has reduced the amount of land available to Palestinians for herding and agriculture, increasing the dependency of rural communities on humanitarian assistance.[122] Settler violence and the destruction of Palestinian-owned crops and olive trees have damaged the livelihoods of farmers.[123] The UN has reported that in Hebron city centre, the Israeli military has forced 512 Palestinian businesses to close, while more than 1,000 others have shut down due to restricted access for customers and suppliers.[124]

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112. HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, para. 57. A recent report by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 concluded: "Israel has been in profound breach of the right to health with respect to the Occupied Palestinian Territory. Its avaricious occupation – measured by the expanding settlement enterprise, the annexation of territory, the confiscation of private and public lands, the pillaging of resources, the publicly-stated ambitions for permanent control over all or part of the Territory, and the fragmentation of the lands left for the Palestinians – has had a highly disruptive impact upon health care and the broader social determinants for health for the Palestinians". (Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967* (UN Doc. A/HRC/37/75), 15 March 2018, para. 64.)

113. The right to water has been recognized as deriving from the right to an adequate standard of living and therefore implicitly contained in Article 11 of the ICESCR, Article 24(2) of the Convention on the Rights of the Child and other instruments. The right to water was recognized as an element of the right to an adequate standard of living by the CESCR in General Comment 15, The right to water (Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights) of 20 January 2003.

114. Amnesty International, *Israel/Occupied Palestinian Territories: Troubled Waters - Palestinians Denied Fair Access To Water*, October 2009 (Index: MDE 15/027/2009), www.amnesty.org/en/documents/MDE15/027/2009/en/; OCHA, Occupied Palestinian Territory: Humanitarian facts and figures, 21 December 2017, www.ochaopt.org/content/humanitarian-facts-and-figures, p. 12.

115. OCHA, *Occupied Palestinian Territory: Humanitarian facts and figures*, 21 December 2017, www.ochaopt.org/content/humanitarian-facts-and-figures, p. 12.

116. Violations of the obligation to respect follow from the state party's interference with the right to water. This includes, inter alia: (i) arbitrary or unjustified disconnection or exclusion from water services or facilities; (ii) discriminatory or unaffordable increases in the price of water; and (iii) pollution and diminution of water resources affecting human health. (CESCR, General Comment 15: The right to Water (Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), 20 January 2003, para. 44(a).)

117. Protected under the ICESCR.

118. Ecumenical Accompaniment Programme in Palestine and Israel, *Education Under Occupation: Access to Education in the occupied Palestinian territory*, 2013, www.unicef.org/oPt/UNICEF_Under_Occupation_final-SMALL.pdf; HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, para. 53.

119. HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, para. 53.

120. Ecumenical Accompaniment Programme in Palestine and Israel, *Education Under Occupation: Access to Education in the occupied Palestinian territory*, 2013, www.unicef.org/oPt/UNICEF_Under_Occupation_final-SMALL.pdf, p. 6.

121. Protected under the ICESCR.

122. OCHA, *Occupied Palestinian Territory: Humanitarian facts and figures*, 21 December 2017, www.ochaopt.org/content/humanitarian-facts-and-figures, pp. 10-11; Amnesty International, Israel and the Occupied Territories: Surviving under siege: *The impact of movement restrictions on the right to work*, September 2003 (Index: MDE 15/001/2003).

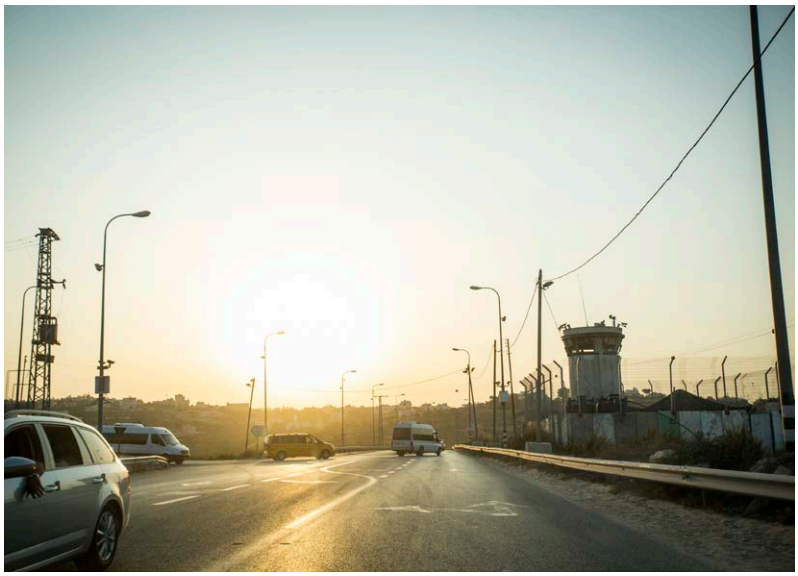
123. Human Rights Watch, *Separate and Unequal: Israel's Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories*, December 2010, www.hrw.org/report/2010/12/19/separate-and-unequal/israels-discriminatory-treatment-palestinians-occupied

124. OCHA, *Occupied Palestinian Territory: The Humanitarian Impact of Israeli Settlements in Hebron City*, 6 March 2018, www.ochaopt.org/content/humanitarian-impact-israeli-settlements-hebron-city

SUSTAINED INTERNATIONAL CONDEMNATION

Most states and international bodies have long recognized that Israeli settlements are illegal under international law. The European Union (EU) has clearly stated that: "settlement building anywhere in the occupied Palestinian Territory, including East Jerusalem, is illegal under international law, constitutes an obstacle to peace and threatens to make a two-state solution impossible."[125]

The settlements have been condemned as illegal in many UN Security Council and other UN resolutions. As early as 1980, UN Security Council Resolution 465 called on Israel "to dismantle the existing settlements and, in particular, to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem."[126] The International Committee of the Red Cross and the Conference of High Contracting Parties to the Fourth Geneva Convention have reaffirmed that settlements violate international humanitarian law.[127] The illegality of the settlements was recently reaffirmed by UN Security Council Resolution 2334, passed in December 2016, which reiterates the Security Council's call on Israel to cease all settlement activities in the OPT.[128] The serious human rights violations that stem from Israeli settlements have also been repeatedly raised and condemned by international bodies and experts.[129]



View of an Israeli checkpoint, seen from the road between Ramallah and Hebron, 14 September, 2017. © Amnesty International (Photo: Richard Burton)

125. European Union External Action, Middle East Peace Process, eeas.europa.eu/headquarters/headquarters-homepage/337/middle-east-peace-process_en (last accessed 17 December 2018).

126. UN Security Council Resolution 465 of 1 March 1980 unispal.un.org/DPA/DPR/unispal.nsf/0/5AA254A1C8F8B1CB852560E50075D7D. See also Security Council Resolution 681 of 20 December 1990. The UN General Assembly has also passed numerous resolutions condemning the settlements. See for example, Resolution 36/147 of 16 December 1981; Resolution 47/64 of 11 December 1992; Resolution Es-10/2 of 25 April 1997; Resolution Es-10/13 of 27 October 2003; and Resolution 68/81 of 16 December 2013. The UN Human Rights Council has similarly condemned the settlements as illegal. For its most recent resolutions, see Human Rights Council, *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in The Occupied Syrian Golan* (UN Doc. A/HRC/RES/31/36), 20 April 2016, and Human Rights Council, Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan (UN Doc. A/Hrc/34/L.41/Rev.1), 22 March 2017.

127. See, for example, ICRC, *Conference of High Contracting Parties to the Fourth Geneva Convention*, 5 December 2001, www.icrc.org/en/doc/resources/documents/statement/57jrgw.htm, and Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention, 5 December 2001, unispal.un.org/DPA/DPR/unispal.nsf/0/8FC4F064B9BE5BAD85256C1400722951 In 2004, the ICJ concluded that the settlements had been established in breach of international law. (ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion (9 July 2004), para. 120.)

128. UN Security Council Resolution 2334, adopted on 23 December 2016, www.un.org/webcast/pdfs/SRES2334-2016.pdf

129. See, for example, HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf

4. ONLINE TOURISM COMPANIES DOING BUSINESS IN THE SETTLEMENTS

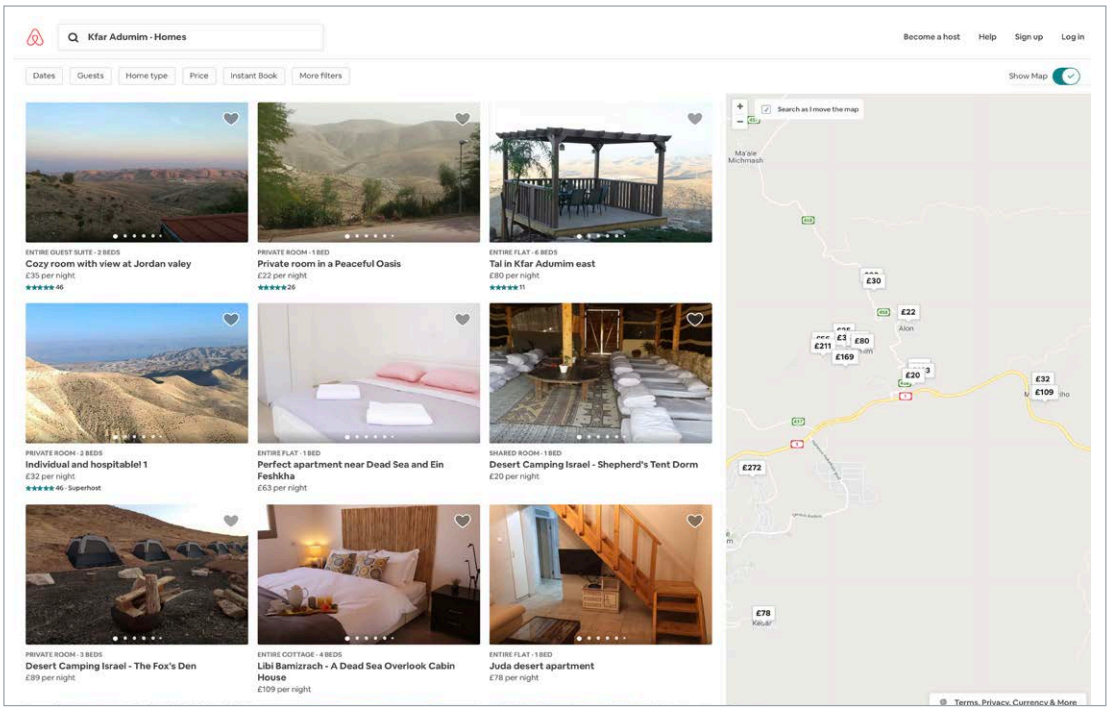
Around the world, tourists are increasingly using the internet to research destinations and book their vacations. Visitors to Israeli settlements in the OPT are no exception.[130] In 2017, almost half of all foreign visitors to Israel said that they had received information about the country from the internet before arriving, compared to only 14% who said they had consulted a traditional travel agent.[131]

The world's leading digital tourism companies – Airbnb, Booking.com, Expedia and TripAdvisor – all include listings for properties or attractions in settlements on their various websites. These sites allow tourism-related businesses in Israeli settlements to advertise their services to consumers around the world.

The settlement of Kfar Adumim, home to several vacation rental properties, overlooks Khan al-Ahmar, a Palestinian village that faces demolition. June 2017.
© Amnesty International

130. Israel Ministry of Tourism, *Inbound Tourism Survey Annual Report 2017*, May 2018, motwebmediastg01.blob.core.windows.net/nop-attachment/8862_english5.pdf, p. 7. By contrast, in 2010 many more foreign tourists said they had received information about Israel from a travel agent (41%) than the internet (25%) (Israel Ministry of Tourism, *Incoming tourism survey 2010*, July 2011, motwebmediastg01.blob.core.windows.net/nop-attachment/7559_Seker_Tayarut_Nichneset_2010.pdf, p. 4).

131. Israel Ministry of Tourism, *Inbound Tourism Survey Annual Report 2017*, May 2018, motwebmediastg01.blob.core.windows.net/nop-attachment/8862_english5.pdf, p. 7.



Screenshot of properties in the Israeli settlement of Kfar Adumim, available on Airbnb website, January 2019.

AIRBNB

Airbnb is a privately-owned US-based company, estimated to be worth more than US$30 billion.[132] Founded in 2008, Airbnb owns and operates the world's largest online property rental platform. Its key service is to provide a platform for homeowners to advertise properties for rent and handle bookings and payments.[133] Customers sign up as members of Airbnb either as hosts or as guests.[134] For every booking, Airbnb charges both the host (3-5% of the rental value) and the guest (up to 20%).[135] For customers outside the USA, Airbnb runs its business through subsidiaries in China (for Chinese hosts and guests), Japan (for Japanese hosts and guests) and Ireland (for hosts and guests from the rest of the world, including Israel and the OPT).[136]

Airbnb says that its business model runs on trust.[137] While it checks the identity of users, the company states that it has no control over and does not guarantee "the existence, quality, safety, suitability, or legality" of any listing, or the "truth and legality" of any listing description.[138]

132. Forbes, "As A Rare Profitable Unicorn, Airbnb Appears To Be Worth At Least US$38 Billion", 11 May 2018, www.forbes.com/sites/greatspeculations/2018/05/11/as-a-rare-profitable-unicorn-airbnb-appears-to-be-worth-at-least-38-billion/#5e3eaada2741

133. Airbnb also gives hosts advice on how to prepare their homes, as well as on safety and legal compliance and provides hosts with insurance: www.airbnb.co.uk/host-protection-insurance (Last accessed 17 January 2019)

134. Airbnb seeks new clients by encouraging existing hosts and guests to invite their friends to join: www.airbnb.co.uk/refer?r=6 (Last accessed 17 January 2019)

135. Airbnb, "What is the Airbnb service fee?", www.airbnb.co.uk/help/article/1857/what-is-the-airbnb-service-fee (last accessed 18 October 2018).

136. Airbnb, "Terms of Service", 16 April 2018, www.airbnb.co.uk/terms

137. Airbnb, "How it Works", www.airbnb.co.uk/how-it-works

138. Airbnb, "Scope of Airbnb Services", 16 April 2018, www.airbnb.co.uk/terms (last accessed 28 September 2018).

Airbnb claims that its site carries more than 5 million listings – of rooms, apartments and whole homes – in 191 countries and has handled more than 400 million bookings since it was founded.[139] The company runs 55 "localized" websites, tailored for consumers in different languages and countries.[140] Israel has been a rapidly growing market for Airbnb.[141] The company says it now has more than 20,000 hosts in the country.[142]

On 19 November 2018, Airbnb announced that it would remove approximately 200 listings in Israeli settlements in the "occupied West Bank".[143] It did so in the wake of successful campaigning by a coalition of human rights organizations.[144] Airbnb explained its decision by saying that it had evaluated "whether the existence of listings is contributing to existing human suffering" and "whether the existence of listings in the occupied territory has a direct connection to the larger dispute in the region". Airbnb said that, after consulting experts, it had concluded that: "we should remove listings in Israeli settlements in the occupied West Bank that are at the core of the dispute between Israelis and Palestinians". However, this commitment did not extend to listings in settlements in East Jerusalem, even though it too is occupied territory. The company did not explain why it had made this exception.[145] Airbnb issued a new public statement on 18 December 2019, following a meeting between a company executive and Israel's minister of tourism. Airbnb denied media reports that it had suspended its commitment to stop listing properties in settlements in the West Bank, stating that it had "communicated that we are developing the tools needed to implement our policy and that process includes continuing our dialogue with the Government of Israel and other stakeholders.[146]

At the time of writing (14 January 2019), Airbnb had yet to implement its November 2018 announcement and was still listing properties across the OPT. Even after it does so, Airbnb will still have more individual listings in settlements than any other digital tourism company because of its remaining listings in East Jerusalem. Amnesty International researchers found that the company listed more than 100 properties there.

In its November 2018 announcement, the company said it had approximately 200 properties in settlements elsewhere in the West Bank, which it would delist. Amnesty International found that these were in 64 separate settlements.[147] They included rentals overlooking the Dead Sea, as well as ones in towns close to Jerusalem, in small rural settlements and even in "settlement outposts" that are not only illegal under international law, but are also not authorized by the Israeli government.[148]

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139. Airbnb, "Fast Facts", press.atairbnb.com/fast-facts/ (last accessed 28 September 2018)

140. Airbnb, "Local Airbnb Sites", www.airbnb.com/sitemaps/localized (last accessed 28 September 2018).

141. In 2017, 9% of foreign visitors to the country said they had stayed in rented apartments, up from 6% in 2016. Israel Ministry of Tourism, *Inbound Tourism Survey Annual Report 2017*, May 2018, motwebmediastg01.blob.core.windows.net/nop-attachment/8862_english5.pdf, p. 21.

142. Airbnb, "Listings in Disputed Regions", 19 November 2018, press.airbnb.com/listings-in-disputed-regions/.

143. Airbnb, "Listings in Disputed Regions", 19 November 2018, available at https://press.airbnb.com/listings-in-disputed-regions/.

144. On 20 November 2018, Human Rights Watch published *Bed and Breakfast on Stolen Land*, which focuses on Airbnb and Booking.com, www.hrw.org/report/2018/11/20/bed-and-breakfast-stolen-land/tourist-rental-listings-west-bank-settlements Previously a group of US and other organizations ran "The Stolen Homes Campaign", jewishvoiceforpeace.org/stolen-homes/ (last accessed 7 December 2018).

145. Airbnb also said that it would continue to list properties in the Golan Heights, which is Syrian territory that Israel has occupied since 1967.

146. Airbnb does not publish a list of its properties, so this information is based on data scraped from the map function on 7 November 2018.

147. These are: Alei Zahav, Alfei Menashe, Almog, Almon, Alon, Alon Shvut, Ari'el, Avnat, Barkan, Beit El, Bracha, Dolev, Efrat, Eli, Ets Efraim, Fatsa'el, Geva Binjamin, Gilo, Givat Kanada, Giv'at Ze'ev, Givon Hahadasha, Gush Etzion, Har Adar, Har Gilo, Har Homa, Hashmona'im, Itamar, Kalia, Karnei Shomron, Kedar, Kfar Adumim, Kfar Etzion, Kfar Ha-Oranim, Khavat Gil'ad, Kida, Kiryat Arba, Kiryat Ata, Kiryat Sefer, Ma'ale Adumim, Ma'ale Efraim, Ma'ale Levona, Ma'ale Mikhmas, Maalot Dafna, Maccabin, Mevo Horon, Mitspe Yeriho, Neve Daniel, Nili, Nof Ofra, Nofei Hamidbar, Nokedim, Ofra, Oranit, Ovnat, Petah Tikva, Rehelim, Rimonim, Sharee Tikva, Shilat, Shilo, Tekoa, Tekoa B, Tene and Tomer.

148. B'Tselem, "Adding insult to injury: Israel officially recognizes Gilad Farm settlement outpost after turning blind eye to land seizure and harassment of Palestinians there for 15 years", 27 February 2018, www.btselem.org/settlements/20180227_havat_gilad_whitewash

Screenshot from Booking.com of a campsite in the Israeli settlement of Kfar Adumim, January 2019.

BOOKING.COM

Booking.com is the Netherlands-headquartered company that operates Booking.com, the accommodation booking website.[149] In 2017, the company claimed the site was the world's biggest, with 673 million "room nights booked".[150] Booking.com is a wholly owned subsidiary of the US-listed company Booking Holdings Inc., which in April 2018 was valued at over US$100 billion.[151]

Booking.com's key service is as a platform for users to reserve accommodation, from which the company then earns a commission of up to 15%.[152] It says that it lists more than 1.7 million accommodation providers in over 220 countries and territories worldwide.[153] Booking.com initially only advertised hotels but has rapidly increased its listings in "homes, apartments and other non-traditional places to stay".[154]

Booking.com maintains localized versions of its site in over 40 languages.[155] Its services are also carried by other major international digital tourism companies (see Annex I). These include other subsidiaries of Booking Holdings Inc., such as Singapore-based Agoda, which targets customers in South East Asia;[156] separate companies, such as Ctrip, which says it is China's largest online tourist agency;[157] and London-headquartered Opodo Ltd, which focuses on European customers.[158]

149. Booking.com, "How our online booking service works", www.booking.com/content/how_we_work.en-gb.html?aid=1328032;sid=a992bc8248a86d93b45ddbef80fa26f6 (last accessed 12 November 2018).

150. Booking Holdings, "Notice of Annual Stockholders' Meeting and Proxy Statement", 7 June 2018, ir.bookingholdings.com/static-files/892b121e-de70-4a44-9db0-c26f071b3e53, p. 8.

151. Booking Holdings, "Notice of Annual Stockholders' Meeting and Proxy Statement", 7 June 2018, ir.bookingholdings.com/static-files/892b121e-de70-4a44-9db0-c26f071b3e53, p. 8.

152. Booking.com, "Pricing and commission", join.booking.com/index.html?lang=en-gb;aid=1328032 (last accessed 18 October 2018).

153. Booking Holdings, "Notice of Annual Stockholders' Meeting and Proxy Statement", 7 June 2018, ir.bookingholdings.com/static-files/892b121e-de70-4a44-9db0-c26f071b3e53, p. 8.

154. Booking Holdings, "Notice of Annual Stockholders' Meeting and Proxy Statement", 7 June 2018, ir.bookingholdings.com/static-files/892b121e-de70-4a44-9db0-c26f071b3e53, p. 34.

155. Booking Holdings, "Notice of Annual Stockholders' Meeting and Proxy Statement", 7 June 2018, ir.bookingholdings.com/static-files/892b121e-de70-4a44-9db0-c26f071b3e53, p. 4

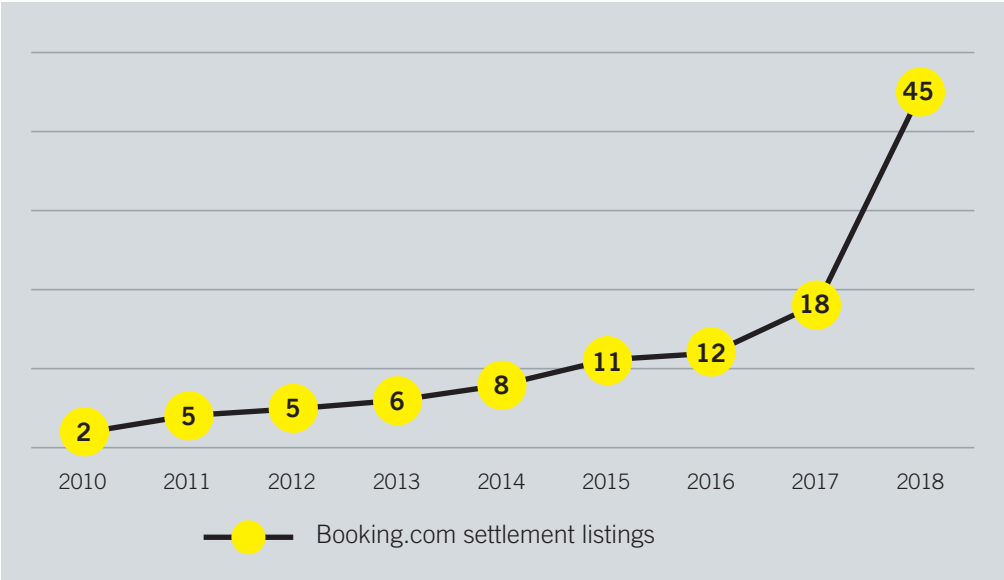
156. Agoda, "About Agoda – FAQs", www.agoda.com/info/agoda-termsofuse.html (last accessed 12 November 2018).

157. Ctrip, "Ctrip Strengthens Relationship with Booking Holdings and Expands Strategic Cooperation with Booking.com", 11 June 2018, ir.ctrip.com/phoenix.zhtml?c=148903&p=irol-newsArticle&ID=2354093

158. Opodo Ltd. is a wholly-owned subsidiary of eDreams ODIGEO, which is listed in Spain. See eDreams ODIGEO, *Annual Report 2017-2018*, www.opodo.com/customer-service/?contentSectionId=35169, p. 14.

In September 2018, Amnesty International found that Booking.com listed 45 accommodation providers in settlements, up from two in 2010.[159] These were in East Jerusalem as well as 20 other locations across the West Bank.[160] Most properties are rental apartments and homes.[161] But Booking.com also listed 11 hotels, six of which have more than 50 rooms. Therefore, Booking.com is likely to be responsible for more visitors to settlements than Airbnb and to make a greater contribution to settlement economies even though it lists fewer individual properties.

Booking.com: listings in settlements



Unlike the other companies featured in this report, Booking.com has a wholly owned Israeli subsidiary.[162] This "support company", with offices in Tel Aviv, has staff members who manage relations directly with accommodation providers in settlements. The company states that this involves "day-to-day pro-active communication", which is sometimes in person.[163] Booking.com staff members advise property hosts on how to promote their businesses and also verify that the information they provide is accurate.[164]

159. This was in September 2018. Unlike the other companies featured in this report, Booking.com lists on its website when it first listed properties.

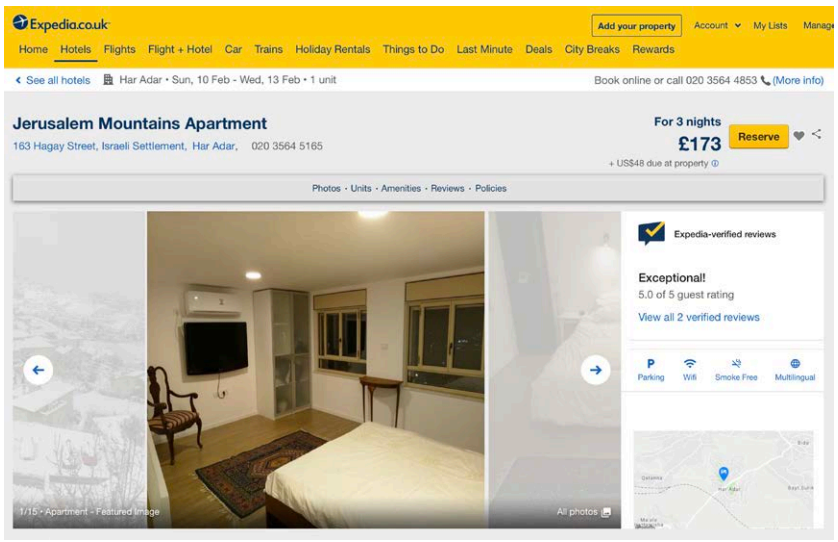
160. On 28 September 2018, 16 properties were in East Jerusalem. The others were in the following settlements: Almog, Bat Ayin, Beit Arey Ofarim, Beit Horon, Bracha, Eli, Giv'at Ze'ev, Har Adar, Hashmona'im, Kalia, Karne Shomron, Kfar Adumim, Kfar Etzion, Kokhav Yaakov, Ma'ale Adumim, Metsoke Dragot, Nahalin, Ofra, Tekoa and Vered Yeriho.

161. Of the 45 properties, 28 were described by their owners as being rooms in houses, whole houses, villas, lodges or apartments. Of the 17 traditional accommodation providers, 16 were described as hotels, hostels or guesthouses and one was a campsite.

162. Booking.com, "Offices Worldwide", www.booking.com/content/offices.en-gb.html?aid=304142;label=gen173nr-1FCAEoggJCAlhYSDNYBGi6AYgBAZgBLsIBCndpbmRvd3MgMTDIAQzYAQHoAQH4AQuSAgF5qAID;sid=a992bc8248a86d93b45ddbef80fa26f6

163. Booking.com, "Account Executive – Tel Aviv (Temporary)", workingatbooking.com/vacancies/account-executive-tel-aviv-temporary/ (last accessed 12 November 2018).

164. Booking.com, "Account Executive – Tel Aviv (Temporary)", workingatbooking.com/vacancies/account-executive-tel-aviv-temporary/ (last accessed 12 November 2018).



Apartment for rent on Expedia in the Israeli settlement of Har Adar. Screenshot of Expedia, January 2019.

EXPEDIA

The US-listed company Expedia is the owner and operator of the accommodation booking websites Expedia.com and Hotels.com, as well as a range of other digital tourism sites (see Annex I).[165] Expedia makes money by charging a commission on each booking, but it does not disclose in its public documents how much this is.[166]

Expedia.com and Hotels.com list the same properties on their platforms – 590,000 in 200 countries.[167] They both have a global reach, targeting customers through their localized content websites. There are 33 localized versions of Expedia.com and 90 localized versions of Hotels.com, in 41 different languages.[168] Expedia has over 100 offices in 38 countries.[169]

Its two flagship websites both list properties in settlements in the OPT. In total, Expedia.com and Hotels.com list nine accommodation providers.[170] Four are hotels with approximately 50 to 80 rooms. Two of these hotels are in East Jerusalem, four are hotels in settlements elsewhere in the OPT, one is a luxury campsite and two are apartments for rent.[171]

Expedia does not have an office in Israel or the OPT, but it employs staff who manage its business there. For example, a vacancy advertisement for a Hebrew-speaking Lodging Partner Associate in Expedia's Prague office explains that the post holder works with accommodation providers to boost their business and attract new customers.[172] The company also employs account management staff who proactively seek new properties to list.[173]

165. These include, Homeaway, Orbitz, Travelocity and Trivago. See Expedia Inc, *2017 Annual Report*, ir.expediagroup.com/static-files/965a3092-d2f0-4383-82a4-f27946e379eb, p. 1.

166. Expedia Group, *2017 Annual Report*, ir.expediagroup.com/static-files/965a3092-d2f0-4383-82a4-f27946e379eb, p. 1.

167. Expedia Group, *2017 Annual Report*, ir.expediagroup.com/static-files/965a3092-d2f0-4383-82a4-f27946e379eb, p. 1.

168. Expedia Group, *2017 Annual Report*, ir.expediagroup.com/static-files/965a3092-d2f0-4383-82a4-f27946e379eb, p. 1.

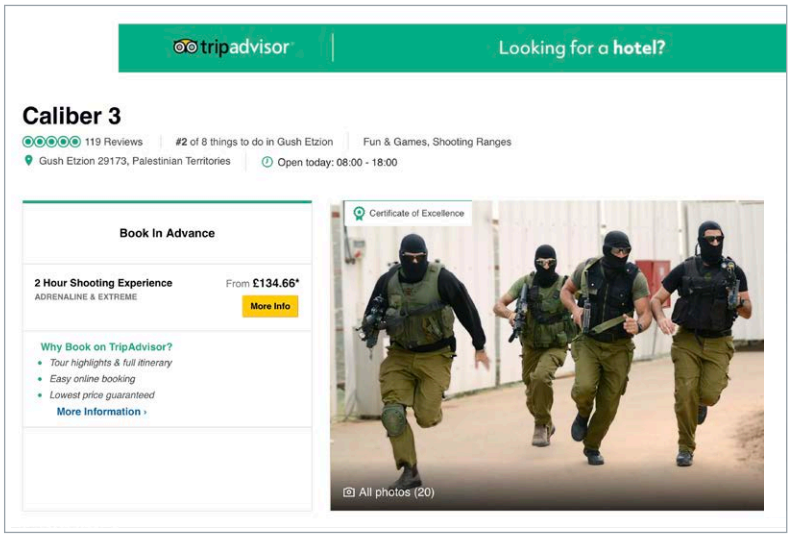
169. Expedia Group, Careers, lifeatexpedia.com/jobs (last accessed 12 November 2018).

170. On 29 September 2018.

171. These are in the settlements of Almog, Har Adar, Kalia, Kfar Adumim, Metzoke and Tekoa.

172. Expedia Group, "Lodging Partner Associate I (Hebrew Speaking)", lifeatexpedia.com/jobs/job?jobid=R-36459 (last accessed 12 November 2018).

173. Expedia Group, "Career Paths", lifeatexpedia.com/#careers (last accessed 12 November 2018).



"2 Hour Shooting Experience" in the Israeli settlement of Gush Etzion, available on TripAdvisor. Screenshot, January 2019.

TRIPADVISOR

The US-based TripAdvisor claims to run the world's most visited travel-related site, recording nearly 455 million average monthly unique visitors in 2017.[174] The site provides information and reviews on attractions, restaurants and places to stay. It has 48 localized versions and 28 different language versions.[175]

TripAdvisor is a more complicated website than those of the other companies featured in this report. Business owners post information about their tourist services, restaurant or property for free on the website so that travellers can rate them and share reviews. TripAdvisor then earns revenue by charging business owners who wish to buy advertising or promote their business on the site in other ways.[176]

Increasingly, TripAdvisor also acts as a booking platform, similar to those above, allowing users to directly book and pay for attractions, tours and accommodation through the site. In these cases, TripAdvisor charges a commission. For example, it charges commissions of 12-15% for handling accommodation reservations.[177] TripAdvisor employs sales staff to proactively grow this side of its business.[178]

Amnesty International found that TripAdvisor lists more than 70 different attractions, tours, restaurants, cafés, hotels and rental apartments in settlements in the OPT, including in East Jerusalem.[179] These are located in at least 27 different settlements in the West Bank.[180] Five hotels have more than 50 rooms.[181] They are scattered across the area and are in both large and small settlements. They include government-run nature parks, museums and archaeological sites, as well as privately owned Israeli tourism-related businesses.

174. TripAdvisor Inc., *2017 Annual Report*, ir.tripadvisor.com/static-files/840c6d1c-9c17-46c9-b52f-3586ead2515f, p. 2.

175. TripAdvisor Inc., *2017 Annual Report*, ir.tripadvisor.com/static-files/840c6d1c-9c17-46c9-b52f-3586ead2515f, p. 2.

176. TripAdvisor Inc., *2017 Annual Report*, ir.tripadvisor.com/static-files/840c6d1c-9c17-46c9-b52f-3586ead2515f, pp. 2-4.

177. TripAdvisor, "Instant Bookings", www.tripadvisor.com/InstantBooking (last accessed 18 October 2018).

178. TripAdvisor, "Field Sales Executive", careers.tripadvisor.com/job/TRINUS910/Field-Sales-Executive

179. According to information gathered from the site by Amnesty International in December 2018.

180. As of June 2018, these were: Almog, Alon, Ari'el, Dolev, Efrat, Gilo, Gush Etzion, Har Brakha, Hashmonaim, Kalia, Karnei Shomron, Kfar Adumim, Kfar Etzion, Kiryat Arba, Metzoke Dragot, Mevo Horon, Mishor Adumim, Mitzpe Yeriho, Moshav, Nof Ofra, Nofei Prat, Pisgat Ze'ev, Rosh Zurim, Shiloh, Susiya and Tekoa.

181. The largest, the Eshel Hashomron Hotel in Ari'el settlement, has 98 rooms, www.tripadvisor.co.uk/Hotel_Review-g674749-d506818-Reviews-Eshel_Hashomron_Hotel-Ariel_West_Bank.html (accessed 18 October 2018).

TripAdvisor acts a booking service for a number of these, for which it charges a commission. These include four tours run by the settler organization, Elad, in East Jerusalem, and five holiday rentals and a "desert safari" close to the Dead Sea. TripAdvisor also handles bookings (and therefore charges a commission) for a "2-hour shooting experience" at Calibre 3, a self-styled counter-terrorism training centre run by former members of the Israeli army.[182] This costs US$170 per person. The centre is in the Gush Etzion settlement and invites tourists to "learn what it takes to be a counter-terror warrior".

TripAdvisor is a particularly influential company as it plays a leading role in driving tourism to Israel and the OPT. It is the second most visited information website (after Google) reviewed by foreign tourists arriving in Israel, with over a quarter (more than 800,000 people) in 2017 saying that they had consulted the site before arrival.[183]

TripAdvisor Inc. also owns a further 23 online brands. Several of these, including www.holidaylettings.co.uk and www.viator.com, allow users to make direct bookings for attractions or accommodation in settlements (see Annex I).

MISLEADING INFORMATION ON LOCATIONS

In 2016 the EU issued guidelines on how companies should label produce originating from the settlements. It stated that it would be "incorrect and misleading" were companies to label them as "produce of Israel".[184] To label them simply as produce "from the West Bank" would also mislead consumers regarding their true origin. Therefore, the EU advised that "product from the West Bank (Israeli settlement)" would be an accurate label.

This guidance provides digital tourism companies with an indication of how they should require settlement properties, activities and attractions to be listed. However, none of the companies researched require prospective hosts or operators whose properties, activities or attractions are situated within settlements to accurately indicate this fact in their listings.

Also, all four companies allow users of their websites to browse properties and attractions on its interface using Google Maps, which includes a line marking the border between Israel and the West Bank. This enables well-informed travellers to know if they will be renting a property or planning to visit an attraction inside the OPT or in Israel. However, Google Maps does not mark which areas within the OPT fall within the boundaries of the settlements.[185]

As the account below shows, digital tourism companies are inconsistent in the way they require, enforce or permit the location of settlement listings to be described. As a result, users (who are prospective guests or visitors) are deprived of essential information for an accurate understanding of where they might be staying or what they might be visiting:

182. TripAdvisor, "2 Hour Shooting Experience", www.tripadvisor.com/AttractionProductDetail-g293983-d11464840-2_Hour_Shooting_Experience-Jerusalem_Jerusalem_District.html (accessed 18 October 2018).

183. Israel Ministry of Tourism, *Inbound Tourism Survey Annual Report 2017*, May 2018, motwebmediastg01.blob.core.windows.net/nop-attachment/8862_english5.pdf, p. 7.

184. European Commission, Interpretative Notice on indication of origin of goods from the territories occupied by Israel since June 1967, 11 November 2015, eeas.europa.eu/archives/delegations/israel/documents/news/20151111_interpretative_notice_indication_of_origin_of_goods_en.pdf, p. 3,

185. This is only possible by assessing location and other information provided on the websites regarding each property, attraction and so on.

- Google Maps does not indicate that a listing in the OPT is within a settlement;
- the digital tourism companies do not require or enforce a geographical description along the lines recommended by the EU guidance for settlement produce;
- Israeli settlers do not (and most probably will not unless explicitly required to) describe their listings as located in an Israeli settlement in the OPT.

Airbnb makes no requirement on its website that people who host properties provide information about the property location. The full address of properties is only provided to guests after they have made a booking. Until that point, users to the site can only go by the information that hosts choose to make public. In the case of properties within settlements in the OPT, none of the hosts labelled their properties as such even though this is where they are located.

For instance, many falsely stated that properties in settlements in Area C of the West Bank were in Israel rather than the OPT. For example, a house in the settlement of Kalya (also spelt Kalia) was listed by its owners as being in "Kalya, Israel".[186] Similarly, the owner of an apartment in the settlement of Ma'ale HaZeitim in East Jerusalem misleadingly states that it is in Israel, rather than the OPT.[187]

According to Airbnb company policy, listings are welcome as long as the "space is accurately represented, located where the host says it is". Airbnb has also stated that if it discovers that a listing does not meet this guideline, it may exercise its discretion to "limit, suspend, deactivate, or cancel the host's account".[188] In its "Standards and Expectations", the company further emphasizes that hosts should "not provide inaccurate location information" and "mislead people about the type, nature, or details of" their listing.[189] A company "team of experts" is apparently empowered to make an "enforcement decision" in relation to, among other things, false or incorrect listings.[190] However, it is evident that settler listings are flouting the company's stated requirements and that Airbnb is aware of this but is actively choosing not to exercise its enforcement discretion in relation to settlement listings.

Since October 2018, **Booking.com** has provided the most accurate information regarding properties on its website. For 25 of the 45 accommodation providers in settlements, Booking.com gives the address of the property as "the Palestinian Territories, Israeli Settlement".[191] However, Booking.com does not consistently label all properties in this way. In the other 20 cases, Booking.com either failed to check or misleadingly labelled properties as being in Israel. This included all of the properties (17) that the website listed in East Jerusalem. Before October 2018, Booking.com did not describe any properties as being in Israeli settlements in "the Palestinian Territories". It is unclear why a uniform approach is not being applied consistently to ensure an accurate description of settlement listings.

186. Airbnb, "Garden suite - Dead Sea", www.airbnb.co.uk/rooms/25019309 (last accessed 18 October 2018).

187. Airbnb, "**amazing view KOSHER apartment**", www.airbnb.co.uk/rooms/28064743?location=jerusalem&s=rr0c48QH (last accessed 28 November 2018).

188. Airbnb, "Are there any restrictions about what can be listed?", www.airbnb.co.uk/help/article/455/are-there-any-restrictions-about-what-can-be-listed (last accessed 12 December 2018).

189. Airbnb, "Your safety is our priority", www.airbnb.co.uk/trust/standards (last accessed 12 December 2018).

190. Airbnb, "What are Airbnb's standards and expectations?", www.airbnb.co.uk/help/article/1199/what-are-airbnb-s-standards-and-expectations (last accessed 12 December 2018).

191. See, for example, www.booking.com/hotel/il/almog-kibbutz.en-gb.html?aid=304142;label=gen173nr-1FCAEoggJCAlhYSDNYBGi6AYgBAZgBLsIBCndpbmRvd3MgMTDIAQzYAQHoAQH4AQuSAgF5qAID;sid=7bdfd3cfe8113f8266aea0700893eb5f;atlas_src=sr_iw_btn;dist=0;room1=A%2CA;sb_price_type=total;type=total& (last accessed 12 December 2018).

Booking.com claims that a "support team" verifies properties before listing them to ensure they are "100% genuine".[192] Based on its current listings in settlements, it is clear that this verification process fails to adequately check if location descriptions are accurate. A settlement property described as being in Israel or simply in the OPT, is not a genuine representation of its true location.[193]

Expedia's flagship website, Expedia.com, had previously provided little information about property location, neither describing them as being in the OPT or in Israel.[194] But since November 2018, and at the time of writing, it has described six of the nine properties as being in "Israeli settlements".[195] The remaining three were still described as being in Israel (including two in East Jerusalem and one in the settlement of Har Adar) and none is described as being in the OPT.[196] As noted above, the EU considers this to be an inaccurate description.

Expedia's other website, Hotels.com, described the same six properties as being Israeli settlements in "Palestinian Territories", while another was simply listed as being an Israeli settlement.[197] However, it also described two properties in East Jerusalem as being in Israel.[198]

Expedia provides very little information on its websites concerning standards and expectations relating to the accuracy and completeness of listing details, what it expects of hosts (defined by the company as "travel suppliers"[199]) in this regard or any procedures to address inaccurate listings. The incomplete or inconsistent description of the location of settlement properties noted above suggests that the company does not have clear guidance on this. If it does, the company is not enforcing compliance and requiring hotel owners to accurately describe their location.[200]

TripAdvisor's geographical descriptions are also inconsistent. It described some attractions in settlements as being in the "Palestinian Territories". But this is an incomplete description as the company does not clarify that they are inside Israeli settlements in the OPT. For example, the address of the ancient ruins inside the settlement of Shiloh in the north of the West Bank was simply given as "Road 60, Ariel 483000, Palestinian Territories".[201]

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192. Booking.com, "I've registered my property. When will it go live?", last updated 6 December 2018, partnerhelp.booking.com/hc/en-gb/articles/115004051193-I-ve-registered-my-property-When-will-it-go-live- See also "Why does Booking.com verify property locations?", last updated 7 December 2018, partnerhelp.booking.com/hc/en-gb/articles/115002002569

193. In response to an Amnesty International letter to the company laying out these concerns, Booking.com stated that their geographic labeling of properties gave full transparency to customers about where an accommodation was located. The company also noted that it marked properties concerned as being in 'Israeli settlements'. However, as explained above, these statements are not supported by the reality of the company's continuing listing practices. Email from Booking.com, 15 December 2018 (see Annex).

194. Reviewed by Amnesty International on 29 September 2018.

195. See, for example, Expedia, "Kalia Kibbutz Hotel", www.expedia.com/Kalya-Hotels-Kalia-Kibbutz-Holiday-Village.h3066836.Hotel-Information?chkin=9%2F29%2F2018&chkout=9%2F29%2F2018 (last accessed 6 December 2018).

196. In its response to Amnesty, the company explained that it was "reviewing the transparency of our display not only in the Occupied Palestinian Territories, but as well as other disputed territories globally to ensure that travelers have the information necessary to make the travel decisions that best suit their needs." Email from Expedia, 16 December 2018, See Annex.

197. Hotels.com, "Jerusalem Mountains Apartment", uk.hotels.com/ho688905/jerusalem-mountains-apartment-har-adar-israel/ (last accessed 7 December 2018).

198. Hotels.com, "Mount of Olives Residence Glatt Kosher", uk.hotels.com/ho725017280/mount-of-olives-residence-glatt-kosher-jerusalem-israel/, and "The Sephardic House", uk.hotels.com/ho476043/the-sephardic-house-jerusalem-israel

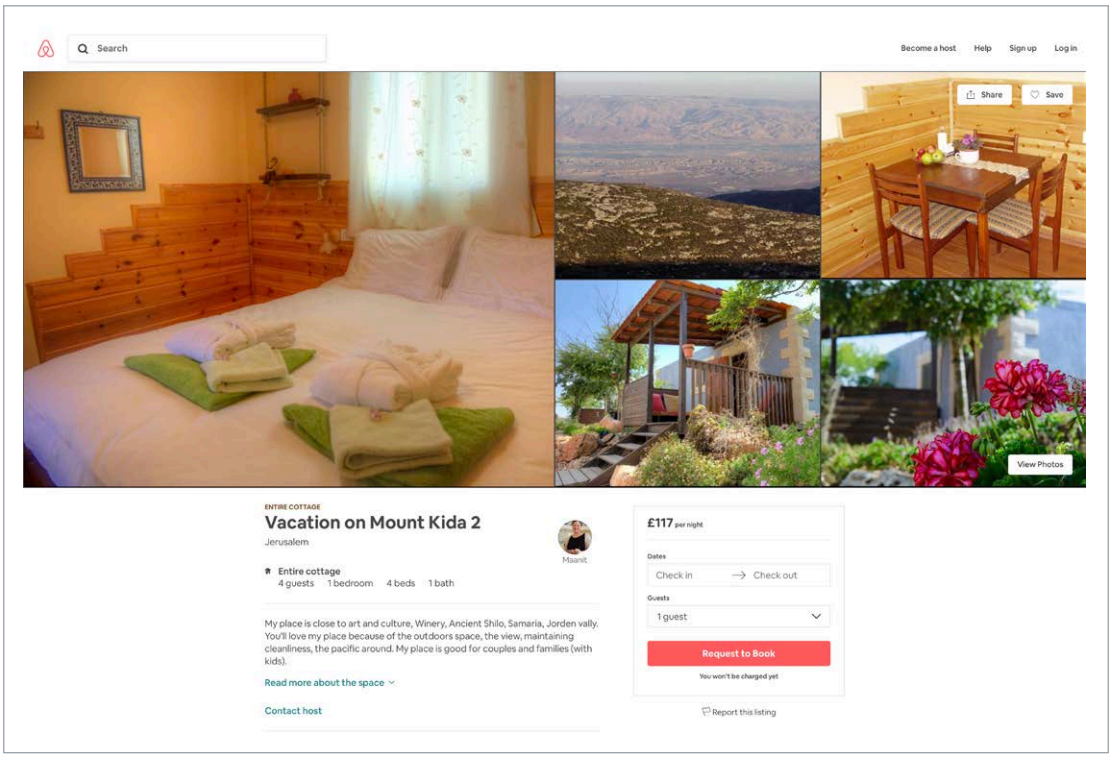
199. Expedia Group Inc., "Modern Slavery Statement", 2017, www.expediagroup.com/about/msa-statement/ (last accessed 7 December 2018).

200. Expedia Group Inc., "Partner Central", onboarding.expediapartnercentral.com/public/join (last accessed 7 December 2018).

201. TripAdvisor, "Ancient Shiloh (Tel Shiloh)", www.tripadvisor.co.uk/Attraction_Review-g674749-d10826076-Reviews-Ancient_Shiloh_Tel_Shiloh-Ariel_West_Bank.html (last accessed 18 October 2018). Nonetheless, even this position has earned a rebuke from the Israeli government. Deputy Foreign Minister Tzipi Hotovely wrote to TripAdvisor in June 2018 to argue that since Shiloh is in "Area C" of the West Bank (which is under the administration of the Israeli military), it should be listed as being in Israeli and not Palestinian territory. (*Israel Hayom*, "Foreign Ministry asks major tourism website to list Area C hotels as Israeli", 6 June 2018, www.israelhayom.com/2018/06/06/foreign-ministry-asks-major-tourism-site-to-define-area-c-hotels-as-israeli/)

In other cases, TripAdvisor described settlements as being within Israel. For example, an apartment for rent in the settlement of Nof Ofra was misleadingly described as being in "Jerusalem District, Israel".[202] Similarly, TripAdvisor gave the location of the Calibre 3 "shooting experience" in the settlement of Gush Etzion as "Gush Etzion, Israel".[203]

TripAdvisor claims to have a team of "editors" who verify property or attraction details before they are published.[204] This does not appear to include verifying that the location of a prospective listing is accurately described. However, the fact that settlement listings are often described as located in Israel suggests that this is either not part of the verification process or, at the very least, that editors are ill-equipped to identify and address inaccuracies in settlement listings. While the company makes the supply of "true, accurate, current and complete"[205] information an explicit condition of use of its services, it is evident that it is not adequately monitoring and/or enforcing this requirement.



Screenshot of Airbnb listing in Mount Kida, a settlement outpost in the north West Bank, that is wrongly listed as being in "Jerusalem," January 2019.

202. TripAdvisor, "Nof Ofra", www.tripadvisor.co.uk/VacationRentalReview-g293983-d8407124-Nof_Ofra-Jerusalem_Jerusalem_District.html (last accessed 18 October 2018).

203. TripAdvisor, "2 Hour Shooting Experience", www.tripadvisor.com/AttractionProductDetail-g293983-d11464840-2_Hour_Shooting_Experience-Jerusalem_Jerusalem_District.html (accessed 18 October 2018).

204. TripAdvisor, "Get Your Business on TripAdvisor", www.tripadvisor.co.uk/TripAdvisorInsights/w855 (last accessed 7 December 2018); " What kinds of places does TripAdvisor list?", www.tripadvisorsupport.com/hc/en-gb/articles/200614677-What-kinds-of-places-does-TripAdvisor-list- (last accessed 7 December 2018).

205. TripAdvisor, "TripAdvisor Terms, Conditions and Notices", 1 October 2018, tripadvisor.mediaroom.com/us-terms-of-use#OLE_LINK10

5. HUMAN RIGHTS VIOLATIONS: FIVE CASE STUDIES

The following five case studies capture the human rights reality for Palestinian communities living in or near Israel's settlements, where tourism plays an increasingly important role in the economy.

Desert Camping Israel, Kfar Adumim. The campsite is built on land where Bedouins used to graze their herds. June 2018. © Amnesty International

CASE STUDY ONE: KFAR ADUMIM – KHAN AL-AHMAR

"Experience the tranquillity of the desert and get a taste of warm Israeli hospitality."

Airbnb listing[206]

The Palestinian village of Khan al-Ahmar and surrounding Israeli settlements and tourist sites. 2019 ©DigitalGlobe/Google Earth.

An important centre for tourism activities and accommodation in Area C of the West Bank is the Israeli settlement of Kfar Adumim, some 10km east of Jerusalem. It is home to approximately 400 settler families.[207]

A short distance from Kfar Adumim is the Bedouin village of Khan al-Ahmar.[208] In contrast to the modern houses in the settlement, Khan al-Ahmar is little more than a collection of tin shacks. The village is home to approximately 180 Bedouin, more than half of whom are children.[209] Most are Indigenous refugees who were driven out of Israel after the country's creation in 1948. The Bedouin in the OPT self-identify as Indigenous Peoples.[210] As such, they enjoy certain special rights over the land they occupy and the natural resources they use to sustain their traditional livelihoods and way of life.[211]

206. Airbnb, "Desert Camping Israel – The Gazelle tent", www.airbnb.co.uk/rooms/21987104?location=Desert%20Camping%20Israel%2C%20Mevo%20Yerushalayim%2C%20Kfar%20Adumim&adults=1&guests=1&s=DFh_kc0w (last accessed 6 December 2018).

207. Binyamin Regional Council, "Kfar Adumim", www.myheartland.co.il/kfar-adumim/ (last accessed 12 November 2018).

208. Approximately 2km away.

209. Khan al-Ahmar is one of 46 small communities across Area C where approximately 7,000 Bedouin live. (OCHA, *Bedouin Communities at Risk of Forcible Transfer*, September 2014, www.ochaopt.org/content/un-officials-call-israel-abandon-plans-demolish-and-transfer-khan-al-ahmar-abu-al-helu)

210. The Committee on the Elimination of Racial Discrimination (CERD) has acknowledged this self-identification. See CERD, Concluding Observations on Israel, 2012 (UN Doc. CERD/C/ISR/CO/14-16), para. 20.

211. UN Declaration on the Rights of Indigenous Peoples, 13 September 2007, www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html

Kfar Adumim was built in 1979, more than 30 years after the Bedouin established their village. Israel built the settlement on a ridge with commanding views over the Judean desert and the Jordan Valley. The settlement is close to several tourist attractions, including the Ein Prat/Wadi Qelt Nature Reserve.[212] This reserve is managed by a government agency, the Israel Nature and Parks Authority.[213]

For years, Israel has been trying to relocate the residents of Khan al-Ahmar (as well as other Bedouin communities in Area C) against their wishes, to expand settlements in the region.[214] Amnesty International, the UN and others have documented how the Israeli government has tried to force the people of Khan al-Ahmar off their land.[215]

Firstly, they have created what the UN Office for the Coordination of Humanitarian Affairs (OCHA) has termed a "coercive environment, which functions as a 'push factor'".[216] This is intended to make the lives of the Bedouin as difficult as possible. Measures have included: refusing to connect homes to the electricity network; confiscating solar panels; failing to ensure adequate access to water; rejecting applications for building permits; demolishing structures, including homes and animal shelters; threatening further demolitions; restricting access to roads and grazing land by creating settlements; restricting access to further grazing lands by creating military areas and the Ein Prat/Wadi Qelt Nature Reserve; denying people permits to work in settlements; and failing to protect the community from intimidation and attacks by Israeli settlers.[217]

These "push factors" constitute, or have led to, violations of many human rights of the people of Khan al-Ahmar, including the rights to adequate housing and to an adequate standard of living.[218]

The establishment and development of the Kfar Adumim settlement has encroached on almost all the land the Bedouin used to graze their animals. This has severely impacted their traditional source of livelihood, forcing them to live in hardship. It has also impaired their rights, as Indigenous Peoples, to freely pursue their economic development; use and enjoy their land, territories and resources; and enjoy their own means of subsistence, among others.[219] Villagers now try to earn a living through low-paid seasonal agricultural work elsewhere and they also receive humanitarian relief from the Palestinian authorities. This amounts to about US$250 a month, which residents told Amnesty International only just about covers essential household expenditure.[220]

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212. TripAdvisor, "Ein Prat Nature Reserve (Wadi Qelt)", www.tripadvisor.co.uk/Attraction_Review-g3238517-d523464-Reviews-Ein_Prat_Nature_Reserve_Wadi_Qelt-Kfar_Adumim_Binyamin_Region_West_Bank.html (last accessed 6 December 2018).

213. This also runs the nearby Museum of the Good Samaritan, which displays mosaics from across the OPT, including Gaza, thus denying the people there access to it. (TripAdvisor, "The Good Samaritan Museum", www.tripadvisor.co.uk/Attraction_Review-g297750-d10818761-Reviews-The_Good_Samaritan_Museum-Jericho_West_Bank.html (last accessed 6 December 2018).)

214. Amnesty International, *Israel and The Occupied Palestinian Territories: Stop The Transfer: Israel about to expel Bedouin to expand settlements*, 8 February 2012 (Index: MDE 15/001/2012), www.amnesty.org/en/documents/MDE15/001/2012/en/ In early 2018, the government approved plans to build 289 new housing units on 40 hectares of land next to Alon settlement (one of Kfar Adumim's satellite settlements), and 322 housing units on 66 hectares next to Kfar Adumim. See Peace Now, *Some 80% of the 1,958 housing units approved on 30 May 2018 are in "isolated settlements"*, 30 May 2018, peacenow.org.il/en/80-1958-housing-units-approved-30-may-2018-isolated-settlements

215. Amnesty International, *Israel and The Occupied Palestinian Territories: Stop The Transfer: Israel about to expel Bedouin to expand settlements*, 8 February 2012 (Index: MDE 15/001/2012), www.amnesty.org/en/documents/MDE15/001/2012/en/, and *Israel and The Occupied Palestinia*n Territories: As Safe As Houses? Israel's demolition of Palestinian homes, 16 June 2010 (Index: MDE 15/006/2010), www.amnesty.org/en/documents/mde15/006/2010/en/

216. OCHA, *Bedouin Communities at Risk of Forcible Transfer*, September 2014, www.ochaopt.org/content/un-officials-call-israel-abandon-plans-demolish-and-transfer-khan-al-ahmar-abu-al-helu

217. These various push factors are detailed in OCHA, *Bedouin Communities at Risk of Forcible Transfer*, September 2014, www.ochaopt.org/content/un-officials-call-israel-abandon-plans-demolish-and-transfer-khan-al-ahmar-abu-al-helu, and B'Tselem, "Communities facing expulsion: The Khan al-Ahmar area", 10 October 2017, updated 5 September 2018, www.btselem.org/communities_facing_expulsion/khan_al_ahmar They were confirmed as current in an interview that community spokesperson Abu Khamis gave to Amnesty International on 6 June 2018.

218. Israel is also violating the right to freedom of movement of the Khan al-Ahmar residents through the many restrictions placed on them to access or use roads and other areas of the land they previously used or occupied. Israel's failure to protect the community from intimidation and attacks by Israeli settlers constitute further violations of the residents' rights to health and security of person.

219. UN Declaration on the Rights of Indigenous Peoples, Articles 3, 8(b) and 20.

220. For example, one resident complained that it was difficult to pay for gas cannisters for their heaters in the winter, that his family seldom eats meat any more, and that few people can afford to send their children to high school, as this is some distance away and they cannot afford the transport costs. Amnesty International interview with Abu Khamis, 9 November 2018, Khan Al Ahmar.

In addition, the Israeli government has directly ordered the demolition of Khan al-Ahmar on the grounds that villagers did not acquire relevant building permits. The government has done this without implementing any of the legal safeguards prescribed by international law to protect the right to adequate housing, such as prior consultation, notice and the provision of adequate alternative accommodation.[221] Furthermore, such a move would violate their right as Indigenous Peoples not to be forcefully removed from their territories and lands without their free, prior and informed consent.[222] Since 2009, the Bedouin have fought this through the Israeli courts. However, on 24 May 2018, the Supreme Court ruled that demolitions could go ahead despite the government's failure to guarantee minimal due process safeguards and avoid forced evictions.

The village is now facing demolition and the forcible transfer of its residents to make way for further illegal settlements. The demolition order includes the village's school, which provides education for some 170 Bedouin children. If implemented, these actions will constitute war crimes,[223] as well as violations of the human rights to adequate housing,[224] education[225] and non-interference with family and home.[226]

The development of a lucrative tourism industry based in and around Kfar Adumim has contributed to the economy of the neighbouring settlements and galvanized the drive for further expansion.[227]

At the time of writing, Kfar Adumim and three smaller satellite settlements were home to 30 Airbnb properties – the largest cluster in the OPT outside East Jerusalem.[228] Many properties were presented as luxury accommodation. For example, the "Desert Lookout" is a 12-bed villa for rent costing US$440 a night. Its listing described it as having a heated swimming pool and a "spectacular desert view".[229]

As well as private residential properties, Airbnb provided three separate listings for "Desert Camping Israel" – a campsite in the desert east of Kfar Adumim. There, guests could hire tents for as much as US$235 a night to "experience the tranquillity of the desert and get a taste of warm Israeli hospitality".[230]

At the time of writing, Booking.com, Expedia and Hotels.com all also listed "Desert Camping Israel".[231] Booking.com listed a further five apartments to rent, and Expedia and Hotels.com listed two each.[232]

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221. CESCR, General Comment 7: The right to adequate housing – forced evictions (Article 11.1), 20 May 1997, tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en, paras 13, 15 and 16. The plan is to transfer Khan al-Ahmar's residents to a highly inadequate site near the former Jerusalem municipal garbage dump near the village of Abu Dis. As well as its homes, the demolition order includes Khan al-Ahmar's school, which educates 170 children from five different Bedouin communities.

222. UN Declaration on the Rights of Indigenous Peoples, Articles 8(c) and 10.

223. Amnesty International, *Israel/OPT: Demolition of Palestinian village of Khan al-Ahmar is cruel blow and war crime*, 1 October 2018, www.amnesty.org/en/latest/news/2018/10/israel-opt-demolition-of-palestinian-village-of-khan-al-ahmar-is-cruel-blow-and-war-crime/

224. ICESCR, Article 11.

225. ICESCR, Article 13.

226. ICCPR, Article 17.

227. Representatives of the Kfar Adumim settlement have pushed for the demolition of the village and the relocation of its residents. The settlers argued that the Bedouin were living there illegally and were being joined by new families. They said that the government needed to demolish the village in order to prevent the "takeover" of the area by "Palestinian Bedouin who behave as though they own that area". Amira Hass, "Bedouins Fight State for Land Near Dead Sea", *Haaretz*, 11 March 2010, www.haaretz.com/1.5041332

228. 6 December 2018.

229. Airbnb, "Jerusalem-Judean Desert Lookout – Kfar Adumim", www.airbnb.co.uk/rooms/864350 (last accessed 6 December 2018).

230. Airbnb, "Desert Camping Israel – The Gazelle tent", www.airbnb.co.uk/rooms/21987104 (last accessed 6 December 2018).

231. While the settlements' economy is increasingly reliant on tourism, Israel has prevented the villagers of Khan al-Ahmar from developing their own tourism businesses. Ibrahim al-Jahalin told Amnesty International that when he tried to establish a campsite to give visitors a genuine "Bedouin experience", Israel refused him permission to do so on security grounds. Amnesty International interview with Ibrahim al-Jahalin, 9 June 2018, Khan al-Ahmar.

232. The properties listed by Booking.com are: "Apartment Tal in the Judean Desert", www.booking.com/hotel/il/tal-in-the-judean-desert.en-gb.html; "Nof Canaan", www.booking.com/hotel/il/x-xxps-xx-xc-x-nof-canaan.en-gb.html; "Desert Camping Israel", www.booking.com/hotel/il/desert-camping-israel.en-gb.html; "Spazuelo", www.booking.com/hotel/il/spazuelo.en-gb.html; and "Vila Avital", www.booking.com/hotel/il/vylh-bytl-vila-avital.en-gb.html (all last accessed on 6 December 2018). Those listed by Expedia are: "Nof Canaan", www.expedia.co.uk/Nofei-Prat-Hotels-Nof-Canaan.h21573732.Hotel-Information; and "Desert Camping Israel", www.expedia.co.uk/Kfar-Adumim-Hotels-Desert-Camping-Israel-Hostel.h20574953.Hotel-Information (both last accessed on 6 December 2018).

TripAdvisor also had several listings in Kfar Adumim and the surrounding area. These included two properties that can be rented through its website. The first is a one-bedroom apartment, which boasts a jacuzzi.[233] The second is a two-bedroom family home, with views of Jerusalem and the Jordan Valley.[234] In addition, TripAdvisor provided details and reviews of a hotel, two restaurants and five "things to do", including the Ein Prat park.[235] It also lists "Genesis Land", which has the same owners as "Desert Camping Israel".[236] There, visitors can ride camels and eat a meal in a traditional Bedouin-style tent in the desert with actors dressed as Biblical characters. The "Genesis Land" gift shop sells produce grown and manufactured by Israeli settlers, including olive oil, honey, herbs and handicrafts.[237]

Through their listings and promotion of tourist accommodation and attractions in Kfar Adumim and neighbouring settlements, Airbnb, Booking.com, Expedia and TripAdvisor have driven tourism into the area and generated profits for both settlers and themselves. Their activities have contributed significantly to the growth and expansion of the settlements that are driving violations of the human rights of the Bedouin community. As well as contributing to an illegal situation, these companies are also indirectly contributing to these human rights violations.

In addition, their listings specifically featured tourist attractions such as the Ein Prat/Wadi Qelt Nature Reserve, "Genesis Land" and "Desert Camping Israel", which have been built or developed on land previously used by the Bedouin community for herding. The companies earn money every time a booking to visit these attractions is made. In this way, the companies have directly benefited from past and ongoing human rights violations associated with the illegal exploitation of Bedouin land and are helping to perpetuate these violations.

As with the other case studies detailed below, Airbnb will cease to do so once it fully implements its 18 November announcement to delist properties and attractions in the area.

Israel's Supreme Court has ruled that the Palestinian village of Khan al-Ahmar should be demolished, as the Israeli settlement of Kfar Adumim (pictured on the overlooking hill) expands. 20 September 2017. © Amnesty International

233. TripAdvisor, "Desert View", www.tripadvisor.co.uk/VacationRentalReview-g3238517-d8609186-Desert_View-Kfar_Adumim_Binyamin_Region_West_Bank.html (last accessed 6 December 2018).

234. TripAdvisor, "tal ba-midbar Yehuda desert", www.tripadvisor.co.uk/VacationRentalReview-g3238517-d12185505-Tal_ba_midbar_Yehuda_desert-Kfar_Adumim_Binyamin_Region_West_Bank.html (last accessed 6 December 2018).

235. TripAdvisor, "Ein Prat Nature Reserve", www.tripadvisor.co.uk/Attraction_Review-g3238517-d523464-Reviews-Ein_Prat_Nature_Reserve_Wadi_Qelt-Kfar_Adumim_Binyamin_Region_West_Bank.html; "The Good Samaritan Museum", www.tripadvisor.co.uk/Attraction_Review-g297750-d10818761-Reviews-The_Good_Samaritan_Museum-Jericho_West_Bank.html; "Canaan Tours Desert Experience", www.tripadvisor.co.uk/Attraction_Review-g3238517-d10911360-Reviews-Cnaan_Tours_Desert_Experience-Kfar_Adumim_Binyamin_Region_West_Bank.html; "The Canaanite restaurant", www.tripadvisor.co.uk/Restaurant_Review-g3238517-d13080386-Reviews-The_Canaanite-Kfar_Adumim_Binyamin_Region_West_Bank.html; "Hameashenet restaurant", www.tripadvisor.co.uk/Restaurant_Review-g3238517-d11807857-Reviews-Hameashenet-Kfar_Adumim_Binyamin_Region_West_Bank.html; and "Spazuelo Hotel", www.tripadvisor.co.uk/Hotel_Review-g3238517-d12435473-Reviews-Spazuelo-Kfar_Adumim_Binyamin_Region_West_Bank.html (all last accessed 6 December 2018).

236. Genesis Land, www.genesisland.co.il/desert-camping--in-israel (last accessed 6 December 2018).

237. Genesis Land gift shop, www.genesisland.co.il/genesis-land-gift-shop (last accessed 6 December 2018).

CASE STUDY TWO: SHILOH – QARYUT AND JALUD

"This is one of my favourite locations to visit. There is a state-of-the-art visitors centre (and a great gift shop with items made by local artisans)."

TripAdvisor review.[238]

Signboard outside Shiloh, a settlement of about 3,000 Israelis built on Palestinian-owned land. It is located next to the Palestinian farming villages of Qaryut and Jalud. June 2018. © Amnesty International

Israel has constructed a line of settlements in the north of the West Bank near Nablus.[239] At their heart is Shiloh, a settlement of about 3,000 Israelis. It is located next to the Palestinian farming villages of Qaryut and Jalud and an archaeological site.[240] The Israeli government and settler organizations have identified this site as one of the most important visitor attractions in the West Bank.[241] It is on the list of heritage sites that have received Israeli government funding.[242]

The establishment of Shiloh and neighbouring settlements on Palestinian-owned land and the development of the ancient ruins into a visitor attraction are inextricably linked. Settlers moved to Shiloh in the 1970s on the pretext that they were there to work as archaeologists.[243] The settlement later received official Israeli approval and its municipal boundary was expanded in 1992 to include

238. TripAdvisor, "Ancient Shiloh (Tel Shiloh)", www.tripadvisor.co.uk/Attraction_Review-g674749-d10826076-Reviews-Ancient_Shiloh_Tel_Shiloh-Ariel_West_Bank.html (last accessed 12 December 2018).

239. Yesh Din, *Severing the West Bank – the emerging Shilo Valley settlement bloc as a case study*, 4 October 2016, www.yesh-din.org/wp-content/uploads/2016/11/Shilo-valley-brief-Yesh-Din-October-2016_website-version.pdf

240. Peace Now, "Shiloh", peacenow.org.il/en/settlements/settlement129-en

241. The site is known in Hebrew as Tel Shiloh, and in Arabic as Khirbet Seilun.

242. Israel Prime Minister's Office, *Empowerment of National Heritage Infrastructure - Heritage Program* (in Hebrew), 21 February 2010, www.gov.il/he/departments/policies/2010_des1412

243. This is according to a history of Shiloh published on the settlement's website (undated), www.shilo.org.il/traveller.htm See also Jake Wallis Simons, *Meet the Settlers*, "Chapter 3", *The Daily Telegraph*, www.telegraph.co.uk/meetthesettlers/chapter3.html

the Palestinian-owned farmland containing the ancient ruins and archaeological site.[244] Since the late 1990s, settlers have established more than 10 new settlements on the surrounding hills and continue to expand them.[245]

This has led to the confiscation of thousands of hectares of land owned by the two Palestinian villages for the construction of settlements.[246] The farmers can only access other areas of land close to the settlements after receiving prior permission from the Israeli military.[247] In total, Jalud has lost approximately 3,500 hectares, and Qaryut more than 2,000 hectares.[248] This includes farmland and groves that are now included within the boundaries of the archaeological site.[249]

The result of these restrictions and the loss of land has been harsh. According to a 2015 report by humanitarian agencies, Palestinian residents of these villages, for whom farming is a main source of income, "have seen their agricultural practice and productivity undermined, with a detrimental effect on their livelihoods and resilience".[250]

The Israeli military has also barred Palestinians from using the main road leading from Qaryut to the south of the West Bank as it passes close to the archaeological site. The closure forces villagers to take an 18km detour to reach another village (which is otherwise just 1km away), as well as some of their farmland (which is only 500m away). Public transport to the village stops at 4pm so people who have to travel for work, education or to access health care are forced to pay for shared taxis. Private security guards prevent villagers from walking to this land.[251]

The result of all these restrictions has been to damage the local economy and many residents have moved away.

"People are leaving the village now because we are isolated. Many people sold their lands and houses and moved out to Ramallah. The village is not located next to the main road any more so no one would come here, unless they have a reason to. Many shops have recently closed because their business was not working properly."

Basher Muammar, a resident of Qaryut[252]

These restrictions breach community members' rights to non-discrimination in access to the rights to an adequate standard of living[253] and to freedom of movement, among others.[254] They may also violate the community's rights to education and health care.

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244. Yesh Din, *Petition to prevent the transfer of management of the archaeological site Tel Shiloh to the right-wing "Mishkan Shiloh Association*", 8 October 2016, www.yesh-din.org/en/petition-prevent-transfer-management-archaeological-site-tel-shiloh-right-wing-mishkan-shiloh-association/

245. Yesh Din, *Severing the West Bank - the emerging Shilo Valley settlement bloc as a case study*, 4 October 2016, www.yesh-din.org/wp-content/uploads/2016/11/Shilo-valley-brief-Yesh-Din-October-2016_website-version.pdf

246. OCHA, OHCHR and Israeli, Palestinian and international NGOs, *Report by the Protection Cluster in occupied Palestinian territory*, April 2015, www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Occupied_Palestinian/files/Fact%20sheet%20-%20Settlement%20expansion%20in%20southern%20Nablus%20governorate.pdf

247. For example, farmers can only access their olive groves close to the settlements for three days a year, when the Israeli military gives them permits to harvest their olives. Amnesty International interview with Bashar Muammar, 10 June 2018, Qaryut.

248. OCHA, OHCHR and Israeli, Palestinian and international NGOs, *Report by the Protection Cluster in occupied Palestinian territory*, April 2015, www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Occupied_Palestinian/files/Fact%20sheet%20-%20Settlement%20expansion%20in%20southern%20Nablus%20governorate.pdf

249. Amnesty International interview with one of the owners of this land, Abu Imad, 10 June 2018, Qaryut.

250. OCHA, OHCHR and Israeli, Palestinian and international NGOs, *Report by the Protection Cluster in occupied Palestinian territory*, April 2015, www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Occupied_Palestinian/files/Fact%20sheet%20-%20Settlement%20expansion%20in%20southern%20Nablus%20governorate.pdf

251. Amnesty International telephone interview with Basher Muammar, 3 October 2018.

252. Amnesty International interview with Basher Muammar, 10 November 2018, Qaryut.

253. ICESCR, Article 11.

254. ICCPR, Article 12.

In addition, settlers have frequently attacked Palestinian farmers and vandalized their olive trees, further impacting livelihoods.[255] The Israeli human rights organization Yesh Din describes the area as a "hotspot" for attacks by settlers on Palestinians in the West Bank.[256] Basher Muammar, who documents cases of settler violence, described to Amnesty International how armed settlers frequently enter the villages to intimidate people.[257] These attacks are continuing in the absence of appropriate action by the Israeli authorities to prevent them or hold those responsible to account. The result for villagers is a sense of injustice and the constant fear of renewed attacks, which can have a severe impact on their mental health.[258] As such, these actions constitute violations of the rights of the Palestinian residents to health[259] and remedy.[260]

In stark contrast to the restrictions placed by Israel on the residents of Qaryut and Jalud, the Israeli government has supported ambitious plans by the settlers to develop the archaeological site into a major tourist attraction. In 2010, the Israeli authorities handed over management of the site to a private organization run by settlers,[261] which in 2013 opened a new museum and auditorium.[262] In 2014, the settlers also published plans for the expansion of the tourist facilities, including a vast new visitor and conference centre with the capacity to accommodate 5,000 people a day.[263]

Residents of surrounding Israeli settlements have sought to profit from the growth in tourism by advertising their homes on digital tourism websites. For example, at the time of writing, Airbnb listed five properties here.[264] One of these was in Shiloh settlement itself (which charged one person US$98 per night at a house called "Incense of Shilo. Calm the soul").[265] Two properties were in the neighbouring Eli settlement, which is also built on Qaryut land, (for US$117 and US$123 per night).[266] The others were in the settlement "outposts" of Esh Kodesh (US$192 per night) and Mount Kida (US$151 per night), which were built on the land of Jalud village. Booking.com listed an eight-bed "lodge" for rent in Eli settlement (on land owned by Qaryut).[267]

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255. Between 2012 and 2014, OCHA recorded 16 separate incidents on Qaryut's land. These caused damage to 385 olive trees and injuries to two Palestinians. In the same period there were 12 incidents on Jalud's land, resulting in damage to 425 olive trees, injuries to four Palestinians and the vandalizing of seven Palestinian vehicles. See OCHA, OHCHR and Israeli, Palestinian and international NGOs, *Report by the Protection Cluster in occupied Palestinian territory*, April 2015, www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Occupied_Palestinian/files/Fact%20sheet%20-%20Settlement%20expansion%20in%20southern%20Nablus%20governorate.pdf

256. Yesh Din, *Severing the West Bank - the emerging Shilo Valley settlement bloc as a case study*, 4 October 2016, www.yesh-din.org/wp-content/uploads/2016/11/Shilo-valley-brief-Yesh-Din-October-2016_website-version.pdf

257. Amnesty International interview with Basher Muammar, 10 June 2018, Qaryut.

258. OCHA, OHCHR and Israeli, Palestinian and international NGOs, *Report by the Protection Cluster in occupied Palestinian territory*, April 2015, www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Occupied_Palestinian/files/Fact%20sheet%20-%20Settlement%20expansion%20in%20southern%20Nablus%20governorate.pdf

259. ICESCR, Article 12.

260. ICCPR, Article 2(3).

261. Emek Shaveh, *Two High Court Petitions in case of Tel Shiloh against settlers' management of archaeological site and construction of a tourism complex*, 11 October 2015, alt-arch.org/en/two-high-court-petitions-tel-shiloh-against-settlers-management-october-2015-eng/

262. The new museum, as well as the film shown in the auditorium, highlight the belief that several important Biblical episodes took place at the location. By contrast, Amnesty International researchers noted that the museum and the film downplay or ignore the most significant ruins at the site – two mosques and a Byzantine church. The presence – for centuries – of Arabs on the land is ignored. Indeed, the site's managers present Tel Shiloh as an integral part of Israel and there is an Israeli flag flying at its entrance.

263. The plan has been contested by the Israeli organization Emek Shaveh, which filed a petition with the High Court, and a decision was pending at the time of writing. (Emek Shaveh, Tel Shiloh (Khirbet Seilun): *Archaeological Settlement in the Political Struggle over Samaria*, 9 November 2014, alt-arch.org/en/tel-shiloh-and-the-political-struggle-over-samaria/)

264. Each of these was labelled as being in Israel rather than in a settlement in the OPT. Airbnb, "The Rock in Eli", www.airbnb.co.uk/rooms/23184477; "Private cozy unit", www.airbnb.co.uk/rooms/7772628; "Incense of Shilo. Calm the soul", www.airbnb.co.uk/rooms/458441; "Vacation on Mount Kida", www.airbnb.co.uk/rooms/10842571; and "Bikta B'Kerem", www.airbnb.co.uk/rooms/10676388 (all last accessed 6 December 2018).

265. Airbnb, "Incense of Shilo. Calm the soul", www.airbnb.co.uk/rooms/458441

266. OCHA, OHCHR and Israeli, Palestinian and international NGOs, *Report by the Protection Cluster in occupied Palestinian territory*, April 2015, www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Occupied_Palestinian/files/Fact%20sheet%20-%20Settlement%20expansion%20in%20southern%20Nablus%20governorate.pdf

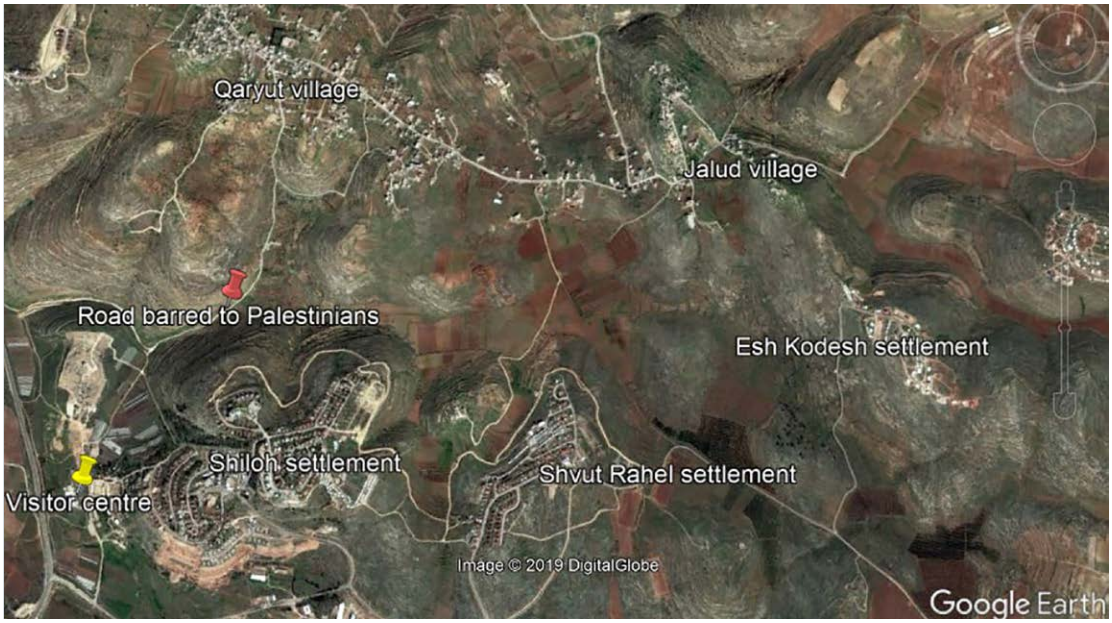
267. Booking.com, "Haman HaSela Haze", www.booking.com/hotel/il/hmn-hsl-hzh.en-gb.html (last accessed 6 December 2018).

TripAdvisor provided a listing for the archaeological site itself and advertised the services of several Israeli tour guides based in Jerusalem and elsewhere who include Shiloh on their itineraries for Israeli and foreign visitors.[268]

Through their listings, Airbnb, Booking.com and TripAdvisor have helped drive tourists to the area, contributing to the economic development of Shiloh and the surrounding settlements. For example, the settler organization that manages the site benefits financially from ticket sales sold to the tens of thousands of visitors who come every year, as well as the souvenirs and produce sold in its shop, such as olive oil and wine, that are manufactured or grown by settlers.[269]

As a result, online tourism companies have contributed not only to an illegal situation but also, indirectly, to the many human rights violations resulting from these settlements. If it implements its announcement of November 2018 and delists properties from this area, Airbnb will cease to do so.

In addition, TripAdvisor listed the Tel Shiloh archaeological site itself. The development of this site into a major attraction that sustains surrounding settlements is a key factor exacerbating the human rights violations against nearby Palestinian communities. By promoting this site on its website, TripAdvisor is directly benefiting from, and contributing to, these violations.



The Palestinian villages of Qaryut and Jalud have lost access to more than 5,500 hectares of land due to the establishment of Shiloh and other Israeli settlements.

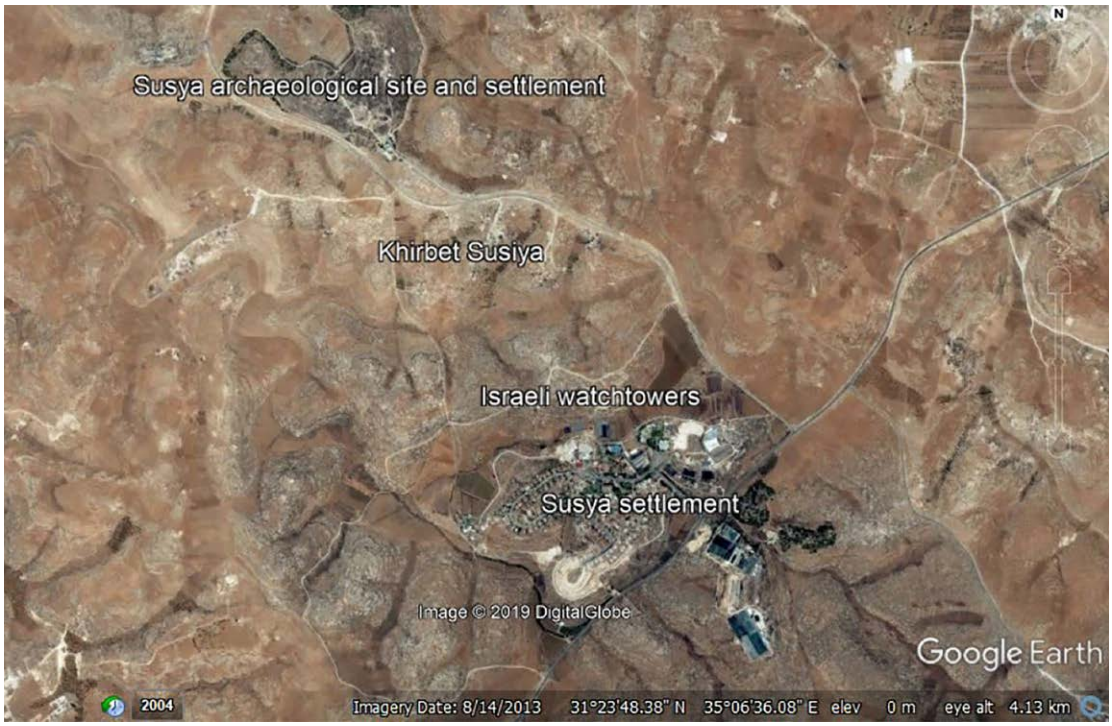
268. Tours of the site that are advertised on TripAdvisor include: "Tour Guide Aaron – Day Tours", www.tripadvisor.co.uk/Attraction_Review-g293983-d6739480-Reviews-Tour_Guide_Aaron_Day_Tours-Jerusalem_Jerusalem_District.html; "Tzur Tours – Day Tours", www.tripadvisor.co.uk/ShowUserReviews-g293983-d8070575-r599348314-Tzur_Tours_Day_Tours-Jerusalem_Jerusalem_District.html; "Dave's Dynamic Tours of Israel", www.tripadvisor.co.uk/Attraction_Review-g293983-d5978766-Reviews-Dave_s_Dynamic_Tours_of_Israel-Jerusalem_Jerusalem_District.html; "Rabbi Eitan Day Tours", www.tripadvisor.co.uk/Attraction_Review-g293983-d2560103-Reviews-Rabbi_Eitan_Day_Tours-Jerusalem_Jerusalem_District.html; and "Follow Rami", www.tripadvisor.co.uk/Attraction_Review-g293983-d11629601-Reviews-Follow_Rami-Jerusalem_Jerusalem_District.html (all last accessed 6 December 2018).

269. From 2011 to 2016, the Mishkan Shiloh Association reported that it had earned approximately US$3.2 million from sales, as well as receiving numerous grants from official bodies.

CASE STUDY THREE: SUSYA – KHIRBET SUSIYA

"Every visitor of the land of Israel should definitely come visit this site. It can give you a better perspective of Israel. Fun place!"

TripAdvisor review.[270]



The Palestinian villagers of Khirbet Susiya have been forced to live in tents and shelters on rocky land between the Israeli settlement and the archaeological site. 2019 ©DigitalGlobe/Google Earth.

Susya is an Israeli settlement of 1,000 people in the far south of the West Bank. It was established in 1983, next to an archaeological site, on land belonging to the Palestinian residents of Khirbet Susiya village.[271] In 2002, settlers also established an "outpost" inside the boundaries of the archaeological site and settlers now live there.

Visitors to the Susya archaeological site make a financial contribution to the neighbouring settlement that manages the ruins.[272] A visitor centre serves as a showcase for produce and goods that are grown or manufactured by settlers in Susya settlement and the surrounding area, including wine, herbs, olive oil and handicrafts.[273]

270. TripAdvisor, "Susya - National Heritage Site", www.tripadvisor.co.uk/Attraction_Review-g667394-d6783434-Reviews-Susya_National_Heritage_Site-Hebron_West_Bank.html (last accessed 7 December 2018).

271. In 2002, settlers also established an "outpost" inside the boundaries of the archaeological site. Emek Shaveh, Susya – *The Displacement of Residents Following the Discovery of an Ancient Synagogue*, 12 September 2016, alt-arch.org/en/susiya-2016/; OCHA, "Susiya: a community at imminent risk of forced displacement", June 2015, www.ochaopt.org/content/susiya-community-imminent-risk-forced-displacement-june-2015

272. Amnesty International researchers visited Khirbet Susiya and Susya on 7 June 2018.

273. As observed by Amnesty International researchers, 7 June 2018.

Amnesty International and other organizations have documented how the archaeological site and settlement, as well as these businesses, have affected the lives of about 300 Palestinian residents of Khirbet Susiya village.[274] For decades, they lived in homes among the ruins of ancient Susya, with farmland all around. In 1982, they lost much of this when the settlement was built and four years later when the Israeli authorities declared the village land an archaeological site and forcibly evicted them.[275] The families then moved onto what remained of their land outside the archaeological site. They received no offer of alternative accommodation or compensation, which are key safeguards to ensure respect for the right to adequate housing and to avoid forced evictions.[276]

The Palestinian villagers now live in tents and temporary shelters. The Israeli authorities have refused to issue them with building permits and in 1999, 2001 and 2011 demolished many of their new shelters. The authorities also blocked water cisterns and wells, severely impacting their right to access safe, affordable water.[277] Residents live with the constant fear that their homes will be demolished[278] and have been fighting a legal battle for years to prevent this.[279] However, in January 2018, Israel's Supreme Court ordered the demolition of several tents and shelters.[280]

"At night a bulldozer could destroy everything. Children here live in fear."

Fatima Nawaja, a resident of Khirbet Susiya.[281]

Israel has refused to connect the village to the water and sewage system and electricity networks. Residents told Amnesty International that they are forced to pay for water to be trucked in from a nearby Palestinian town.[282] In 2015, the UN estimated that about a third of villagers' income was spent paying for water.[283] This constitutes a breach of Israel's obligation to provide an affordable supply of water and puts at risk the realization of other human rights, such as the right to an adequate standard of living and food.[284] By contrast the settlement is connected to the electricity grid, as well as to water and sewage and even has a municipal swimming pool.[285]

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274. Amnesty International interviews *with seven residents, 7 June 2018, Khirbet Susiya. See alo Amnesty International, Israel/Occupied Palestinian Territories: Troubled Waters* – Palestinians Denied Fair Access to Water, October 2009 (Index: MDE 15/027/2009), www.amnesty.org/en/documents/MDE15/027/2009/en/, pp. 1-3; and B'Tselem, "Khirbet Susiya – a village under threat of demolition", 19 August 2012, updated 4 July 2018, www.btselem.org/south_hebron_hills/susiya; Emek Shaveh, Susya – *The Displacement of Residents Following the Discovery of an Ancient Synagogue*, 12 September 2016, alt-arch.org/en/susiya-2016/; and OCHA, "Susiya: a community at imminent risk of forced displacement", June 2015, www.ochaopt.org/content/susiya-community-imminent-risk-forced-displacement-june-2015

275. OCHA, "Susiya: a community at imminent risk of forced displacement", June 2015, www.ochaopt.org/content/susiya-community-imminent-risk-forced-displacement-june-2015

276. CESCR, General Comment 7: The right to adequate housing – forced evictions (Article 11.1), 20 May 1997, tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en, para. 16.

277. Amnesty International, *Israel/Occupied Palestinian Territories: Troubled Waters - Palestinians Denied Fair Access to Water*, October 2009 (Index: MDE 15/027/2009), www.amnesty.org/en/documents/MDE15/027/2009/en/, pp. 1-3.

278. Amnesty International interviews with seven residents, 7 June 2018, and B'Tselem, "Khirbet Susiya – a village under threat of demolition", 19 August 2012, updated 4 July 2018, www.btselem.org/south_hebron_hills/susiya

279. OCHA, "Susiya: a community at imminent risk of forced displacement", June 2015, www.ochaopt.org/content/susiya-community-imminent-risk-forced-displacement-june-2015

280. B'Tselem, "Khirbet Susiya – a village under threat of demolition", 19 August 2012, updated 4 July 2018, www.btselem.org/south_hebron_hills/susiya

281. Amnesty International interview, 7 June 2018, Khirbet Susiya.

282. Amnesty International interviews, 7 June 2018, Khirbet Susiya.

283. OCHA, "Susiya: a community at imminent risk of forced displacement", June 2015, www.ochaopt.org/content/susiya-community-imminent-risk-forced-displacement-june-2015

284. The CESCR has stated that water, and water facilities and services, must be affordable for all. Costs associated with securing water must be affordable and must not compromise the realization of other Covenant rights. (CESCR, General Comment 15, The right to water (Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), 20 January 2003 tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2002%2f11&Lang=en, para. 12(c)(ii).).

285. The swimming pool is shown on various settler websites, including Sussia Tour and Study Center, "About", www.susya.org.il/about (last accessed 6 December 2018).

In the 1990s the Israeli military authorities allocated an area of more than 150 hectares of Palestinian-owned land for the development of the settlement.[286] This area is now guarded by military watchtowers and Palestinians cannot approach. If they do, they risk being stopped by the Israeli army and taken to a military base for questioning.[287]

"They let the settlers go wherever they want, but we are not even allowed to reach our land or cross it because it is a security area."

Hamdan Hreini.[288]

The loss of land has forced the village to cut back the size of its herds. Farmer Azam Nawaja said he used to have 150 sheep, but now can only manage to look after 25. Azam Nawaja also reported that settlers often come to destroy the village's olive trees. He said that three years ago they cut down 300 of his. Settlers vandalized and damaged 800 olive trees and saplings in 2014 alone.[289]

Residents also complain of harassment by the settlers, who are sometimes armed. Ola Nawaja described how her three daughters, aged seven, 12 and 13, were attacked by two settlers, who threw stones at them as they were on their way back from school.[290] Three days before Amnesty International researchers visited Khirbet Susiya in June 2018, residents said that settlers had flown a drone over their tents to film them. Fatma, aged 39, said that the drone had hovered over the women while they were sitting together on the ground and eating a meal. "We were upset, this is against our right to privacy and our culture."[291]

The Palestinian community of Khirbet Susiya was forcibly evicted from the land it used to live in when in 1986 the Israeli government declared the ancient ruins of Susya an archaeological site. As well as amounting to forcible transfer (a violation of international humanitarian law and a war crime), this violated the human right to adequate housing of the Palestinian residents. The establishment of the Susya settlement in 1983 and its subsequent expansion in the 1990s also significantly reduced the amount of land the farming community could use for herding and other agricultural activities. Israeli authorities have consistently failed to intervene to stop and punish these regular acts of harassment and vandalism, in breach of their duty to protect the Palestinians from the harmful acts of third parties and to guarantee an effective remedy when abuses occur. Residents of Khirbet Susiya have been subjected to a coercive environment aimed at driving them away from their land and amounting to violations of Israel's duty to respect Palestinian villagers' human rights to adequate housing, an adequate standard of living, water, sanitation, physical integrity, privacy and remedy.

At the time of writing, the settlements and archaeological site featured on both Airbnb and TripAdvisor. Airbnb advertised a six-bedroom house in Susya settlement for US$126 per person per night.[292] The host of the property said it was a suitable base for tourists wanting to visit the area and that "as a licensed tour guide I can guide you to visit local winery, goat milk plant, farms, vineyards and the famous ancient town of Susya". As well as photographs of the house, Airbnb also hosted photographs of places that travellers could visit: the Susya ruins, an olive grove and the large swimming pool in the settlement.

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286. OCHA, "Susiya: a community at imminent risk of forced displacement", June 2015, www.ochaopt.org/content/susiya-community-imminent-risk-forced-displacement-june-2015

287. Resident Hamdan Hreini said that this had happened to him three or four times. Amnesty International interview, 7 June 2018, Khirbet Susiya.

288. Amnesty International interview, 7 June 2018, Khirbet Susiya.

289. Amnesty International interview with Azam Nawaja, 7 June 2018, Khirbet Susiya.

290. Amnesty International interview with Ola Nawaja, 7 June 2018, Khirbet Susiya.

291. Amnesty International interview with Fatma al-Nawaja, 7 June 2018, Khirbet Susiya.

292. Airbnb, "Susya - An Orthodox Jewish Community", www.airbnb.co.uk/rooms/13892191 (last accessed 6 December 2018).

TripAdvisor provided tourist information on two settlement-linked attractions in Susya. One of these is a winery and vineyard next to the settlement on land that was taken from the Palestinians of Khirbet Susiya.[293] TripAdvisor also listed the archaeological site.[294]

"The occupiers forced us to leave our land as they wanted to make money from tourists. They could have given it to us to manage it. We wouldn't have destroyed it, but the occupiers would never let us profit from our own land."

Azam Nawaja, a Khirbet Susiya resident.[295]

Despite the historic and ongoing violations of the human rights of residents of Khirbet Susiya, TripAdvisor and Airbnb have featured Susya on their websites and helped Susya settlers promote their businesses to the outside world. In doing so, both TripAdvisor and Airbnb have contributed to the economy of the settlement and therefore to maintaining an illegal situation. The companies have also contributed, indirectly to the human rights violations associated with these settlements.

As with the other case studies detailed below, Airbnb will cease to do so if it fully implements its announcement to delist properties and attractions in the area.

Furthermore, by listing a vineyard developed on illegally appropriated Palestinian land, TripAdvisor has contributed to, and financially benefited from, the illegal exploitation of Palestinian natural resources. Finally, by listing the archaeological site from which the community was evicted in 1986, TripAdvisor has directly benefited from, and contributed to, the perpetuation of the historic and ongoing violation of the human right to adequate housing of the Palestinian residents.

Fatma Al-Nawaja and other residents of Khirbet Susiya village complain that Israeli settlers continually harass them. 7 June 2018. © Amnesty International.

293. TripAdvisor, "Drimia Winery", www.tripadvisor.co.uk/Attraction_Review-g12564069-d12564126-Reviews-Drimia_Winery-Judaean_Hills_Jerusalem_District.html (last accessed 6 December 2018).

294. TripAdvisor, "Susya National Heritage Site", www.tripadvisor.com/Attraction_Review-g667394-d6783434-Reviews-Susya_National_Heritage_Site-Hebron_West_Bank.html (last accessed 6 December 2018).

295. Amnesty International interview with Azam Nawaja, 7 June 2018, Khirbet Susiya.

CASE STUDY FOUR: CITY OF DAVID – SILWAN

"A must see with a good, knowledgeable guide. Try to go when the Muezzin is not calling for prayers or you won't be able to enjoy as much."

TripAdvisor review.[296]

View of the City of David and the Palestinian village Silwan, East Jerusalem. Silwan is home to about 33,000 Palestinians and several hundred settlers. June 2018. © Amnesty International

Silwan, a densely populated Palestinian neighbourhood in occupied East Jerusalem, is another location where Israel's policy of developing a tourism industry in the OPT has become intertwined with its drive to expand settlements.

Silwan is located outside the walls of the Old City and its holy sites. It is home to about 33,000 Palestinians.[297] Several hundred settlers now live there as well in heavily protected settlement compounds.[298] Israel has been moving its citizens into the neighbourhood since the 1980s.[299] This has resulted in numerous human rights violations, including the forcible eviction and displacement of Palestinian residents.[300]

296. TripAdvisor, "City of David National Park", www.tripadvisor.co.uk/Attraction_Review-g293983-d1059048-Reviews-or30-City_of_David_National_Park-Jerusalem_Jerusalem_District.html

297. Ir Amim, *The Giant's Garden: The "King's Garden" Plan in Al-Bustan*, May 2012, www.ir-amim.org.il/sites/default/files/al-Bustan%20ENG.pdf

298. OCHA, *Humanitarian Impact of settlements in Palestinian neighbourhoods of East Jerusalem: the coercive environment*, June 2018, www.ochaopt.org/content/humanitarian-impact-settlements-palestinian-neighbourhoods-east-jerusalem-coercive

299. OCHA, *Humanitarian Impact of settlements in Palestinian neighbourhoods of East Jerusalem: the coercive environment*, June 2018, www.ochaopt.org/content/humanitarian-impact-settlements-palestinian-neighbourhoods-east-jerusalem-coercive

300. OCHA, *Humanitarian Impact of settlements in Palestinian neighbourhoods of East Jerusalem: the coercive environment*, June 2018, www.ochaopt.org/content/humanitarian-impact-settlements-palestinian-neighbourhoods-east-jerusalem-coercive

The expansion of settlement compounds in Silwan, along with an increased presence of Israeli security forces and private security guards to protect them, has led to rising tension. According to OCHA, this "has generated a coercive environment on the daily lives of Palestinians residing in the vicinity of these compounds by creating pressure on them to leave."[301]

This tension has seen many reported security incidents in Silwan involving children, who are often accused of throwing stones at Israeli settlers and security personnel. Many children have been arrested.[302]

For example, a 17-year-old boy told Amnesty International that he had been detained three times. "There's not one kid you see in the streets who hasn't at least been arrested once in this neighbourhood," he said.[303] Arrests often lead to other forms of abuse. Amnesty International and other organizations have documented how Israeli security forces have used unnecessary force to arrest or detain Palestinian children in East Jerusalem and elsewhere in the OPT.[304] A 14-year-old boy said that he was arrested when he was only six years old and that the police had "beat him hard". They released him after his father paid a fine of approximately US$270.[305]

One important way that the Israeli government helps the expansion of settlement compounds in Silwan is its close support, over many years, of the Israeli organization, Elad.[306] According to a spokesperson for the group, "our aim is to Judaize East Jerusalem."[307]

In its early years, Elad worked to acquire Palestinian-owned buildings in Silwan, replacing Palestinian residents with Jewish settlers.[308] But in 1997 the Jerusalem municipality transferred to Elad the management of an important archaeological site, the City of David National Park, which covers a large area of Silwan.[309] The government has since granted Elad millions of dollars for further excavations and to extend the site.[310] Elad and the government have ambitious – and controversial – plans to build a massive new visitor complex and cable car station in Silwan, with the aim of drawing millions of tourists into the area.[311]

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301. OCHA, *Humanitarian Impact of settlements in Palestinian neighbourhoods of East Jerusalem: the coercive environment*, June 2018, www.ochaopt.org/content/humanitarian-impact-settlements-palestinian-neighbourhoods-east-jerusalem-coercive

302. According to the UN there have been more than 560 cases of detention of children in Silwan since 2012. See OCHA, *Humanitarian Impact of settlements in Palestinian neighbourhoods of East Jerusalem: the coercive environment*, June 2018, www.ochaopt.org/content/humanitarian-impact-settlements-palestinian-neighbourhoods-east-jerusalem-coercive

303. Amnesty International interview, 4 August 2018, Silwan.

304. Amnesty International, *Trigger-happy: Israel's use of excessive force in the West Bank*, February 2014, www.amnesty.org/en/latest/news/2014/02/trigger-happy-israeli-army-and-police-use-reckless-force-west-bank/; Human Rights Watch, *Israel: Security Forces Abuse Palestinian Children*, 19 July 2015, www.hrw.org/news/2015/07/19/israel-security-forces-abuse-palestinian-children

305. Amnesty International interview, 4 August 2018, Silwan.

306. The Israeli human rights organization Ir Amim says that it effectively operates "as a direct executive arm of the Government of Israel and enjoys comprehensive and deep backing by the Israeli administration". Ir Amin, *Shady Dealings in Silwan*, May 2009, http://www.ir-amim.org.il/en/report/shady-dealings-silwan, p. 11. See also Nir Hasson, "Full Haaretz Expose / How the State Helped Right-wing Groups Settle East Jerusalem", *Haaretz*, 7 November 2010, www.haaretz.com/1.5136031; Yarden Skop and Nir Hasson, "Israel to Give Highest Honor to Leader of Group That Settles Jews in Arab Jerusalem", *Haaretz*, 16 March 2017, www.haaretz.com/israel-news/.premium-israel-to-give-highest-honor-to-leader-of-group-that-settles-jews-in-arab-jerusalem-1.5449825; and Emek Shaveh, "Elad's Settlement in Silwan", 10 September 2013, alt-arch.org/en/settlers/

307. Joel Greenberg, "Settlers Move Into 4 Homes in East Jerusalem", *The New York Times*, 9 June 1998, www.nytimes.com/1998/06/09/world/settlers-move-into-4-homes-in-east-jerusalem.html

308. Ir Amin, *Shady Dealings in Silwan*, May 2009, www.iramim.org.il/sites/default/files/Silwanreporteng.pdf, pp. 11-18; Yarden Skop and Nir Hasson, "Israel to Give Highest Honor to Leader of Group That Settles Jews in Arab Jerusalem", *Haaretz*, 16 March 2017, www.haaretz.com/israel-news/.premium-israel-to-give-highest-honor-to-leader-of-group-that-settles-jews-in-arab-jerusalem-1.5449825; and Emek Shaveh, "Elad's Settlement in Silwan", 10 September 2013, alt-arch.org/en/settlers/; Dalia Hatuqa and Gregg Carlstrom, "Jerusalem simmering over 'Judaisation' plan", Al Jazeera, 13 October 2014, www.aljazeera.com/news/middleeast/2014/10/jerusalem-simmering-over-judaisation-plan-2014101364013133843.html

309. Ir Amin, *Shady Dealings in Silwan*, May 2009, www.iramim.org.il/sites/default/files/Silwanreporteng.pdf, p. 19; Emek Shaveh, "Elad's Settlement in Silwan", 10 September 2013, alt-arch.org/en/settlers/

310. Emek Shaveh, *The Israeli government approved a record amount for archaeological excavations in Silwan*, 13 May 2018, alt-arch.org/en/iaa_funding_en/

311. Emek Shaveh, *Elad's Kedem Center in Silwan was approved by all the planning committees*, 19 July 2017, alt-arch.org/en/kedem-center-in-silwan-was-approved-by-all-the-planning-committees/

The City of David National Park is already one of the most visited attractions in Israel. In 2017, it received 17.5% of all foreign visitors (some 630,000 people).[312] Hundreds of thousands of Israelis also visit the site each year, including many groups of school children, students and soldiers,helping to entrench the settlers' presence in the area. As with the other sites managed by settlers described above, Elad presents a distorted historical narrative of the area, emphasizing the Jewish people's roots in the area while excluding those of Palestinian residents.[313]

Elad is currently planning to house more Israeli settlers in Silwan and to forcibly evict more Palestinians. It is proposing to turn part of the archaeological site into a large residential complex for Israeli settlers.[314] Elad, with government backing, has also published plans to expand the area designated for tourism into the al-Bustan area of Silwan, to create an area called the "King's Garden".[315] This would mean the demolition of 88 Palestinian homes and the forced eviction of more than 1,500 people.[316]

In order to justify this, in 2005, the Jerusalem Municipality told the Palestinian community that all the houses in al-Bustan had been built illegally. Yet, like other Palestinian areas of East Jerusalem (and Area C), the discriminatory planning regime means that residents of al-Bustan have had no choice but to build or extend homes without a permit.[317] The municipality's decision to demolish the homes had not been implemented at the time of writing. In the meantime, it has imposed ongoing fines on the homeowners.[318] These fines are a heavy burden on the Palestinian population and have a significant impact on the amount of income available for essential household expenditure such as food and utility bills. For example, one Palestinian resident said he had been paying about US$140 a month in fines since 2011.[319] This was about a fifth of his monthly income as a day labourer, he said. Another resident, said his family has been paying off a fine of US$24,000 since 2012.[320]

The development of the City of David is a threat to the human rights of local Palestinian residents. In particular, 1,500 Palestinian residents of the al-Bustan area of Silwan are at risk of forced eviction if plans to expand the site go ahead. They are also living with the impact of the continued imposition of heavy fines and the constant fear of demolition. These actions, carried out by the Israeli government, or by non-state actors with the acquiescence of the Israeli government, violate the human right of al-Bustan residents to adequate housing. The heavy fines Palestinian residents have to pay are also compromising their ability to afford other household expenditures, such as utilities and food, which constitute a further breach by Israel of its duty to respect the residents' human rights to adequate housing and to an adequate standard of living.

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312. Israel Ministry of Tourism, *Inbound Tourism Survey Annual Report 2017*, May 2018, motwebmediastg01.blob.core.windows.net/nop-attachment/8862_english5.pdf, p. 7.

313. The Israeli NGO Emek Shaveh has critiqued this approach. It has argued that: "based on our professional knowledge as archaeologists, we think the guided tours provided by the City of David tell a very one-dimensional and limited story of the place." Emek Shaveh, "Elad's Settlement in Silwan", 10 September 2013, alt-arch.org/en/settlers/

314. Emek Shaveh, *Change in National Parks Law to Harm Natural and Heritage Sites, Play into Hands of Silwan Settlers, and Perpetuate Harm to Palestinians*, 27 June 2018, alt-arch.org/en/change_national_park_law and Nir Hasson, "Right-wing Group Pushes Bill to Allow Residential Construction at Jerusalem's 'City of David' National Park", *Haaretz*, 4 July 2018, www.haaretz.com/israel-news/.premium-bill-to-allow-residential-building-at-city-of-david-national-park-1.6244150

315. Ir Amim, *The Giant's Garden: The "King's Garden" Plan in Al-Bustan*, May 2012, www.ir-amim.org.il/sites/default/files/al-Bustan%20ENG.pdf

316. Al Haq, *Parallel Report to the Committee on Economic, Social and Cultural Rights on the Occasion of the Consideration of the Third Periodic Report of Israel*, 1 September 2011, tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/ISR/INT_CESCR_NGO_ISR_47_9141_E.pdf; and Ir Amim, *The Giant's Garden: The "King's Garden" Plan in Al-Bustan*, May 2012, www.ir-amim.org.il/sites/default/files/al-Bustan%20ENG.pdf

317. Amnesty International, *Israel and The Occupied Palestinian Territories: As Safe As Houses? Israel's demolition of Palestinian homes*, 16 June 2010 (Index: MDE 15/006/2010), www.amnesty.org/en/documents/mde15/006/2010/en/

318. B'Tselem, "Al-Bustan Neighborhood – Garden of the King", 16 September 2014, www.btselem.org/jerusalem/national_parks_al_bustan_garden_of_the_king

319. Amnesty International interview, 9 June 2018, Silwan.

320. In this resident's opinion, the Israeli government was using the fines as a way of forcing people to vacate al-Bustan. "They are trying to make us leave," he said. Amnesty International interview, 9 June 2018, Silwan.

The Israeli government and Elad's use of archaeology and tourism as cover for removing the Palestinian residents of Silwan and installing settlers has been widely criticized. The OHCHR, for example, has warned that such developments have created "footholds for residential settlement expansion in Palestinian neighbourhoods. The management of such sites restricts Palestinians' freedom of movement and prevents equal enjoyment of cultural life and heritage."[321]

A 2017 report by EU Heads of Mission in Jerusalem noted how Israel used archaeological and tourist sites, such as the City of David, "as a political tool to modify the historical narrative and to support, legitimise and expand settlements." Amnesty International presented Elad with its findings, where they relate to its activities. Elad stated that most of these findings were false.[322]

Despite this criticism, at the time of writing, TripAdvisor featured the City of David and Elad prominently. TripAdvisor did not just provide its standard listings and page for reviews (where the City of David is ranked "#15 of 318 things to do in Jerusalem"),[323] but also promoted four tours which feature the City of David and are managed by Elad. These include tickets to an underground tour for US$11, a "Night-Time Spectacular Show" for US$18 and a "2 hour Segway tour" for US$43.[324] TripAdvisor allowed users to book and pay for these attractions through its site and charged a fee when a booking was made.

By actively encouraging users to visit the City of David and take guided tours of the site, TripAdvisor has boosted Elad's business and derived a profit itself from every booking made through its site. In this way, the company has contributed to the illegal situation created by the presence and growth of settlement enclaves in East Jerusalem. The company has also been a key participant in the expansion plans of the Israeli government and Elad in the city, which are putting the human rights of Palestinians at risk. It has also, arguably, heightened the risk of forced evictions.

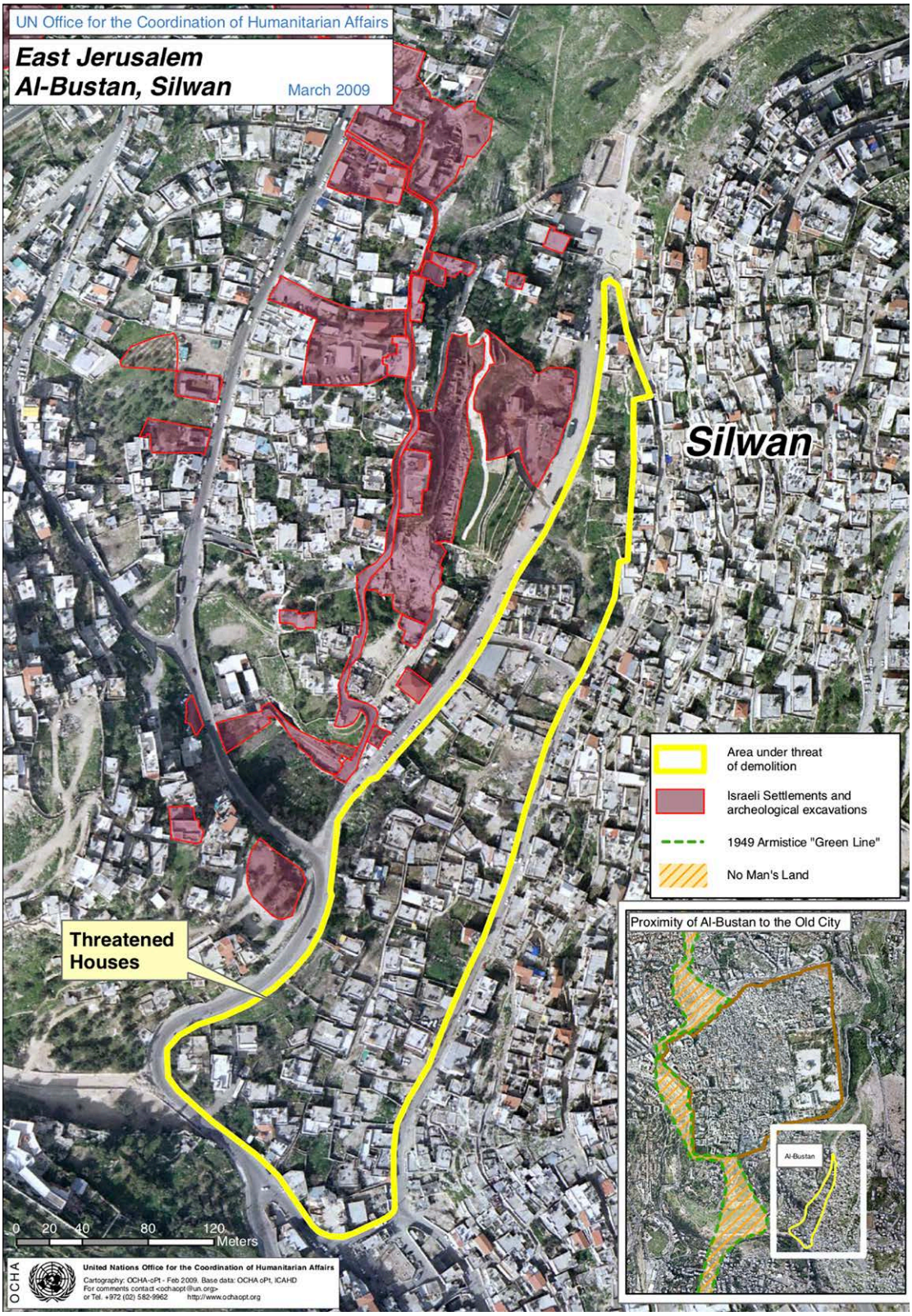
A building owned by Israeli settlers in Silwan, occupied East Jerusalem, June 2018. © Amnesty International.

321. Human Rights Council, *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, Report of the Secretary General* (UN Doc. A/HRC/34/39), 13 April 2017, undocs.org/A/HRC/34/39, pp. 5-6.

322. In its letter of response, Elad stated: "many of the allegations in your letter and its annex are not based on facts. Without detracting from any claims against the contents of the letter and annex, we add that the allegations are false, based on false and/or lacking and/or partial information." Email from Elad, 30 December 2018.

323. TripAdvisor, "City of David National Park", www.tripadvisor.co.uk/Attraction_Review-g293983-d1059048-Reviews-City_of_David_National_Park-Jerusalem_Jerusalem_District.html (last accessed 12 December 2018).

324. TripAdvisor, "City of David National Park: Tours and Tickets Jerusalem", www.tripadvisor.co.uk/Attraction_Products-g293983-d1059048-City_of_David_National_Park-Jerusalem_Jerusalem_District.html (last accessed 6 December 2018).



Location of Al-Bustan area in Silwan, East Jerusalem where more than eighty structures are under threat of demolition by the expansion of the City of David. February 2009, © OCHA-oPt

CASE STUDY FIVE: HEBRON

"For those interested in Israel and Judaism, this is a really phenomenal & highly recommended day trip. I thoroughly enjoyed it!"

TripAdvisor review.[325]

Some 40,000 Palestinians live in H2 – the area under full Israeli military occupation, and have to enter checkpoints to reach their homes. January 2016. @EAPPI.

The city of Hebron is home to an ancient site of worship for both Jews and Muslims – the Ibrahimi Mosque/Cave of the Patriarchs. This makes Hebron an important destination for religious tourists. It is also one of the historic flashpoints of the Israeli-Palestinian conflict.[326]

Hebron is a divided city.[327] It is the only Palestinian city, apart from East Jerusalem, where Israeli settlers live inside the city centre. Some 800 settlers live in four settlement enclaves inside and adjacent to Hebron's Old City in an area known as H2, which is under Israel's full control. Some 40,000 Palestinians also live in H2.[328] There are a further 7,000 settlers living in two settlements on the edge of Hebron.[329] Thousands of Israeli soldiers, border police and police are deployed to protect the settlers.

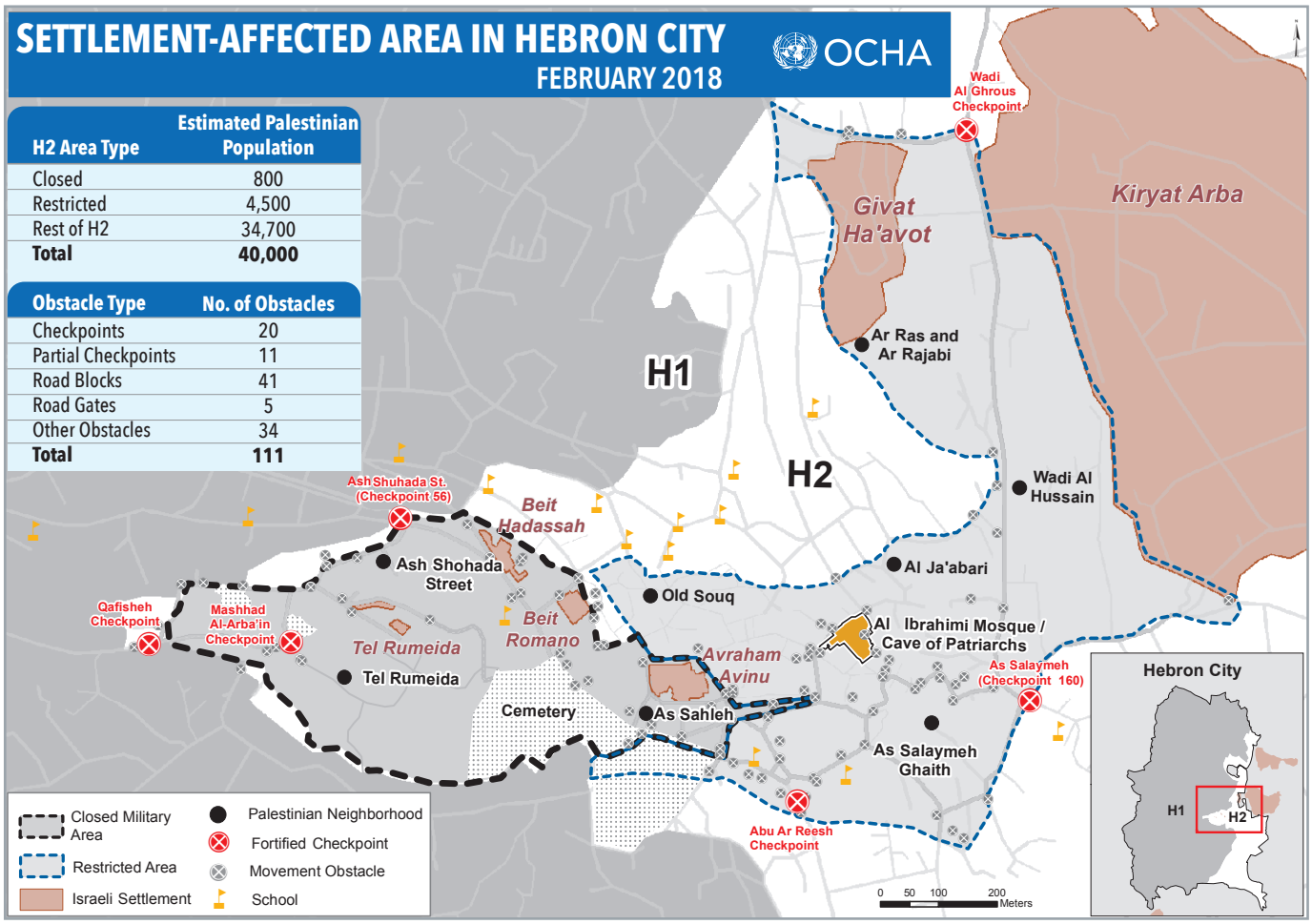
325. TripAdvisor, "Public tour of Hebron by the Hebron Fund", www.tripadvisor.co.uk/Attraction_Review-g293983-d10358830-Reviews-Public_Tour_of_Hebron_by_Hebron_Fund-Jerusalem_Jerusalem_District.html (last accessed 7 December 2018).

326. Amnesty International, *Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city*, February 2016 (Index: MDE 15/3529/2016), www.amnesty.org/download/Documents/MDE1535292016ENGLISH.pdf

327. In 1997, Israeli forces withdrew from about 80% of Hebron, known as H1, and handed over control to the Palestinian Authority. However, they retained control over the remaining part of the city, H2, which includes the Old City, four settlement enclaves, the Ibrahimi Mosque/Cave of the Patriarchs and an industrial area. See OCHA, *The humanitarian impact of Israeli settlements in Hebron city*, 6 March 2018, www.ochaopt.org/content/humanitarian-impact-israeli-settlements-hebron-city

328. OCHA, *The humanitarian impact of Israeli settlements in Hebron city*, 6 March 2018, www.ochaopt.org/content/humanitarian-impact-israeli-settlements-hebron-city

329. These are Givat Harsina and Kiryat Arba (including Givat Ha'avot). See OCHA, *The humanitarian impact of Israeli settlements in Hebron city*, 6 March 2018, www.ochaopt.org/content/humanitarian-impact-israeli-settlements-hebron-city



UN OCHA map of Hebron, February 2018. © OCHA-oPt.

The Palestinian residents of H2 live under incredibly tight restrictions.

On 25 February 1994, an Israeli settler shot dead 29 Palestinians praying at the Ibrahimi Mosque/Cave of the Patriarchs and wounded scores of others. Since then, the Israeli authorities have closed many streets completely to Palestinians while allowing Israeli settlers and those visiting them free access.[330][330]

Armed soldiers posted on street corners and at checkpoints throughout H2, as well as some of the settlers, regularly harass Palestinians living in the area. Moreover, Israeli troops fail to prevent attacks by settlers, who are sometimes armed, on Palestinians.[331]

The case of the Da'na family illustrates the impact of this environment.[332] Their property is next to the fence of Kiryat Arba, a large Israeli settlement which now covers some of the family's farmland. The

330. See, for example, B'Tselem, "Summer 2017: New movement restrictions in Hebron heighten isolation of Palestinian neighborhoods", 20 July 2017, www.btselem.org/video/20170720_new_restrictions_hebron#full

331. Amnesty International, *Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city*, February 2016 (Index: MDE 15/3529/2016), www.amnesty.org/download/Documents/MDE1535292016ENGLISH.pdf

332. Several generations, and around 90 people in all, live in two buildings in the al-Hariqah neighbourhood, inside Israeli-controlled H2.

family has for years come under attack from settlers.[333] In 1996, the house was set on fire by assailants and five family members were injured.[334] Amnesty International researchers, who visited the family in September 2018, saw a bullet hole in the window of a ground floor room that faces the settlement and a spent sound grenade in the yard outside next to the fence.[335] Videos taken by a family member appear to show settlers throwing stones at the house in 2015, while soldiers looked on and took no action to protect them.[336]

The Da'na family also told Amnesty International that soldiers frequently enter their homes without a court order.[337] For example, a video filmed by a researcher with the B'Tselem human rights organization shows a patrol of armed soldiers entering the Da'na family home close to midnight on 14 May 2018. They entered without warning, saying that someone had thrown stones at them, and woke up the whole family, including young children, before leaving.[338] On the evening of 23 August 2018, B'Tselem again filmed soldiers entering the house. One soldier threatened members of the family.[339] They arrested a 17-year-old, releasing him later that night without charge.[340] As the soldiers took him away from the house, they threw stun grenades to disperse family members who were peacefully following them.

Susan Jaber, who lives close to the Old City in H2, also described to Amnesty International the regular harassment and threats that she and her three children suffer at the hands of settlers.[341] She and her family have to walk everywhere as they are not allowed to drive in the streets around their home. This makes her scared for her own safety when she returns late at night from working as a wedding photographer. She also worries about her children's safety. She and her three children said that male settlers often harass or threaten them as they walk to school.[342] Sometimes the settlers drive quickly at the children and then swerve away at the last moment. Sometimes they spit, or hurl abusive and obscene words at the children. "We didn't report it, because even if we did, nothing would come of it," she said.[343]

The attacks and harassment of Palestinians living in H2 have been well documented by many activists who investigate and often video incidents.[344] This has led to them being targeted for attack.[345] Imad Abu Shamsiyya, who lives in the Tel Rumeida neighbourhood, filmed an Israeli soldier killing a Palestinian man who had already been shot and wounded and who was therefore no longer a threat, after he had stabbed a soldier at a checkpoint in Hebron, in March 2016.[346] Since then, Imad Abu

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333. Amnesty International interview with Sameeh Nouman Da'na, 30 September 2018, Hebron. See also POICA, "*Kiryat Arba' settlers in Hebron carry out continuous attacks against the Palestinian family of Dana*", 30 July 2003, poica.org/2003/07/kiryat-arba-settlers-in-hebron-carry-out-continuous-attacks-against-the-palestinian-family-of-dana/

334. Although the military authorities said they would investigate, no one was ever held responsible for the attack. Amnesty International interview with Sameeh Nouman Da'na, 30 September 2018, Hebron, and news report by Al-Rasad News Agency, undated, on file with Amnesty International.

335. Amnesty International researchers visited the family on 30 September 2018.

336. B'Tselem, "Footage from Hebron: Israeli military enables 5-day settler attack", 19 October 2015, www.btselem.org/settler_violence/20151020_5_days_of_settler_attacks_in_hebron

337. Amnesty International interview with Sameeh Nouman Da'na, 30 September 2018, Hebron.

338. B'Tselem, "Israeli soldiers raid the Da'na home at night and wake the family", 10 June 2018, www.youtube.com/watch?v=seQ5UdzT_Pw

339. B'Tselem, "Soldiers arrest 'Udai Da'na, 17, at home in Hebron - 'Eid al-Adha", 23 August 2018, www.btselem.org/video/20180823_soldiers_arrest_udai_dana_hebron

340. They released him later that night without charge.

341. Amnesty International interview with Susan Jaber, 30 September 2018, Hebron.

342. For other examples of this, see the Ecumenical Accompaniment Programme in Palestine and Israel, *Education Under Occupation: Access to Education in the occupied Palestinian territory*, 2013, www.unicef.org/oPt/UNICEF_Under_Occupation_final-SMALL.pdf

343. Amnesty International interview with Susan Jaber, 30 September 2018, Hebron.

344. See, for example, Human Rights Defenders, "Capturing Occupation Camera Project in Palestine", www.youtube.com/channel/UCcp4VPvAxptCYutqEqf7SJA

345. Frontline Defenders, "Ongoing Threats And Harassment Against Imad Abu Shamsiyya", www.frontlinedefenders.org/en/case/ongoing-threats-and-harassment-against-imad-abu-shamsiyya

346. Capturing Occupation Camera Project in Palestine, "A murder in Hebron", 23 April 2018, www.youtube.com/watch?v=Mu4aiaZLpZA

Shamsiyya and his family have been threatened and harassed many times by settlers.[347] On two occasions he has filmed settlers after they climbed onto his roof to insult and threaten him.[348] He has received death threats on Facebook and a video in Hebrew has been circulated accusing him and his family of terrorism.[349]

Hebron is a hotspot for human rights violations resulting from Israel's policy of establishing illegal colonies in the midst of Palestinian communities.[350] The Israeli government has failed to take action to prevent attacks, harassment and intimidation by soldiers and settlers targeting Palestinian families, and has hardly ever investigated and convicted anyone for such acts. Palestinians living in Hebron are subjected to various forms of systemic discrimination in relation to where they can go and what places they can access and the protection they receive from the courts and law enforcement agencies. While police and soldiers fail to respond to complaints of attacks and other abuses against Palestinian residents, they investigate Palestinian families without the necessary court orders or warrant. The Israeli government is systematically violating a broad range of human rights of Palestinian residents, including their human rights to security of the person, health, freedom of movement, non-discrimination, privacy, family life, due process and remedy.

As with the other cases detailed in this report, the settlers in Hebron see tourism as one way of strengthening their position. For political and financial reasons, they want as many people as possible to visit them.[351] They have recently planted new street signs and information boards around H2 in Hebrew and English, but not Arabic, which is the language of the majority population of the area.[352] These signs only point the way to settlements and landmarks associated with the city's Jewish population.

Hebron's settlers have an affiliated organization in the USA, the Hebron Fund, that raises money for their activities.[353] This organizes blatantly political tours of the settlement enclaves,[354] which raise substantial funds for the settlements and are also a way of attracting potential donors and supporters. These tours, therefore, contribute to the economy of the Hebron settlements, and to their profitability and viability. In spite of this, at the time of writing, TripAdvisor listed the Hebron Fund-organized tours,[355] making no mention of the fact that the tours take place in the OPT. TripAdvisor also listed a history museum that is run by settlers in the Kiryat Arba settlement.[356] At the time of writing Airbnb listed one property in Kiryat Arba settlement, which was suitable for 12 guests, with three available bedrooms and a swimming pool.[357]

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347. Yotam Berger, "Elor Azaria Receives Hero's Welcome at Scene of Hebron Shooting", *Haaretz*, 3 July 2018, www.haaretz.com/israel-news/.premium-elor-azaria-receives-hero-s-welcome-at-hebron-shooting-scene-1.6242150

348. The videos are available on YouTube at www.youtube.com/watch?v=MOBPI3niix4 and www.youtube.com/watch?v=aVKJfpcbj6o

349. Frontline Defenders, "Ongoing Threats And Harassment Against Imad Abu Shamsiyya", www.frontlinedefenders.org/en/case/ongoing-threats-and-harassment-against-imad-abu-shamsiyya

350. Amnesty International, *Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city*, February 2016 (Index: MDE 15/3529/2016), www.amnesty.org/download/Documents/MDE1535292016ENGLISH.pdf

351. Emek Shaveh, "Tel Rumeida – Hebron's Archaeological Park", 4 November 2014, alt-arch.org/en/tel-rumeida-hebrons-archaeological-park/

352. As witnessed by Amnesty International researchers in September 2018.

353. This raises money among US donors for the benefit of the settlements. From 2006 to 2016, the Hebron Fund reported that it had raised more than US$14million. Its tax returns are available at Propublica, "Nonprofit Explorer – The Hebron Fund", projects.propublica.org/nonprofits/organizations/112623719 (last accessed 6 December 2018).

354. The Hebron Fund, "Hebron: The Must See City in Israel", 2 October 2018, www.hebronfund.org/hebron-the-must-see-city-in-israel/

355. TripAdvisor, "Public Tour of Hebron by Hebron Fund", www.tripadvisor.com/Attraction_Review-g293983-d10358830-Reviews-Public_Tour_of_Hebron_by_Hebron_Fund-Jerusalem_Jerusalem_District.html (last accessed 6 December 2018).

356. TripAdvisor, "Eretz Yehuda Archeological Museum", www.tripadvisor.com/Attraction_Review-g1156343-d2487136-Reviews-Eretz_Yehuda_Archeological_Museum-Kiryat_Arba_West_Bank.html (last accessed 6 December 2018).

357. Airbnb, "Beit Driben", www.airbnb.com/rooms/18531063?location=Bethlehem%2C%20Israel&adults=1&children=0&infants=0&toddlers=0&s=a4V7IWjn (last accessed 6 December 2018).

As with all other listings in settlements, these companies have helped legitimize the Hebron settlements as well as contributing to their economic prosperity and therefore to their consolidation and expansion. In doing so, the companies have contributed to maintaining an illegal situation. In addition, since these settlements are the root of the many systemic human rights violations described above, the companies' activities also indirectly contributed to these violations.

An Israeli military patrol in H2, the part of Hebron under full Israeli control. Only Israeli settlers are allowed to drive vehicles there. September 2018. © Amnesty International

6. SETTLEMENTS AND THIRD STATE RESPONSIBILITY

All states that are party to the Fourth Geneva Convention, including Israel and its key economic partners, are under an obligation to "ensure respect" for the Convention.[358] The obligation to ensure respect has been widely interpreted as requiring positive action on the part of individual states.[359]

It is generally accepted that the duty to ensure respect includes third states taking the measures required to enforce compliance with international humanitarian law among those under their jurisdiction.[360] Regulating the conduct of those under a state's jurisdiction to ensure compliance with international standards is now widely recognized as a legitimate means of ensuring respect for international human rights law in the context of business activity (see below). This measure is equally relevant and necessary to ensure respect for the Geneva Conventions in relation to Israeli settlements in the OPT.[361]

The state obligation to ensure respect entails abstaining from acts that would be contrary to this objective, such as directly financing, favouring or facilitating economic activities that are directly connected to serious breaches of humanitarian law.[362]

358. Geneva Conventions, Common Article 1: "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances".

359. In its updated commentary on the obligation to "ensure respect", the ICRC indicates that it constitutes an obligation of "means", that states must carry out this obligation "with due diligence" and that "the High Contracting Parties are not responsible for a possible failure of their efforts as long as they have done everything reasonably in their power to bring the violations to an end." (ICRC, Commentary of 2016 Article 1: Respect for the Convention, Rule 165, ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=72239588AFA66200C1257F7D00367DBD) The Declaration adopted at the Conference of the High Contracting Parties to the Fourth Geneva Convention of 5 December 2001 with respect to the application of the Convention in the OPT calls on the participating High Contracting Parties to "take measures necessary for the prevention and suppression of breaches of the Conventions". See also F. Dubuisson, *The International Obligations of the European Union and its Member States with regard to Economic Relations with Israeli Settlements*, 2014, pp. 24-27.

360. F. Dubuisson, *The International Obligations of the European Union and its Member States with regard to Economic Relations with Israeli Settlements*, 2014, p. 24. See also T. Boutruche and M. Sassoli, *Expert Opinion on Third States' Obligations vis-à-vis IHL Violations under International Law, with a special focus on Common Article 1 to the 1949 Geneva Conventions.* This expert opinion was requested in the context of the publication of the Updated ICRC Commentary of the 1949 Geneva Convention I, in particular with regard to Common Article 1. (ICRC, Updated Commentary to the Geneva Convention I, 2016, Article 1, ihldatabases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=72239588AFA66200C1257F7D00367DBD)

361. According to the UN Guiding Principles states should help ensure that business enterprises operating in conflict-affected areas are not involved in gross human rights abuses. (UN Guiding Principles, Principle 7.)

362. F. Dubuisson, *The International Obligations of the European Union and its Member States with regard to Economic Relations with Israeli Settlements*, 2014, p. 27.

As explained earlier, Israel's settlement project entails serious breaches of peremptory norms which give rise to certain additional duties among all states. These duties are: the duty to "cooperate to bring to an end through lawful means" serious breaches; the duty to not "recognize as lawful" the situation created by such breaches; and the duty to not "render aid or assistance in maintaining that situation".[363]

While the exact scope of the obligation to "bring to an end" serious breaches is debated, this duty implies, at a minimum, refraining from promoting, supporting or allowing economic activities that contribute to the exact opposite, such as those activities which result in maintaining and growing the settlements. The obligation of non-recognition "not only refers to the formal recognition of these situations, but also prohibits acts which would imply such recognition".[364] The obligation to not render aid or assistance "deals with conduct 'after the fact' which assists the responsible State in maintaining a situation" in violation of international law.[365] This includes conduct that contributes to perpetuating the illegal situation.[366] Allowing trade in goods and services, for example, would have the effect of both implicitly conferring recognition on illegal settlements and aiding in their economic development and survival.[367]

Although different in substance, the implications of these duties all seem to converge in one clear direction: states must not promote, support or allow business entities domiciled or headquartered within their jurisdiction to conduct business in the settlements or with settlement actors. Such activities fuel the settlement economy, which helps finance the continued existence and expansion of illegal settlements. States must equally prohibit or regulate activities taking place within their jurisdiction which support, promote or fuel the settlement economy. A failure to act to prohibit or regulate these activities, when a state is both practically and legally able to do so, is contrary to its obligations under international law.[368]

THE DUTY TO PROTECT HUMAN RIGHTS BEYOND BORDERS

In addition to ensuring respect for the rights of protected persons in situations of conflict, third states have a duty to protect their human rights from potential abuses by corporate actors over which they exercise regulatory control.

363. Under Article 40 of the Articles on Responsibilities of States, a breach of an obligation arising under a peremptory norm of general international law is serious when it involves a gross or systematic failure by the responsible state to fulfil the obligation. Article 41 enumerates the third state duties that emerge from such breaches under the title, "Particular consequences of a serious breach of an obligation under this chapter". The ICJ confirmed that these duties apply to third states in the context of Israel's building of the wall in Palestinian territory: "Given the character and the importance of the rights and obligations involved, the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction. See ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion (9 July 2004), www.icj-cij.org/docket/index.php?p1=3&p2=4&case=131&p3=4, para. 159.

364. International Law Commission, Articles on Responsibility of States, commentary on Article 41.

365. International Law Commission, Articles on Responsibility of States, commentary on Article 41.

366. International Law Commission, Articles on Responsibility of States, commentary on Article 41.

367. This was implicitly recognized by the UN Human Rights Council in its Resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (UN Doc. A/HRC/RES/31/36), 20 April 2016, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/082/57/pdf/G1608257.pdf?OpenElement

368. This also applies to trade in settlement goods. By allowing settlement goods, which sustain settlements, into their markets, third states may be conferring implicit recognition on the illegal creation of the settlements from which these goods originate. Amnesty International is calling on third states to prevent, through laws and regulations, the import of settlement goods into their markets. Amnesty International, *Israel/OPT: A call to States to Stop Sustaining Illegal Settlements*, 7 June 2017, www.amnesty.org/en/documents/mde15/6296/2017/en/

In 2017, the UN Committee on Economic, Social and Cultural Rights confirmed that:

"The extraterritorial obligation to protect requires States parties to take steps to prevent and redress infringements of Covenant rights that occur outside their territories due to the activities of business entities over which they can exercise control, especially in cases where the remedies available to victims before the domestic courts of the State where the harm occurs are unavailable or ineffective."[369]

Many other UN treaty bodies, including the Human Rights Committee, have expressed this view.[370] An effective means of discharging the obligation to protect in these contexts is through what the UN Guiding Principles on Business and Human Rights (UN Guiding Principles) term "domestic measures with extraterritorial implications".[371] These refer to laws and regulations applied to domestic activities or actors which bring about positive human rights outcomes, such as the prevention of human rights abuses, outside the territory of the state.

The UN Guiding Principles specifically address the implications of state duties in relation to businesses operating in conflict-affected areas. They clarify that human rights duties are "in addition to States' obligations under international humanitarian law in situations of armed conflict, and under international criminal law".[372] Among other measures, they recommend that states ensure their "policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses."[373]

In essence, states' extraterritorial obligations require that they take measures to prevent companies operating, domiciled or headquartered within their jurisdiction from causing or contributing to human rights abuses in other countries. In the context of Israeli settlements, these duties entail regulating the activities of such companies to ensure they do not cause or contribute to violations of the human rights of the Palestinian population.[374]

Currently, no third state is fulfilling its international obligations in relation to illegal Israeli settlements. While condemning settlements, the vast majority of states are failing to take concrete action to regulate companies or activities over which they have control, in order to prevent them from fuelling the settlement economy. At least 18 EU member states have issued advisories warning their businesses of the possible legal, financial and reputational consequences of pursuing economic activities in or for the benefit of Israeli settlement entities. Brazil and Japan have issued similar warnings.[375] While a positive

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369. CESCR, General Comment 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, 2017 (UN Doc. E/C.12/GC/24), para. 30. This builds on extensive previous commentary and concluding observations in relation to states' extraterritorial obligations in the context of business activities, including: General Comment 14: The right to the highest attainable standard of health, 2000 (UN Doc. E/C.12/2000/4), para. 39; General Comment 15 on the right to water, 2002 (UN Doc. E/C.12/2002/11), para. 33; General Comment 19 on the right to social security, 2008 (UN Doc. E/C.12/GC/19), para. 54; Statement on the obligations of States Parties regarding the corporate sector and economic, social and cultural rights, 2011 (UN Doc. E/C.12/2011/1), para. 5; and CESCR, Concluding Observations on Germany, 2011 (UN Doc. E/C.12/DEU/CO/5), paras 10-11.

370. For example, Committee on the Rights of the Child, General Comment 16 on State obligations regarding the impact of the business sector on children's rights, paras 43 and 44; Committee on the Elimination of Discrimination against Women, General Recommendation No. 28, para. 36; and the Human Rights Committee, Concluding Observations on Germany, 2012 (UN Doc. CCPR/C/DEU/CO/6), para. 16. See also Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights https://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUid%5D=23 (last accessed 17 January 2019).

371. OHCHR, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (UN Doc. HR/PUB/11/04), 2011, Commentary to Principle 2.

372. UN Guiding Principles, Commentary to Principle 7.

373. UN Guiding Principles, Principle 7(d). Measures to address gaps may include "civil, administrative or criminal liability for enterprises domiciled or operating in their territory and/or jurisdiction that commit or contribute to gross human rights abuses". (UN Guiding Principles, Commentary to Principle 7.)

374. As expressly endorsed by the Human Rights Council in its Resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan (UN Doc. A/HRC/RES/31/36), 20 April 2016, www.un.org/ga/search/view_doc.asp?symbol=A/HRC/31/L.36, paras 12(b) and 17.

375. Hugh Lovatt, "EU member state business advisories on Israeli settlements", European Council on Foreign Relations, 2 November 2016, www.ecfr.eu/article/eu_member_state_business_advisories_on_israel_settlements See also Brazil Ministry of Foreign Affairs, "Como Exportar Israel", 2010, www.fecomerciomg.org.br/wp-content/uploads/2014/07/Israel1.pdf

step, this is still insufficient. By failing to take regulatory action to prohibit these activities, states are knowingly allowing business activities which help maintain an illegal situation and are, therefore, still acting in breach of their international obligations.

Some states have recently begun to take additional steps. A significant piece of legislation has been proposed in Ireland to prohibit the import or sale of goods or services from illegal settlements in territories deemed occupied under international law, or the facilitation of these actions.[376] Significantly, this bill is proposed as a measure "to give effect to the State's obligations arising under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and under customary international humanitarian law".[377]

AN IMPORTANT STEP TOWARDS ACCOUNTABILITY: THE UN DATABASE

As noted earlier, the UN Human Rights Council passed a resolution in March 2016 requesting that the OHCHR create a database of all business enterprises involved in activities which, according to UN fact-finding mission report, "raise particular human rights violations concerns" (the UN Database). The purpose of the UN Database is, among other things, to assist states in ensuring that companies domiciled in their territory and/or under their jurisdiction that conduct activities in or related to the settlements respect human rights.[378] This constitutes an implicit acknowledgment of the need for governments to take action in relation to companies over which they exercise control. On 26 January 2018, the OHCHR published a progress report describing the steps taken towards the consolidation of the UN Database.[379]

The "provision of services and utilities supporting the maintenance and existence of settlements" is listed by the UN fact-finding mission report as one of 10 types of business activity that "raise particular human rights concerns".[380] The provision or facilitation of tourism services in settlements or by settlers in the OPT is clearly covered by this category.

The OHCHR has not yet made public which companies or activities it has reviewed in connection with compiling and preparing the UN Database. In this regard, Amnesty International encourages the OHCHR to finalize its initial review, in line with due process, and publish the UN Database as a matter of urgency. To the extent that digital tourism companies and their provision of online services to settlers are not addressed in the first iteration of the UN Database, Amnesty International would encourage the OHCHR to consider including them in subsequent updates.

376. The bill has been approved by Ireland's Senate, but now needs to be passed by its lower house of parliament.

377. The Control of Economic Activity (Occupied Territories) Bill 2018, www.oireachtas.ie/en/bills/bill/2018/6/

378. UN Human Rights Council, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan (UN Doc. A/HRC/RES/31/36), 20 April 2016, www.un.org/ga/search/view_doc.asp?symbol=A/HRC/31/L.36, para. 17.

379. OHCHR, *Database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent international fact-finding mission 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* (UN Doc. A/HRC/37/39), January 2018 www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A_HRC_37_39_EN.pdf

380. HRC, *Report of the independent fact-finding mission to investigate the implications of the Israeli settlements*, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf, para. 96.

7. CORPORATE RESPONSIBILITY UNDER INTERNATIONAL STANDARDS

CORPORATE RESPONSIBILITY TO UPHOLD THE RULES OF INTERNATIONAL HUMANITARIAN LAW

The UN Guiding Principles make clear that companies have a responsibility to respect standards of international humanitarian law.[381] The OHCHR has explained that international humanitarian law imposes obligations on business managers and staff not to breach the rules of international humanitarian law.[382]

Companies operating in or with settlements must take account of the standards laid down in international humanitarian law in relation to the protection of people in occupied territory. This includes the prohibition of establishing settlements, as well as special provisions designed to protect the local population from abuse and their resources from being stolen or pillaged.

The establishment of civilian settlements, the extensive appropriation and destruction of property not justified by military necessity and carried out unlawfully and wantonly, and the transfer or deportation of the population of the occupied territory, all amount to war crimes. Acts that could amount to aiding and abetting war crimes include participating in, assisting or encouraging the settling of civilians in occupied territory or the appropriation and destruction of land and property, or enabling or exacerbating these violations.[383]

Given that certain acts carried out by Israel in relation to its illegal settlement policy amount to war crimes, companies may also be complicit in war crimes. In many national jurisdictions, complicity in war crimes is a serious offence for which individuals, including business directors and managers, can be held criminally liable.[384] Businesses carrying out activities that contribute to the maintenance, development and expansion of settlements may expose themselves, or their individual directors and managers, to the risk of prosecution for complicity in war crimes.

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381. UN Guiding Principles, Commentary to Principle 12.

382. OHCHR, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide,* 2012. See also, ICRC, *Business and International Humanitarian Law: An Introduction to the Rights and Obligations of Business Enterprises under International Humanitarian Law*, 2006.

383. Report of the International Commission of Jurists Expert Legal Panel on Corporate Complicity in International Crimes, Corporate Complicity & Legal Accountability: Volume 1, pp. 21-23.

384. See the ICRC's comprehensive account of national legislation incorporating the war crime of transfer of own civilian population into occupied territory of the Fourth Geneva Convention: ICRC, "Practice Relating to Rule 130. Transfer of Own Civilian Population into Occupied Territory", ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule130#_VIOtNaPr In many states, such as Canada and Switzerland, the corporation itself can be held criminally responsible. See Anita Ramasastry and Robert C. Thompson, *Commerce, Crime and Conflict: Legal Remedies for Private Sector Liability for Grave Breaches of International Law – A survey of sixteen jurisdictions*, September 2006, www.fafo.no/media/com_netsukii/536.pdf

CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

Under the UN Guiding Principles, companies have a responsibility to respect all internationally recognized human rights wherever they operate in the world.[385]

The responsibility to respect human rights requires companies to "avoid causing or contributing to adverse human rights impacts through their own activities and address such impacts when they occur."[386] If a company identifies that it may cause or contribute to human rights abuses, and that it cannot prevent these abuses, the only possible course of action is not to undertake the relevant activity. Under the UN Guiding Principles, companies should also "enable the remediation of any adverse human rights impacts they cause or to which they contribute".[387]

PROFITING FROM TOURISM IN ILLEGAL SETTLEMENTS

Airbnb, Booking.com, Expedia and TripAdvisor all engage in business activities with settlement actors. Airbnb has not yet implemented its pledge to stop listing properties in settlements in the West Bank. But even after doing so, the company said it will continue to list properties in East Jerusalem, which is an area within the occupied West Bank.

These four companies both extend their online services to settlers and facilitate the provision of tourism services by settlers. They list and promote rental properties and hotel rooms owned or run by Israeli settlers in settlements. TripAdvisor also lists and promotes activities and tourist attractions run by settler organizations or individual settlers in, or close to, illegal settlements and for their exclusive benefit. These companies therefore provide an outlet for Israeli settlers to advertise their properties or businesses and activities, reach out to potential customers all over the world, secure contracts and maintain a regular source of income. These digital tourism companies charge hosts or customers a fee when a booking is made, therefore deriving a direct profit from these activities.

The companies also benefit extensively from the exploitation of illegally appropriated Palestinian land and other natural resources. To boost bookings, many listings in settlements boast their proximity to areas of natural beauty in the occupied territories, such as the Dead Sea,[388] nature reserves[389] and the desert.[390] Other listings include activities or destinations where the use or exploitation of Palestinian natural

385. UN Guiding Principles, Pillar II, The Corporate Responsibility to Respect Human Rights.

386. Principle 13(a), UN Guiding Principles.

387. Principle 15(c), UN Guiding Principles.

388. For example Booking.com listed five places to stay and Expedia listed three on the shore of the Dead Sea, inside the OPT. Booking.com's listings are: "Almog Kibbutz Hotel", www.booking.com/hotel/il/almog-kibbutz.en-gb.html; "Biankini Village Resort", www.booking.com/hotel/il/biankini-in-siesta.en-gb.html; "Kalia Kibbutz Hotel", www.booking.com/hotel/il/kalia-kibbutz.en-gb.html; "Metzoke Dragot Hostel", www.booking.com/hotel/il/metsoke-dragot-hostel.en-gb.html; "The Cliff Cabin at Metzoke Dragot", www.booking.com/hotel/il/hkhvshvt-shl-khvshy.en-gb.html (all last accessed 6 December 2018). Expedia's listings are: "Metzoke Dragot Hostel", www.expedia.com/Metsoke-Dragot-Hotels-Metzoke-Dragot-Hostel.h20077770.Hotel-Information; "Almog Kibbutz", www.expedia.co.uk/Almog-Hotels-Almog-Kibbutz-Hotel.h480709.Hotel-Information; "Kalia Kibbutz", www.expedia.com/Kalya-Hotels-Kalia-Kibbutz-Holiday-Village.h3066836.Hotel-Information (all last accessed 6 December 2018).

389. Such as the Ein Prat/Wadi Qelt Nature Reserve close to the Israeli settlement of Kfar Adumim, which was listed at the time of writing by TripAdvisor. (TripAdvisor, "Ein Prat Nature Reserve (Wadi Qelt)", www.tripadvisor.co.uk/Attraction_Review-g3238517-d523464-Reviews-Ein_Prat_Nature_Reserve_Wadi_Qelt-Kfar_Adumim_Binyamin_Region_West_Bank.html (last accessed 6 December 2018).

390. At the time of writing, Airbnb listed many properties in Kfar Adumim and smaller satellite settlements as luxury properties with "stunning views over the dessert". The "Desert Lookout" is presented as having a "spectacular desert view". The other companies also listed "Desert Israel", and other properties in Kfar Aumim that boast of their views of the desert. TripAdvisor also listed tours of the desert, for example, "Cnaan Tours Desert Experience", www.tripadvisor.co.uk/Attraction_Review-g3238517-d10911360-Reviews-Cnaan_Tours_Desert_Experience-Kfar_Adumim_Binyamin_Region_West_Bank.html. Last accessed 17 January 2019)."

resources constitutes the main attraction.[391] These include walking trails, desert campsites,[392] desert safaris[393] and vineyards.[394] By listing and promoting these natural features and nature-based activities and attractions the digital companies are increasing the attractiveness of the listings, securing greater numbers of tourists and benefiting financially from the illegal exploitation of Palestinian natural resources.

The Israeli settlement of Shiloh has been built next to the ruins of ancient Shiloh. The first settlers pretended to be archaeologists. Settlers now manage the site and have ambitious plans to attract large numbers of visitors. June 2018. © Amnesty International

DIGITAL TOURISM COMPANIES ARE KNOWINGLY CONTRIBUTING TO VIOLATIONS OF INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW

For any company currently operating or planning to operate in settlements or with settlement actors, even the most basic of inquiries would reveal the fact that settlements are illegal under international law.

The illegality of the settlements has been recognized by UN bodies and states for decades and is widely known. There have been high-profile campaigns against digital tourism companies doing business with settlements for many years, prior to Airbnb's well publicized announcement of 19

391. For example, TripAdvisor listed the visitor centre of a factory owned by the Ahava company, which makes cosmetics from Dead Sea minerals in the OPT. See TripAdvisor, "Ahava Visitor Center", www.tripadvisor.co.uk/Attraction_Review-g12917712-d14165004-Reviews-Ahava_Visitor_Center-Mitzpe_Shalem_West_Bank.html (last accessed 6 December 2018).

392. Airbnb listed "Desert Camping Israel", promoted as a place to "experience the tranquillity of the desert": www.airbnb.co.uk/rooms/21987104 (last accessed 17 December 2018). Booking.com (www.booking.com/hotel/il/desert-camping-israel.en-gb.html) and Expedia (www.expedia.co.uk/Kfar-Adumim-Hotels-Desert-Camping-Israel-Hostel.h20574953.Hotel-Information) also listed "Desert Camping Israel". TripAdvisor advertised "Genesis Land", where visitors can ride camels and eat a meal in the desert: www.genesisland.co.il/desert-camping--in-israel

393. TripAdvisor, "Cnaan Tours Desert Experience", www.tripadvisor.co.uk/Attraction_Review-g3238517-d10911360-Reviews-Cnaan_Tours_Desert_Experience-Kfar_Adumim_Binyamin_Region_West_Bank.html (last accessed 12 December 2018).

394. Airbnb advertised a settlement property whose owner offers tours to a local winery, a goat milk plant, farms and vineyards. This listing also advertises a local olive grove for guests to visit. (Airbnb, "Susya - An Orthodox Jewish Community", www.airbnb.co.uk/rooms/13892191 (last accessed 6 December 2018).) TripAdvisor also advertises a winery in the area. (TripAdvisor, "Drimia Winery", www.tripadvisor.co.uk/Attraction_Review-g12564069-d12564126-Reviews-Drimia_Winery-Judaean_Hills_Jerusalem_District.html (last accessed 6 December 2018).)

November 2018.[395] The companies actively reach out and engage with customers from the area, which provides them with direct sources of expertise. Booking.com has an office in Israel. Both Booking.com and Expedia have Hebrew-speaking staff who communicate regularly with property owners from the area, which means they know the country well. TripAdvisor's account managers proactively seek clients. Airbnb employs senior headquarters staff to oversee operations in the region. Given all this, it is clear that the digital tourism companies know that Israeli settlements are illegal under international law and that settlement properties, activities and attractions have been built or developed on illegally appropriated Palestinian land.

Digital tourism companies also know that Israeli settlements have a negative impact on a vast number of human rights of the Palestinian population. This has been extensively documented by local and international organizations and is also widely known. Any basic preliminary risk assessment would show not only that these human rights violations are widespread, systemic and severe, but also that they are inextricably linked to the presence and/or expansion of settlements. It would also reveal that any business activity in or with settlements would unavoidably contribute to sustaining an inherently discriminatory and abusive regime that systematically violates the human rights of Palestinians.

MISLEADING ADVERTISING

The failure to accurately disclose the location of settlement properties and attractions exacerbates the companies' contribution to breaches of international humanitarian law. The websites ensure greater numbers of visitors than there might otherwise have been had these visitors known the exact location of the property or attraction they were booking.

Allowing some properties and attractions to be listed as being in "Israel", as Airbnb, Booking.com, Expedia and TripAdvisor do, not only deceives users, but also helps conceal information that can help reveal the illegal nature of the settlements. This can lead to customers inadvertently supporting illegal Israeli settlements. Describing them as located in an "Israeli settlement" or in "Palestinian Territories" is still only a partial truth. Users are still deprived of information revealing the critical fact that these properties have been built illegally on occupied Palestinian land. The failure to provide such important information is tantamount to misleading advertising, which is typically sanctioned under consumer protection laws.[396]

All four companies have been publicly criticized for their inaccurate description of settlement properties.[397] Booking.com and Expedia are showing some progress but are yet to implement improved practices consistently across all settlement listings. The apparent reluctance of all the digital tourism companies to ensure that the location of settlement properties, attractions and activities is accurately described suggests that either they know that there is something fundamentally wrong and alarming about such a description, or that they simply do not care.

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395. See, for example, Who Profits, *Flash Report: Touring Israeli Settlements: Business And Pleasure For The Economy Of Occupation*, September 2017, https://whoprofits.org/flash-report/touring-israeli-settlements-business-and-pleasure-for-the-economy-of-occupation/; *The Stolen Homes Campaign*, jewishvoiceforpeace.org/stolen-homes/; William Booth, "Airbnb slammed for offering rooms with a view in Jewish Settlements", *The Washington Post*, 2 February 2016, www.washingtonpost.com/world/middle_east/airbnb-slammed-for-offering-rooms-with-a-view-in-jewish-settlements/2016/02/01/fd1717ac-c39f-11e5-b933-31c93021392a_story.html?noredirect=on&utm_term=.180711db3abb

396. Under EU Directive 2006/114/EC on misleading and comparative advertising, misleading advertising is defined as: "any advertising which in any way, including its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behaviour". (Article 2, Directive 2006/114/EC of the European Parliament and of the Council.)

397. See CAABU, *Caabu letter to Airbnb about its policy of listing properties within illegal Israeli settlements*, 9 February 2016, www.caabu.org/news/news/caabu-letter-airbnb-about-its-policy-listing-properties-within-illegal-israeli-settlements. See also, Kate Shuttleworth and Julia Carrie Wong, "Airbnb lists properties in illegal Israeli settlements", *The Guardian*, 13 January 2016, www.theguardian.com/technology/2016/jan/12/airbnb-listings-illegal-settlements-israel-palestine-west-bank; Nikolaj Houmann Mortensen, "How the tourism industry underpins illegal Israeli settlements", Al Jazeera, 15 November 2018, www.aljazeera.com/indepth/features/tourism-industry-underpins-illegal-israeli-settlements-181114234307087.html

DIGITAL TOURISM COMPANIES ARE CONTRIBUTING TO VIOLATIONS OF THE RIGHTS OF SPECIFIC PALESTINIAN COMMUNITIES

In addition to the unlawful appropriation of Palestinian land involved in all settlements, the five case studies highlighted in chapter 5 demonstrate how certain settlements have resulted in additional violations of the human rights of specific groups of Palestinians living in their proximity. By listing and promoting properties and attractions in these settlements, digital tourism companies have also contributed to human rights violations of these specific groups of people.

The companies' listing and advertising of properties, attractions and activities in the settlements of Kfar Adumim, Shiloh and Susya, and settler-operated attractions in Silwan (East Jerusalem) and Hebron drive tourists to these settlements. These tourists contribute financially to the economy of these settlements, and in settler enclaves. As established in the case studies, the very existence of these settlements and, in some cases their expansion plans, are at the very core of the human rights violations described in these studies. By driving tourists to these areas, Airbnb, Booking.com, Expedia and TripAdvisor have contributed to the economy of the settlements and, as a result, to their maintenance, consolidation and further expansion. In doing so, they have indirectly contributed to the many human rights violations affecting Palestinian residents of Khan al-Ahmar, Qaryut, Jalud, Khirbet Susiya, Silwan and Hebron that are a direct result of these settlements or settler-run tourist attractions.

Some business activities are much more closely linked to violations of the human rights of certain groups of Palestinian neighbours. For example, the listing by Airbnb, Expedia, Booking.com and TripAdvisor of tourist attractions built or developed on the land previously used by the Bedouin community of Khan al-Ahmar has directly contributed to the violation of many of their rights as Indigenous Peoples. The tourist attractions and activities they list and promote both rely on the use of the land and constitute one of the key drivers behind the threats of further dispossession, demolition and forcible transfer of this Indigenous community. Airbnb, TripAdvisor and Booking.com have directly contributed to and benefited from these violations and helped perpetuate them. Once Airbnb implements its announcement to delist from this area, it will cease to do so.

TripAdvisor has also listed tourist attractions that constitute the main driver behind some of the human rights violations affecting the Palestinian communities of Qaryut and Jalud (case study two) and Khirbet Susiya (case study three). As established in these case studies, the development of the Tel Shiloh and Susya archaeological sites is pivotal to Israeli and settler plans to develop and expand the Shiloh and Susya settlements. However, they cannot achieve their goals without reaching out and promoting the sites to a global audience for which the services of digital tourism companies, such as TripAdvisor, become essential. TripAdvisor's listing of the archaeological sites makes the company complicit in this endeavour. TripAdvisor has directly contributed to, and benefited from, violations of the human rights of the residents of Qaryut, Jalud and Khirbet Susiya that result from the existence and/or development of the archaeological sites and is helping perpetuate them.

TripAdvisor has also facilitated plans by Israel and Elad to grow and consolidate the City of David as a major tourist attraction. As these plans are putting the rights to adequate housing of Palestinians in the al-Bustan area at risk, TripAdvisor's participation in them has contributed to and possibly augmented this risk.

In sum, settlers and digital tourism companies are doing business with one another and gaining a profit at the expense of Palestinian communities and resources. As well as acting in breach of international humanitarian law by sustaining an illegal situation, these companies have either directly or indirectly contributed to, and benefited from, past and continuing human rights violations against the Palestinian residents of Khan al-Ahmar, Qaryut, Jalud, Khirbet Susiya, Silwan and Hebron. As stated above, some of these companies are also contributing to perpetuating these violations.

Once Airbnb fully implements its announcement to delist properties from the occupied West Bank, it will cease this contribution as far as settlements in Area C are concerned. However, its prior contribution to human rights violations in these areas means that the company will still owe reparations to the affected people. Finally, since the company did not extend its delisting commitment to settlements in East Jerusalem, the company is and will continue to be involved in human rights violations associated with these settlements for as long as it continues to do business with them.

FLOUTING THEIR OWN CORPORATE STANDARDS

All the digital tourism companies addressed in this report have adopted, and claim to operate in line with, certain corporate standards and commitments concerning the rule of law and ethical behaviour. However, none of these standards and commitments appears to influence the companies' decisions in relation to settlement listings.

Airbnb provides advice to property owners (prospective "Airbnb hosts") about complying with local laws and regulations. In fact, the company makes compliance with local laws and regulations an explicit condition for its services.[398] Unfortunately, the company does not seem to show this same level of concern for international humanitarian law. As stated earlier, on 19 November 2018, the company announced that it would remove listings in settlements in the occupied West Bank.[399] Although this is a positive step, the company did not base its decision on the fact that settlements are illegal under international humanitarian law or that they amount to war crimes. The company did not explain why it had decided to remove listings from settlements in the "occupied West Bank" but not East Jerusalem, which have the same status (as occupied territory) under international law.

Airbnb claims to operate, and expects guests and hosts to operate, under a "Non-discrimination Policy".[400] According to the company, this policy is underpinned by the two foundational principles of "inclusion" and "respect". The company expects guests and hosts to abide by these principles in their relationships with one another. In its own words, "bias, prejudice, racism, and hatred" have no place on its platform. Airbnb's November 2018 announcement goes some way to honouring its stated commitments. However, it is still to show it is equally concerned about the right to non-discrimination of Palestinian communities living in East Jerusalem. By continuing to list and promote settlement properties in East Jerusalem, Airbnb will in fact still be contributing to a discriminatory regime that is biased and racist in nature, in direct contradiction to the values it claims to champion.

Booking.com appears to take compliance with the law very seriously. It expresses a strong commitment to "operating in compliance with all applicable laws in every country where we do business".[401] As with the other companies, this concern does not appear to extend to illegal Israeli settlements or result in an equally strong commitment to ensuring the company operates in accordance with international law in relation to settlement properties and attractions.

398. Airbnb, "What legal and regulatory issues should I consider before hosting on Airbnb?", www.airbnb.co.uk/help/article/376/what-legal-and-regulatory-issues-should-i-consider-before-hosting-on-airbnb?_ga=2.220795544.1415766464.1541408178-187351158.1538242582 (last accessed 7 December 2018).

399. Airbnb, "Listings in Disputed Regions", 19 November 2018, press.airbnb.com/listings-in-disputed-regions/ (last accessed 28 November 2018).

400. Airbnb, "Airbnb's Non-discrimination Policy: Our Commitment to Inclusion and Respect", www.airbnb.co.uk/help/article/1405/airbnb-s-nondiscrimination-policy--our-commitment-to-inclusion-and-respect (last accessed 7 December 2018).

401. Booking Holdings, "Code of Conduct", www.bookingholdings.com/code-of-conduct/ (last accessed 7 December 2018).

Booking.com also claims to support projects and initiatives that "contribute to the ongoing health" of the destinations it promotes through its website as well as "strengthen local communities" and "preserve and promote local culture" of these destinations.[402] Yet Israeli settlements are inherently discriminatory and result in many human rights violations against Palestinian communities. In addition, the one-sided narrative offered of the history, cultural heritage and traditions of the land and sites that tourists visit does nothing to preserve the "socio-cultural authenticity of host communities". The company's promotion of tourism to the settlements or to sites and attractions run by settlers undermines, rather than strengthens, Palestinian communities and their "health", "cultural heritage" and "traditional values".

Expedia also says that it endeavours to ensure that property owners (defined by the company as "travel suppliers") comply with all laws.[403] The company warns that it may "terminate relationships with third parties who engage in illegal activities". However, its business activities with Israeli settlers suggest that the company does not consider international humanitarian and human rights law to be part of the "laws" it expects compliance with. Similarly, the "illegal activities" the company is concerned about do not appear to include breaches of these legal regimes.

Expedia also expresses a firm commitment to respecting human rights in its "Employee Code of Conduct" (which the company calls a "Boarding Pass").[404] But by listing and promoting settlement properties, attractions and activities, Expedia is contributing to the existence, maintenance and expansion of a discriminatory regime that systematically violates the human rights of Palestinians.

TripAdvisor is also committed to ensuring that all company employees, contractors and consultants comply with applicable laws and regulations in the jurisdictions where they conduct business. In its "Code of Business Conduct and Ethics",[405] the company states that "complying with the law is the foundation on which our ethical standards are built". However, the company allows settlement properties, activities and attractions to be listed, reviewed and promoted, showing no concern about the fact that settlements are illegal under international law. This suggests that the company does not view international humanitarian law as part of the "applicable laws" it expects compliance with.

The company also expresses a commitment to "human and workplace rights".[406] TripAdvisor appears to be particularly concerned about ensuring non-discrimination in the workplace. The company does not appear to extend this same concern for the human rights, including the human right to non-discrimination, of Palestinian communities affected by the illegal settlements it helps sustain through the many listings and promotional activities of Israeli settlements on its platform.

None of these supposed values and commitments appear to have any bearing on the way the companies named in this report choose to deal with settlement properties, attractions and activities.

402. Booking.com, "Corporate Social Responsibility Program: Booking Cares", www.bookingcares.com/ (last accessed 7 December 2018).

403. Expedia Group Inc., "Modern Slavery Statement", 2017, www.expediagroup.com/about/msa-statement/ (last accessed 7 December 2018).

404. Expedia Group Inc., "Employee Code of Conduct", 2018, expediagroup-b54c.kxcdn.com/wp-content/uploads/2018/04/Employee-Code-of-Conduct-The-Boarding-Pass-English.pdf (last accessed 7 December 2018). Commitments and expectations in relation to human rights and non-discrimination are also reflected in the company's "Vendor Code of Conduct", 1 October 2018, www.expediagroup.com/about/vendor-code-of-conduct/ (last accessed 7 December 2018).

405. TripAdvisor Inc., "Code of Business Conduct and Ethics", 24 April 2018, ir.tripadvisor.com/static-files/c9552116-2cb5-4931-a831-49ff788da7ca (last accessed 7 December 2018).

406. TripAdvisor Inc., "Code of Business Conduct and Ethics", 24 April 2018, ir.tripadvisor.com/static-files/c9552116-2cb5-4931-a831-49ff788da7ca (last accessed 7 December 2018).

Many residents of the Israeli settlement of Kfar Adumim rent properties out to tourists on digital platforms. June 2018. © Amnesty International.

DIGITAL TOURISM COMPANIES' LISTING PROCESSES AND SETTLEMENT PROPERTIES, ACTIVITIES AND ATTRACTIONS

The digital tourism companies mentioned in this report either do not require an accurate and complete description of the location of a property, activity or attraction or do not verify this information before proceeding with a listing. As far as Amnesty International could discern, the fact that a request comes from, or relates to a property, activity or attraction in Israel or the OPT – both of which should be considered high-risk areas – does not trigger further checks or investigations.

According to Airbnb's website, anybody can create a listing and become an "Airbnb host" in almost any location in the world.[407] Before its November 2018 announcement, the only explicit restrictions on who could become a host or where a property could be located appeared to relate to residents of states or regions subject to US sanctions.[408] Based on its announcement, these restrictions will extend to listings in settlements in the "occupied West Bank", excluding East Jerusalem.[409] However, the company provides no explanation as to why it treats occupied East Jerusalem differently from the rest of the occupied West Bank. The company does not provide any further information as to when and how this commitment will be implemented, and how it will be guaranteed in the long term.

407. Airbnb, "Hosting in 3 steps", www.airbnb.co.uk/host/homes (last accessed 7 December 2018).

408. These are Crimea, Iran, Syria and North Korea. Airbnb, "Who Can Host on Airbnb", www.airbnb.co.uk/help/article/18/who-can-host-on-airbnb (last accessed 7 December 2018).

409. Airbnb, "Listings in Disputed Regions", 19 November 2018, press.airbnb.com/listings-in-disputed-regions/ (last accessed 28 November 2018).

To list a property on Booking.com, property owners (defined by the company as "suppliers")[410] must first register their property through an online form. There do not appear to be any restrictions in relation to who can add a listing or the location of properties and attractions other than businesses, individuals or countries that are subject to embargoes and trade sanctions.[411] Beyond these situations, anybody wishing to register must provide property details (such as rooms, facilities, and so on), photos, payment details and a signed agreement.[412]

The company reviews the information provided to verify property details. In its own words, "we want to ensure that all properties on Booking.com are 100% genuine and that's why we verify all of them, no matter where they are."[413] There is no information about any further checks the company may perform, although according to the job description of staff in its Israel office, they regularly contact property owners to verify information, sometimes meeting them in person.[414] However, the fact that the company lists settlement properties indicates that no checks are conducted relate to or are relevant in any way to whether settlement properties can be listed.

Expedia does not provide much information about who can request a listing. It appears that anybody can fill in an online form expressing their interest in listing their property.[415] They must provide their full name, email address and phone number. After this, the website indicates that Expedia might contact the person submitting the form. There is no information about what further information is requested or checks performed. However, Hebrew-speaking staff in its Prague office maintain relations with property owners.[416] The fact that Expedia lists settlement properties indicates that none of this information or further checks, if any, relate to or are relevant in any way to whether settlement properties can be listed.

Any owner or "representative" of a hotel or attraction can list on TripAdvisor.[417] The only conditions TripAdvisor places on prospective listings relate to the nature of the accommodation or attraction and conditions of service. These are reflected in the company's "listing guidelines"[418] and relate to issues such as how many guests the property accommodates, how many weeks of the year it is available and so on. None of these relate to the location of the hotel or attraction. The company requests information that allows company "editors" to confirm that the listing meets the guidelines.[419] In addition, it requires that hotel or attraction representatives provide their company's official name, address, website and phone number. Interestingly, TripAdvisor editors do perform checks to verify the information provided and may even reject the request for a listing. A refusal might be based on not having sufficient information to assess whether the place or business meets the company's guidelines or on the fact that the place or business does not actually meet these guidelines.[420]

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410. Booking.com, "Terms and conditions", www.booking.com/general.en-gb.html?aid=376362;label=bdot-P_1IvQJbjgK5rXGjRub7WwS267754436576%3Apl%3Ata%3Ap1%3Ap22%2C109%2C000%3Aac%3Aap1t1%3Aneg%3Afi%3Atiaud-340389686564%3Akwd-334108349%3Alp9041106%3Ali%3Adec%3Adm;sid=afb9818ad53599341fa7a7b95e40ce5d;stid=818309;tmpl=docs/terms-and-conditions (last accessed 17 December 2018).

411. Booking Holdings, "Code of Conduct", www.bookingholdings.com/code-of-conduct/ (last accessed 7 December 2018). This would presumably limit certain individuals' access to the company's services or result in a request for a listing being refused because of the property's or attraction's location.

412. Booking.com, "How do I join Booking.com?", partnerhelp.booking.com/hc/en-gb/articles/213738749-How-do-I-join-Booking-com- (last accessed 7 December 2018).

413. Booking.com, "Verifying your property", partnerhelp.booking.com/hc/en-gb/articles/115004051193-I-ve-registered-my-property-When-will-it-go-live- (last accessed 7 December 2018).

414. Booking.com, "Account Executive – Tel Aviv (Temporary)", workingatbooking.com/vacancies/account-executive-tel-aviv-temporary/ (last accessed 12 November 2018).

415. Expedia Group Inc., "Partner Central", onboarding.expediapartnercentral.com/public/join (last accessed 7 December 2018).

416. Expedia Group, "Lodging Partner Associate I (Hebrew Speaking)", lifeatexpedia.com/jobs/job?jobid=R-36459 (last accessed 12 November 2018).

417. TripAdvisor, "List your business on TripAdvisor", www.tripadvisor.co.uk/GetListedNew (last accessed 7 December 2018).

418. TripAdvisor, "What kinds of places does TripAdvisor list?", www.tripadvisorsupport.com/hc/en-gb/articles/200614677-What-kinds-of-places-does-TripAdvisor-list- (last accessed 7 December 2018).

419. TripAdvisor, "Get Your Business on TripAdvisor", www.tripadvisor.co.uk/TripAdvisorInsights/w855 (last accessed 7 December 2018).

420. TripAdvisor, "Why was my listing request rejected?", www.tripadvisorsupport.com/hc/en-gb/articles/227886847-Why-was-my-listing-request-rejected- (last accessed 17 December 2018).

The companies' listing methodology and criteria show that they do not perform any checks on prospective hosts or "suppliers" to determine whether they, or the property, activity or attraction they wish to list, are located in an Israeli settlement in the OPT. They also show that the companies would not reject a listing even if they had this information.

However, the companies' listing methodology and criteria also reveal that they do limit access to their services or refuse listings in certain parts of the world if required to by law. They also reveal that the companies are able to implement preliminary screening and vetting processes of prospective listings in relation to listing conditions they themselves impose. This demonstrates that, if they wanted to, they could avoid listing properties, activities and attractions in illegal Israeli settlements or run by settlers in the OPT.

INADEQUATE COMPANY RESPONSES

Amnesty International provided the four digital companies featured in this report with the opportunity to respond to our findings, as well as answer a series of questions. At the time of writing, two companies, Airbnb and TripAdvisor had not replied.

Neither Expedia nor Booking.com addressed our findings or questions directly. In their short responses they appeared to suggest that they were not under any legal obligation to stop business activities in relation to Israeli settlements. The full text of their responses is available in the annex. Expedia wrote that the company allows "any accommodation provider to sign up to our platform in accordance with laws applicable to Expedia Group."[421] Booking.com wrote that it permits listings wherever "this is in compliance with legislation applicable to Booking.com and its operations. Where clearly defined and applicable laws or sanctions prohibit us from offering our services, we fully comply with such restrictions."[422]

Booking.com further denied that it provided "services…supporting the maintenance and existence of settlements." Both Booking.com and Expedia also referred to their commitments to "transparency" and the accurate labelling of Israeli settlements.

Amnesty International is greatly disappointed by the failure of these companies to address their responsibilities to respect international humanitarian and human rights law. Amnesty International strongly disagrees with Booking.com's statement that its services do not support the maintenance and existence of settlements, for the reasons outlined in this report.

Although Airbnb did not reply to Amnesty International's letter, it issued a new public statement on 18 December (in addition to its earlier statement of 19 November), following a meeting between a company executive and Israel's minister of tourism.[423] Airbnb denied reports that it had suspended its commitment to stop listing properties in settlements in the West Bank, stating that it had "communicated that we are developing the tools needed to implement our policy and that process includes continuing our dialogue with the Government of Israel and other stakeholders." However, Airbnb has not yet publicly set a date by when it will stop listing these properties. Nor did it explain why its decision did not cover properties in settlements in occupied East Jerusalem.

421. Email from Expedia, 16 December 2018 (see Annex).

422. Email from Booking.com, 15 December 2018 (see Annex).

423. Airbnb statement, 18 December 2018.

8. CONCLUSION AND RECOMMENDATIONS

The categorization of the acts involved in Israel's settlement project as grave breaches of the peremptory norms of international law and war crimes reflects their seriousness and confirms the urgent and imperative need for the international community to act. Israel must immediately cease all settlement activity, dismantle all settlements and move its civilians from occupied territory into Israel proper. Third states must ensure by all legal means that Israel does so.

Companies from all over the world are conducting a wide range of business activities in or with settlements and, in doing so, helping sustain and expand illegal settlements. They are doing this in full view of the international community. Governments are allowing activities to take place that contradict their own public policy position on settlements and indeed breach their international legal obligations.

Governments worldwide must take action to regulate companies or activities over which they have control in order to prevent them from fuelling the settlement economy and, in so doing, sustaining Israel's illegal settlement enterprise.[424] Failing to do so and merely standing by makes them complicit in this enterprise.

In the specific context of the tourism activities cited in this report, governments must take regulatory action to ensure digital tourism companies, including Airbnb, Booking.com, Expedia and TripAdvisor, do not provide listings in settlements to Israeli settlers and do not promote settlers' tourism services in the OPT. This requires states in whose territory digital tourism companies are domiciled or headquartered to take regulatory action to prevent these companies (and their branches, subsidiaries and affiliates across the globe) from providing or facilitating the provision of tourism services in settlements or by settlers in the OPT.[425] It also requires all states to ban the provision or facilitation, including through digital platforms, of tourism services in settlements or by settlers in the OPT.

By boosting the settlement tourism industry and, as a result, the settlement economy, Airbnb, Booking.com, Expedia and TripAdvisor are contributing to, and profiting from, the maintenance, development and expansion of illegal settlements, which amount to war crimes under international criminal law. Their promotion of settlements as a tourist destination also has the effect of "normalizing", and legitimizing to the public, what is recognized under international law as an illegal situation.

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424. Amnesty International is also calling on governments worldwide to uphold their obligations by banning settlement goods from their markets and putting in place laws and regulations to stop their companies from operating in settlements or trading in settlements goods. See www.amnesty.org/en/latest/news/2017/06/states-must-ban-israeli-settlement-products-to-help-end-half-a-century-of-violations-against-palestinians/

425. Banning the provision or facilitation of services, including tourism services, in or for the benefit of settlements, by individuals or companies domiciled within the state, as the proposed Irish law described earlier does, might be one model.

The companies are not ensuring that the locations of settlement properties, activities and attractions are accurately reflected on their websites. Incorrect or incomplete geographical descriptions can result in customers inadvertently supporting illegal Israeli settlements.

The companies are also acting in breach of their responsibility to respect human rights by contributing to an inherently discriminatory and abusive regime which systematically violates the human rights of Palestinians.

Digital tourism companies are well aware that Israeli settlements are illegal under international law. Any basic preliminary risk mapping would reveal this fact, as well as the fact that settlements violate a vast number of human rights of the Palestinian population. These preliminary findings alone should be sufficient for any company to reach the conclusion that it cannot do business in or with settlements in a way that is consistent with international human rights and humanitarian law. Regardless of the potential human rights impact of specific activities, virtually all business activity in or with settlements goes towards supporting an illegal situation characterized by grave and widespread human rights violations. The fact that digital companies also contribute to, and benefit from, violations of the human rights of specific groups of Palestinians, as established in the case studies, makes their participation in the settlement enterprise all the more objectionable.

To comply with their responsibilities to uphold international humanitarian law and respect human rights, Airbnb, Booking.com, Expedia and TripAdvisor must therefore stop listing tourist accommodation, activities and attractions in settlements or run by settlers in the OPT, including East Jerusalem. To this end, all companies must put a mechanism in place that allows them to establish the exact geographical location of prospective listings. Requests from Israel or the OPT should be considered red flags that trigger further checks. The companies should refuse a listing request once they determine, through a robust preliminary screening and vetting process, that a property, activity or attraction is situated within a settlement or run by settlers in the OPT, including East Jerusalem.

Digital tourism companies must also take steps to remediate the violations they have contributed to. As stated before, the UN Guiding Principles clearly indicate that companies should remediate any human rights abuse that they have caused or to which they have contributed.[426] Remedy should include guarantees of non-repetition as well as satisfaction, compensation and other measures of reparation as appropriate to the circumstances and the wishes of those affected.[427]

Airbnb's announcement that it will stop listing in settlements in the West Bank (excluding East Jerusalem) is welcome, but only a first step. The company must implement this announcement, it must reflect its commitment in a revised public policy, and it must redress the harm it has contributed to. Airbnb must also extend its commitment to Israeli settlements in East Jerusalem.

RECOMMENDATIONS TO THE GOVERNMENT OF ISRAEL

Immediately cease all settlement activity as a first step to dismantling all Israeli settlements and related infrastructure in the OPT and relocating Israeli civilians living in such settlements outside of the OPT.

Stop immediately the destruction of land, houses and other properties that is not an absolute military necessity.

Cancel all orders for the demolition of unlicensed houses in the OPT and immediately place the responsibility for planning and building policies and regulations in the OPT with local Palestinian communities.

Provide effective redress to all those whose properties have been destroyed in violation of international humanitarian law and human rights standards protecting against forced evictions. This should include

426. Principle 15(c), UN Guiding Principles.

427. UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Doc. A/RES/60/147), 21 March 2006.

offering support to those affected in rebuilding their property in the same place as it was before it was destroyed.

Ensure that Israeli forces protect Palestinian civilians and their property against violence by Israeli settlers by instructing them to adequately address complaints against settlers who assault Palestinians or destroy their property, by carrying out prompt and thorough investigations of complaints of settler violence submitted to them, and by deploying patrols to protect Palestinian schoolchildren and other civilians in areas where there is a danger of settler violence.

Ensure proper investigation of alleged human rights violations by Israeli forces and bring to justice in fair trials anyone found responsible.

Ensure Palestinians have free access to their agricultural lands without obstructions and remove road restrictions to allow Palestinians freedom of movement within the OPT.

Ensure that the Palestinian population has access to a sufficient, safe and regular supply of water to satisfy their personal and domestic needs and for their economic development, including the development of their industrial and agricultural activities and other activities necessary to enjoy their rights to an adequate standard of living, water, food, adequate housing, health and work.

Permit as a matter of priority the construction of water and sanitation infrastructure sufficient to ensure Palestinians have physical access to sufficient, safe and regular water, and to prevent damage to water resources.

RECOMMENDATIONS TO ALL OTHER STATES (THIRD STATES)

Institute legal and policy reforms to require companies domiciled or headquartered in their territory to respect the rules of international humanitarian law in situations of armed conflict and occupation.

Institute legal and policy reforms to require companies domiciled or headquartered in their territory to respect human rights wherever in the world they operate.

Ban the provision or facilitation, including through digital platforms, of tourism services, including holiday accommodation, activities and attractions, in illegal Israeli settlements or by settlers in the OPT.

Take regulatory action to prevent tourism companies, including digital tourism companies, domiciled or headquartered in their territory from providing or facilitating the provision of tourism services in illegal Israeli settlements or by settlers in the OPT. These services may include rental accommodation and holiday activities and attractions.

Support the UN Database and the OHCHR's work to compile and regularly update the UN Database as a necessary and proportionate tool to promote greater transparency, accountability and respect for international law by both states and businesses.

RECOMMENDATION TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA

Take regulatory action to prevent US-based companies such as Airbnb, Booking.com, Expedia and TripAdvisor from providing or facilitating the provision of tourism services through their own activities or those of branches, subsidiaries and affiliates, in illegal Israeli settlements or by settlers in the OPT. These services may include rental accommodation and holiday activities and attractions.

RECOMMENDATION TO THE GOVERNMENT OF IRELAND

Take regulatory action to prevent Ireland-based companies, such as Airbnb Ireland (which handles all Airbnb business outside of the USA, China and Japan) from providing or facilitating the provision of tourism services, including holiday accommodation, activities and attractions, in illegal Israeli settlements or by settlers in the OPT.

RECOMMENDATION TO THE GOVERNMENT OF THE NETHERLANDS

Take regulatory action to prevent Netherlands-based companies, such as Booking.com, from providing or facilitating the provision of tourism services, including holiday accommodation, activities and attractions, in illegal Israeli settlements or by settlers in the OPT.

RECOMMENDATIONS TO BOOKING.COM, EXPEDIA, TRIPADVISOR AND OTHER DIGITAL TOURISM COMPANIES

Adopt a robust policy, which should be publicly available, committing not to list or in any other way promote properties, activities or attractions in illegal Israeli settlements or run by settlers in the OPT.

Adopt adequate procedures, such as robust screening and vetting processes, to ensure the effective and consistent implementation of this policy in practice and disclose details of these measures, their implementation and outcomes.

Cease any current listing of properties, activities and attractions located in illegal Israeli settlements or run by settlers in the OPT and provide a clear public explanation as to the reasons for this action. This should be based on the illegality of settlements under international law and the human rights violations that result from them.

Compensate for the harm suffered by Palestinian residents of communities affected by settlements where the companies have listed properties or attractions.

Consult with these affected Palestinian communities on other appropriate measures of reparation.

Report publicly on their human rights due diligence policies and processes and provide details as to how these are implemented in practice, including specifically in connection with operations in Israel and the OPT.

RECOMMENDATIONS TO AIRBNB

Provide a timeframe for the implementation of its 19 November 2018 announcement that it will remove listings in illegal Israeli settlements in occupied West Bank.

Extend its commitment to remove listings in settlements to Israeli settlements in occupied East Jerusalem.

Publicly clarify that its decision to remove listings in illegal Israeli settlements is based on the illegality of settlements under international law and the human rights violations that result from them.

Adopt a robust policy, which should be publicly available, committing to not list or in any other way promote properties, activities or attractions in illegal Israeli settlements or run by settlers in the OPT, including East Jerusalem.

Adopt adequate procedures, such as robust screening and vetting processes, to ensure the effective and consistent implementation of this policy in practice, and disclose details of these measures, their implementation and outcomes.

Compensate for the harm suffered by Palestinian residents of communities living near settlements where the companies have listed properties or attractions.

Consult with affected Palestinian communities on other measures of reparation.

Report publicly on the company's human rights due diligence policies and processes and provide details as to how these are implemented in practice, including specifically in connection with operations in Israel and the OPT.

RECOMMENDATIONS TO THE OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS

Publish the UN Database of businesses operating in or with illegal Israeli settlements, as requested by the Human Rights Council in its Resolution 31/36 of March 2016, as soon as possible and thereafter regularly update it.

To the extent not addressed in any prior version of the UN Database, consider examining the provision or facilitation of tourism services in settlements or by settlers in the OPT, including through online platforms, for potential inclusion in further updates of the UN Database, in line with due process.

To the extent it has not already done so in any prior version of the UN Database, assess the conduct of Airbnb, Booking.com, Expedia and TripAdvisor in relation to their provision of online services to settlers and the facilitation of tourism services by settlers in the OPT and consider including them in further updates of the UN Database, in line with due process.

The Israeli government forcibly evicted hundreds of Palestinians to develop Susya into a tourist attraction and settlement. June 2018.
© Amnesty International

ANNEX 1

1. Selected online tourism websites that have listings in Israeli settlements in the OPT[428]

PARENT COMPANY (HOME STATE)	WEBSITE	SELECTED OPERATING COMPANIES (STATE)	PRIMARY (CONSUMER) MARKET FOCUS[427]
Airbnb (US)	Airbnb.com	Airbnb Inc. (US) Airbnb Ireland UC (Ireland) Airbnb Internet (Beijing) Co., Ltd. (China) Airbnb Global Services Limited (Japan)[430]	Global – with 55 localized sites.[431]
Booking Holdings, Inc. (US)	Booking.com	Booking.com BV (Netherlands)[432]	Global – with websites in 40 different languages.[433] Booking.com's properties are also carried by websites of other companies, including **Ctrip** (trip.com), which is based in China,[434] and London-domiciled **Opodo Ltd** (Opodo.com), which focuses on European customers. Opodo Ltd. is a wholly-owned subsidiary of eDreams ODIGEO, which is domiciled in Spain.[435]
Booking Holdings, Inc. (US)	Agoda.com	Agoda Company Pte. Ltd. (Singapore)[436]	Asia Pacific.[437]

428. As established by Amnesty International, October 2018.

429. According to information provided by the companies themselves.

430. Airbnb, Terms of Service, 16 April 2018, www.airbnb.co.uk/terms#sec1

431. Airbnb, Local Airbnb Sites, www.airbnb.com/sitemaps/localized (last accessed 28 September 2018).

432. Booking.com, About Booking.com, www.booking.com/content/about.en-gb.html?label=gen173nr-1DCAEoggI46AdIM1gEaFCIAQGYAQm4ARfIAQzYAQPoAQGIAgGoAgM;sid=a992bc8248a86d93b45ddbef80fa26f6 (last accessed 12 November 2018).

433. Booking Holdings, 2018 Annual Report to Stockholders, 31 December 2017, p 4, ir.bookingholdings.com/static-files/892b121e-de70-4a44-9db0-c26f071b3e53

434. Ctrip, Ctrip Strengthens Relationship with Booking Holdings and Expands Strategic Cooperation with Booking.com, 11 June 2018, available at ir.ctrip.com/phoenix.zhtml?c=148903&p=irol-newsArticle&ID=2354093

435. eDreams ODIGEO, Annual Report 2017-2018, p14, www.opodo.com/customer-service/?contentSectionId=35169.

436. Agoda, What is Agoda,www.agoda.com/en-gb/info/about-agoda.html (last accessed 29 November 2018).

437. Booking Holdings, Special Note Regarding Forward-Looking Statements, 7 June 2018, p1, ir.bookingholdings.com/static-files/892b121e-de70-4a44-9db0-c26f071b3e53

Booking Holdings, Inc. (US)	Kayak.com	KAYAK Software Corporation (US) KAYAK Europe GmbH (Switzerland)[438]	Global – 60 localized sites.[439]
Booking Holdings, Inc. (US)	Priceline.com	Priceline.com LLC (US)[440]	US.[441]
Expedia Group, Inc. (US)	Expedia.com	Expedia Inc.(US)[442]	Global - 33 localized sites.[443]
Expedia Group, Inc. (US)	Hotels.com	Hotels.com, L.P. (US)[444]	Global - 90 localized websites in 41 languages.[445]
Expedia Group, Inc. (US) - majority shareholder	Trivago	trivago N.V. (Netherlands/ Gernany)[446]	Global - 33 languages.[447]
Expedia Group, Inc. (US)	Home Away	HomeAway.com, Inc. (US) HomeAway UK Ltd (UK) HomeAway Sàrl (Ireland).[448]	Global.[449]
Expedia Group, Inc. (US)	Ebookers	Expedia Inc. (US)[450]	Finland, France, Germany, Ireland, Sweden, Switzerland, UK.
Expedia Group, Inc. (US)	Wotif Lastminute	Expedia Inc. (US)[451]	Australia and New Zealand.[452]

438. Kayak, Terms of Use, www.kayak.co.uk/terms-of-use (last accessed 29 November 2018).

439. Kayak, 63 supported regions, www.kayak.co.uk/global (last accessed 29 November 2018).

440. Priceline, Priceline.com LLC Web Site Terms & Conditions, www.priceline.com/static-pages/terms_en.html?referrerid=FOOTER (last accessed 29 November 2018).

441. Booking Holdings, Special Note Regarding Forward-Looking Statements, 7 June 2018, p1,ir.bookingholdings.com/static-files/892b121e-de70-4a44-9db0-c26f071b3e53

442. Expedia, Terms of Use, www.expedia.com/p/info-other/legal.htm. (last accessed 17 January 2019).

443. Expedia Inc, Annual Report 2017, p1, ir.expediagroup.com/static-files/965a3092-d2f0-4383-82a4-f27946e379eb).

444. Hotels.com, About Us, uk.hotels.com/customer_care/about_us.html (last accessed 29 November 2018).

445. Expedia Inc, Annual Report 2017, p1, ir.expediagroup.com/static-files/965a3092-d2f0-4383-82a4-f27946e379eb)

446. Trivago is headquartered in Germany, but since 2017 has been registered in the Netherlands. Trivago, Annual Report, 2017, p1 ir.trivago.com/phoenix.zhtml?c=254450&p=irol-reportsAnnual

447. Expedia Inc, Annual Report 2017, p1 ir.expediagroup.com/static-files/965a3092-d2f0-4383-82a4-f27946e379eb.

448. Homeaway, Terms and Condition, www.homeaway.co.uk/info/about-us/legal/traveller-terms-conditions (last accessed 17 January 2019).

449. Expedia Inc, Annual Report 2017, p1, ir.expediagroup.com/static-files/965a3092-d2f0-4383-82a4-f27946e379eb.

450. Ebookers.com, About Us, www.ebookers.com/p/info-other/about-us (last accessed 29 November 2018).

451. Wotif.com, Terms and Conditions, www.wotif.com/p/info-other/legal.htm (last accessed 17 January 2019).

452. Wotif.com, Wotif Group Fact Sheet, www.wotif.com/vc/media/corporate-news-and-innovation/wotif-group-fact-sheet-276 (last accessed 17 January 2019).

TripAdvisor, Inc. (US)	TripAdvisor.com	TripAdvisor LLC (US)[453]	Global - 48 markets and 28 languages.[454]
TripAdvisor, Inc. (US)	FlipKey.com holidaylettings.co.uk Housetrip.com Niumba.com	FlipKey, Inc. (US) Guía de apartamentos Niumba S. L. U (Spain) Holiday Lettings Limited (UK)[455]	Global/US/Spain/UK.
TripAdvisor, Inc. (US)	Viator	Viator, Inc (US)[456]	Global.[457]

453. TripAdvisor, Terms of Use, tripadvisor.mediaroom.com/uk-terms-of-use (last accessed 209 November 2018).

454. TripAdvisor, Annual Report 2017, p2, ir.tripadvisor.com/static-files/840c6d1c-9c17-46c9-b52f-3586ead2515f.

455. TripAdvisor, TripAdvisor Rentals – Traveller Terms of Use, rentals.tripadvisor.com/en_GB/termsandconditions/traveler (last accessed 17 January 2019).

456. Viator, Terms and Conditions, uk.viator.com/support/termsAndConditions (last accessed 28 November 2018).

457. Viator, Become a Distribution Partner, uk.viator.com/distribution-partners?mcid=58463 (last accessed 28 November 2018).

ANNEX 2

RESPONSE FROM EXPEDIA GROUP OF 16 DECEMBER 2018:

Expedia Group is an online travel company, empowering leisure and business travelers around the world with the tools and information they need to research, plan, book and experience travel. Expedia Group operates more than 200 travel websites across 75 countries. Travel suppliers distribute and market their products and services via our desktop and mobile offerings, Expedia Group does not operate hotels, vacation rentals or travel products itself. We allow any accommodation provider to sign up to our platform in accordance with laws applicable to Expedia Group.

Expedia Group is committed to providing transparency to our customers when travelling to disputed territories globally and we appreciate Amnesty International bringing its concerns on this complex issue to our attention. In the Occupied Palestinian Territories, we identify these accommodations as "Israeli Settlement" located in Palestinian Territory. We are currently reviewing the transparency of our display not only in the Occupied Palestinian Territories, but as well as other disputed territories globally to ensure that travelers have the information necessary to make the travel decisions that best suit their needs. The issues raised in your letter are an important input as we continue to assess the type of information we provide to our travelers.

RESPONSE FROM BOOKING.COM OF 15 DECEMBER 2018:

Booking.com is a private limited liability company, incorporated under the laws of the Netherlands, having its corporate seat in Amsterdam. Booking.com operates an international online reservation platform through which participating accommodations can make their rooms available for reservation and through which visitors of its website can make reservations at such accommodations. Booking.com does not buy or (re)sell any rooms nor does it operate as a travel or tourist agency.

Our mission at Booking.com is to empower people to experience the world. The Booking.com website and mobile apps are available in over 40 languages, offer more than 28 million total reported listings, and cover more than 130,000 destinations in 228 countries and territories worldwide. Booking.com permits all accommodations worldwide to register themselves on Booking.com's website and to offer their accommodations to travelers, where this is in compliance with legislation applicable to Booking.com and its operations. Where clearly defined and applicable laws or sanctions prohibit us from offering our services, we fully comply with such restrictions. Booking.com is of the view that it does not provide "services and utilities supporting the maintenance and existence of settlements, including transport", as referenced in paragraph 96 of the Report of the International Fact-Finding Mission on Israeli Settlements in the Occupied Palestinian Territory.

Everything we do in terms of how we display information on Booking.com is focused on the customer and always in accordance with applicable law. Our geographic labeling of properties gives full transparency to customers about where an accommodation is located and we continuously update and optimise this information. By marking properties concerned as being in 'Israeli settlements' we provide transparency to anybody looking (or not looking) for accommodations in these territories.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

CONTACT US

info@amnesty.org

+44 (0)20 7413 5500

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DESTINATION: OCCUPATION

DIGITAL TOURISM AND ISRAEL'S ILLEGAL SETTLEMENTS IN THE OCCUPIED PALESTINIAN TERRITORIES.

In this report, Amnesty International exposes how four leading online tourism companies and global brands – TripAdvisor, Booking.com, Expedia and Airbnb are listing places to stay or things to do in illegal Israeli settlements in the Occupied Palestinian Territories. They are promoting these listings, and profiting from them, despite knowing that these Israeli settlements are illegal under international law and are at the root of a wide range of human rights violations suffered by Palestinian communities. Amnesty International is calling on these companies to stop providing these listings, and on governments around the world to take regulatory action to prevent companies such as these from doing business in or with Israel's illegal settlements.

Index: MDE 15/9490/2019
January 2019
amnesty.org

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