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Jerusalem

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ENTIRE HOUSE

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Migdal Oz

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ENTIRE VILLA

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- Entire villa
- 8 guests 4 bedrooms 6 beds 2 baths
- Hot tub

This is one of few homes in this area that has this feature.

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PRIVATE ROOM IN APARTMENT

The room for rent

Our district is called Ramot Bet. We are often asked: Western or East Jerusalem? Answer: western. There are no arabs here, the area is mainly populated with religious israelis. Secular it is less: we just from their number.

Booking.com

Accommodation Flights Flight + Hotel Car rentals Airport taxis

Ofra, 9062700, Israel - [Show map](#)

Located in Ofra, features barbecue facilities. A hot tub is available for guests. Guests can enjoy a drink at the bar or a meal in the restaurant.

All units at the guest house are equipped with a seating area, a flat-screen TV with cable channels and a private bathroom with a hair dryer and a bidet. Some rooms come with a kitchen with a microwave.

Tel Aviv is 46 miles from the guest house.

HUMAN RIGHTS WATCH



BED AND BREAKFAST ON STOLEN LAND

Tourist Rental Listings in West Bank Settlements

Search

ENTIRE GUESTHOUSE

Boutique guesthouse

Nevo Daniel

Looking for a personalized experience of Israel off the beaten track? is situated in the "Galilee of Jerusalem", amidst vineyards, orchards and natural springs.

Booking.com

Accommodation Flights Flight + Hotel Car rentals Airport taxis

Beit Aryeh-Ofarim, 7194700, Israel - [Show map](#)

located in Beit Aryeh-Ofarim and offers barbecue facilities. Guests staying at this villa have access to a terrace.

This air-conditioned villa features 4 bedrooms, a cable flat-screen TV, and a kitchen with a dishwasher and an oven. The bathroom is fitted with a hot tub.

Tel Aviv is 20.8 miles from the accommodation, while Jerusalem is 32.9 miles from the property.

We speak your language:



Bed and Breakfast on Stolen Land

Tourist Rental Listings in West Bank Settlements

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Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: <http://www.hrw.org>

Kerem Navot is a new Israeli civil society organization (2012) that proposes a new angle on the ongoing dispossession of land in the West Bank, especially in Area C which comprises 61 percent of the West Bank. It does so through its unique and groundbreaking research projects that aim to challenge the systems and policies behind these decades-long practices.

Kerem Navot uses comprehensive land-use research, employing methodologies developed over years of experience in the field. Our work is driven by the large information and knowledge gaps that exist on the subject. We aim to illuminate these gaps.

For more information, please visit our website: <http://www.keremnavot.org>



Bed and Breakfast on Stolen Land

Tourist Rental Listings in West Bank Settlements

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Airbnb Listings in Israeli Settlements in the Occupied West Bank March – July 2018



Booking.com Listings in Israeli Settlements in the Occupied West Bank As of July 2018



Summary

In the 1930s, Awni Shaaeb's father and uncles inherited a parcel of land from his grandfather in the Palestinian village of Ein Yabroud, northeast of Ramallah, in the Israeli-occupied West Bank. They grew wheat, barley, and chickpeas and used the land for recreation. In 1975, Israeli settlers began seizing part of the farmlands of Ein Yabroud and established the settlement of Ofra.

Settlements are unlawful under international humanitarian law; the transfer of civilians of the occupying power into the occupied territory is a war crime under the Rome Statute that created the International Criminal Court (ICC), and Palestinian residents of the West Bank enjoy legal protections against forced displacement. Yet, over the years, the Israeli authorities blocked residents of Ein Yabroud from accessing their farmland and allowed Israeli settlers to expand Ofra. Shaaeb and his family can no longer grow crops or even visit that parcel of land.

In 2018, Shaaeb was surprised to learn that settlers had built a house on that parcel and are renting it out to guests on a platform run by Airbnb, the global travel company. The company Booking.com also lists a rental property in Ofra, on privately-owned Palestinian land.

Shaaeb is not allowed to access his land, let alone granted the right to build a house on it and profit from renting it out, because Palestinian ID-holders are not allowed to enter settlements except as laborers bearing special permits. Guests with Palestinian IDs are not allowed to stay at the home that has been built on Shaaeb's land or on any other settlement rental property, while Israelis and foreigners may do so freely. Indeed, Shaaeb holds US citizenship, but unlike other American citizens, he may not enter Ofra, because Israel has registered him in the Palestinian population registry that it maintains. So, Airbnb is facilitating the rental of the property on Shaaeb's land – and more than a hundred other settlement properties – under conditions of inherent discrimination: Israelis and foreigners may pay to stay on the property, but Palestinians may not.

This report documents how the global travel companies Airbnb and Booking.com are listing and facilitating the rental of dozens of properties in settlements in the occupied

West Bank. Settlements of civilians in occupied territory are unlawful under international humanitarian law regardless of the status of the land on which they are built. The presence of the settlement properties triggers serious human rights abuses against Palestinians, including blocking their access to nearby privately-owned plots of land, restricting their freedom of movement and, because of those travel restrictions, limiting their right to access education and health services and protections for keeping families intact. To make matters worse, some of the properties listed are constructed on land that is acknowledged by the Israeli authorities to be privately owned by Palestinians who are not permitted to access it. Upon learning that Airbnb was listing a property on his land for rent, Shaaeb told Human Rights Watch, “For someone to occupy your land, that’s illegal. For someone to build on your land, to rent it out, and profit from it – that is injustice itself.”

The business activity that Airbnb and Booking.com conduct helps make West Bank settlements more profitable and therefore sustainable, thus facilitating Israel’s unlawful transfer of its citizens to the settlements. In many cases, the companies list the properties as being located inside Israel, thereby misleading guests about where they will be staying and obscuring the fact that their payments are benefitting the settlement enterprise. Guests using Airbnb and Booking.com to book accommodations in “Israel,” thus may find themselves vacationing in an unlawful Israeli settlement in the West Bank.

This report provides information about 139 properties that Airbnb listed in Israeli settlements in the occupied West Bank, not including East Jerusalem, at various times between March 22, 2018 and July 6, 2018, and 26 properties listed by Booking.com as of July 2018, with five properties cross-listed. It analyzes the status of the land on which those properties are located, including 17 properties built on land that the Israeli authorities acknowledge is privately owned by Palestinians but has been taken over for the exclusive use of Israeli settlers. An additional 65 properties are located on land that Israel declared to be public land through a mechanism that often includes what is actually private Palestinian land. Israeli authorities not only distribute West Bank “public” land to Israeli civilians, which violates international humanitarian law, but they do so in a way that discriminates against Palestinians, designating 99.75 percent of allocated land for Israeli civilian use and just 0.25 percent for use by Palestinians.

The report also provides information from Palestinian owners of the land on which some of the properties are built. The landowners did not consent to have their land used for rental



View from inside an Airbnb listing in the Israeli settlement of Nofei Prat in the occupied West Bank.
© 2016 Private

properties, they do not share in the rental profits, and they cannot even stay in the homes that are being rented on their land, let alone build their own rental properties there.

The report analyzes Airbnb’s nondiscrimination policy, which essentially acquiesces to the discrimination perpetuated by the Israeli authorities in West Bank settlements. It does so by explicitly allowing discrimination in jurisdictions outside the United States and European Union, contrary to Airbnb’s human rights responsibilities under the United Nations Guiding Principles on Business and Human Rights and its stated commitment to inclusion and nondiscrimination. Israeli settlements in the West Bank are the only example in the world today that Human Rights Watch and Kerem Navot found in which Airbnb hosts would be mandated by law to discriminate against guests based on national or ethnic origin.

The report also documents some rentals through Airbnb and Booking.com in unlawful Israeli settlements in East Jerusalem. Until recently, one listing in East Jerusalem informed prospective guests that “there are no arabs [sic] here.” The same listing continued, at the

time of publication, to falsely tell guests that the apartment is located in West Jerusalem, in other words, inside Israel.

Based on extensive research and documentation, Human Rights Watch and Kerem Navot conclude that settlements inherently contribute to serious violations of international human rights and humanitarian law. Companies like Airbnb and Booking.com that conduct business in or with settlements cannot mitigate or avoid contributing to these abuses, because the activities take place on unlawfully seized land, under conditions of discrimination, and through a serious violation of Israel's obligations as an occupying power. Even with the best of intentions, neither the companies nor the hosts of the properties can mitigate or "fix" the abuses to which settlements contribute; nor can they avoid the discriminatory military legislation that effectively prevents them from renting properties to Palestinian residents of the West Bank.

Human Rights Watch and Kerem Navot therefore believe that, in order to comply with their human rights responsibilities, Airbnb and Booking.com, like other businesses, should cease doing business in or with Israeli settlements. This means they should stop listing properties in West Bank settlements or otherwise facilitating their rental, because, in the view of Human Rights Watch and Kerem Navot, these activities inherently contribute to serious abuses.

One of the Airbnb hosts gave a telephone interview with Human Rights Watch in which they rejected claims that they or other settlers were blocking access to privately-owned Palestinian land. A second Airbnb host granted an in-person interview with a Human Rights Watch researcher who stayed at their rental property. The host of an East Jerusalem property also provided written responses. These responses are detailed in this report.

In a video-conference meeting with Human Rights Watch to discuss this report, Margaret Richardson, the director of Airbnb's global policy team, said that the company does not hold hosts responsible for restrictions on access imposed by governmental authorities. Regarding mislabeled geographical designations, she said that Airbnb was working to correct incorrectly labeled listings, but that the company primarily relies on guests to point out inaccuracies, either by posting a review following their stay or by notifying Airbnb directly via its customer service contact information. Regarding the specific context of the West Bank, Richardson said Airbnb does not even require hosts in Israeli settlements to

communicate that they will not accommodate Palestinians, because the restriction on Palestinians entering settlements is imposed by the Israeli authorities, not the hosts themselves. Richardson compared the situation to one in which a government denies a visa to a prospective Airbnb guest.

Booking.com provided a written response to Human Rights Watch, included in this report, in which it said that it does not buy or sell rooms and does not operate as a travel or tourist agency but rather operates a platform for making properties available for reservation. Such activity, it said, does not constitute the provision of services or utilities that support the maintenance and existence of settlements.

Palestinians are not foreigners to the occupied Palestinian territory requesting a visa to travel abroad, but rather the local population whose interests and welfare the laws of occupation are designed to protect but who instead find themselves displaced and discriminated against – because of the settlements, among other factors. Human Rights Watch and Kerem Navot take the view that contributing to the financial sustainability of settlements by helping settlement businesses rent properties does support the maintenance and existence of settlements and also contributes to the perception that they are legitimate – despite their unlawfulness.

Under the UN Guiding Principles on Business and Human Rights, businesses have responsibilities to refrain from contributing to serious abuses, even if, in extreme cases, that means ceasing their business operations in a particular area or context. In the view of Human Rights Watch and Kerem Navot, the violations of international human rights and international humanitarian law in Israeli settlements are so pervasive, that in order to comply with their human rights responsibilities, Airbnb and Booking.com should stop listing properties there.

Recommendations

To Airbnb and Booking.com

- In order to comply with international human rights responsibilities, stop providing services in or to Israeli settlements in the West Bank, including listing properties there or otherwise facilitating the rental of settlement properties.
- Develop a policy for conducting business activities in occupied territory that is consistent with the United Nation Guiding Principles on Business and Human Rights. The policy should address the risk of contributing to or benefiting from serious human rights abuses and violations of international humanitarian law, including an occupying power's unlawful transfer of its civilians into occupied territory.
- Forbid all hosts from discriminating against guests based on national origin, gender, sexual orientation, marital status, religion, and race, with the exception of allowing hosts in a shared space to decline guests of a different gender.

To Airbnb

- Change nondiscrimination policy to bring it into conformity with responsibilities under the UN Guiding Principles on Business and Human Rights, including by removing the exception that permits hosts outside the United States and European Union to discriminate against guests based on national origin, gender, sexual orientation, and marital status.

To the Government of Israel

- Dismantle all Israeli civilian settlements in the West Bank.
- Until that occurs, dismantle the two-tiered system that discriminates in favor of Jewish settlers and against Palestinian residents of the West Bank, including in such realms as building and licensing permits, permits to develop land, and access to and allocation of resources, and otherwise systematically violates their rights.

To the UN Office of the High Commissioner for Human Rights (OHCHR)

- Scrutinize the conduct of Airbnb and Booking.com to determine whether they merit inclusion in the database that the OHCHR is preparing on companies that are directly or indirectly enabling, facilitating, and profiting from the construction and growth of Israeli settlements in the West Bank.
- Publish the database of companies as soon as possible to inform the public about the activities of businesses in settlements.

Methodology

Human Rights Watch and Kerem Navot have reviewed online listings posted by Airbnb and Booking.com, in most cases verifying their location by cross-checking with postings of the same property on other websites, through site visits in which they matched the photos with the properties on the ground and by using the Airbnb online platform to make inquiries to hosts. Using land status data obtained by Kerem Navot from the Israeli Civil Administration, the branch of the Israeli military in charge of civilian affairs in the West Bank, Human Rights Watch and Kerem Navot identified the status of the land on which a majority of the properties are located and, in some cases, contacted and interviewed the Palestinian owners of those parcels of land. Human Rights Watch and Kerem Navot visited three of the properties listed on Airbnb, reviewed land records from the Palestinian local authorities, and traveled to Palestinian villages near the properties and conducted five interviews with village officials and seven interviews with residents whose land had been taken over by settlements. Some landowners requested to keep their identities hidden, and many more declined to be interviewed or to provide documents related to their land, citing concern about possible retribution by the Israeli authorities and the possibility that information about their land would be used to create fraudulent land purchase contracts, a common problem for land located inside settlements.

The organizations reviewed Airbnb's nondiscrimination policy and Booking.com's 2017 Impact Report and wrote to the companies and to the hosts whose properties are specifically discussed in this publication, seeking clarifications and comment. Researchers from Human Rights Watch presented the preliminary findings of the report to representatives of Airbnb's global policy team in an August 20, 2018 video-conference meeting in which members of that team responded to the findings and to a set of written questions. Booking.com also responded to a set of questions with a written statement, which is included in this report. We have reflected the responses we received in the report and reprinted them in full in the appendices.

The groups requested comment and responses from six of the Airbnb hosts via Airbnb's online messaging platform. Four did not respond, and the hosts of a property in East Jerusalem and a property in Hashmonaim responded in messages, excerpts of which are included in this report. The groups separately requested a response from a seventh host,

of the Inbalim camping site, via contact information posted for them online and conducted a telephone interview with them, excerpts of which are included in this report. Human Rights Watch conducted an in-person interview with an eighth Airbnb host, after meeting them during a stay at their rental listing and explaining the purpose of the interview. Human Rights Watch also requested comment and responses from four of the Booking.com hosts, but none responded.

Human Rights Watch wrote to the Israeli Civil Administration to request information about the status of parcels of land referenced in this report, but, as of this writing, had not received a response.

All interviewees freely consented to be interviewed. Human Rights Watch and Kerem Navot explained to them the purpose of the interview and how the information gathered would be used and did not offer any remuneration.

The scope of the report does not include the Golan Heights, although some of the analysis may be applicable there.

I. Rental Property Listings in Israeli Settlements

Background

Israel operates a two-tiered system in the West Bank that provides preferential treatment to Jewish Israeli settlers while imposing harsh conditions on Palestinians. On the one hand, Israel provides settlers, and in many cases settlement businesses, with land, water infrastructure, resources, and financial incentives to encourage the growth of settlements. On the other hand, Israel confiscates Palestinian land, forcibly displaces Palestinians, restricts their freedom of movement, precludes them from building in all but 1 percent of the area of the West Bank under Israeli administrative control, and strictly limits their access to water and electricity.¹ The impact of these policies on Palestinians at times amounts to forcible transfer of the population living under occupation, in violation of international humanitarian law, since many Palestinians who are unable to build a home or earn a living are effectively forced to move to areas under Palestinian Authority administrative control or to emigrate entirely out of the West Bank.²

By facilitating the settlement regime, settlement businesses, in the view of Human Rights Watch and Kerem Navot, contribute to the discriminatory system that Israel operates for the benefit of settlements. Business activity in settlements also helps sustain them economically, contributes to the perception that they are legitimate, allows them to expand, and makes them attractive and viable for Israeli settlers, whose presence in the West Bank triggers the abuses described above.

In the case of the rental properties, there are particular concerns about businesses taking part in pillage, the taking of private property in an occupation by the occupying power,

¹ Human Rights Watch, *Occupation, Inc.: How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights*, January 2016, <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>.

² Human Rights Watch, *Separate and Unequal: Israel's Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories*, December 2010, <https://www.hrw.org/report/2010/12/19/separate-and-unequal/israels-discriminatory-treatment-palestinians-occupied>, pp. 35-40.

through use of force for private or personal gain, because there is a real risk that properties are located on privately-owned land unlawfully seized, as discussed below.³

Airbnb

Airbnb is a global platform that lists properties for short-term rental, including houses, apartments, and rooms in people’s homes. According to guidelines it posts on its website, Airbnb charges owners three to five percent of the rental fees paid by guests,⁴ and, based on a sample survey of the website, the service fees it takes directly from guests appear to range from approximately 12 percent to 18 percent of the rental price. A review of Airbnb’s website indicates that it lists properties in nearly every part of the world, with the exception of places subject to United States or international sanctions, such as Crimea, Iran, North Korea, and Syria, which do not appear to have any listings. Of the two companies examined in this report, Airbnb is the more active in Israeli settlements in the West Bank, while Booking.com focuses on hotel-type lodgings that are less common in Israeli settlements, few of which are urban.

Between March 22, 2018 and July 6, 2018, Human Rights Watch and Kerem Navot found 139 properties listed by Airbnb in Israeli settlements in the West Bank, not including East Jerusalem. Of those listings, 129 were active at the time of writing, meaning that dates were available on the property’s calendar for prospective guests to book. The list of settlement properties is dynamic, as hosts add or remove listings at their discretion. The list of properties advertised during that time period can be seen here.

Airbnb Properties (as of March-July 2018)				
	Israeli Settlement	Description Says it's in Israel?	Neighborhood Says Israel?	Listing Date
1	Alfei Menashe	No	No	6/5/2018
2	Alfei Menashe	No	Yes	6/5/2018
3	Alfei Menashe	No	No	6/5/2018

³ International Committee of the Red Cross, “Business and International Humanitarian Law: An Introduction to the Rights and Obligations of Business Enterprises under International Humanitarian Law,” <https://shop.icrc.org/les-entreprises-et-le-droit-international-humanitaire-introduction-aux-droits-et-obligations-des-entreprises-au-regard-du-droit-international-humanitaire-2574.html>, accessed October 28, 2018.

⁴ See Airbnb’s website, “Financials,” <https://www.airbnb.com/b/financials?newTab=true>, accessed July 20, 2018.

	Israeli Settlement	Description Says it's in Israel?	Neighborhood Says Israel?	Listing Date
4	Almon	No	No	6/19/2018
5	Almon	No	Yes	6/19/2018
6	Almon	Yes	Yes	6/26/2018
7	Alon	No	Yes	6/19/2018
8	Alon	No	No	6/26/2018
9	Alon	No	No	6/19/2018
10	Alon Shvut	No	Yes	4/12/2018
11	Alon Shvut	No	No	4/12/2018
12	Alon Shvut	No	No	4/9/2018
13	Alon Shvut	No	Yes	4/12/2018
14	Ari'el	No	Yes	6/12/2018
15	Ari'el	No	No	6/12/2018
16	Ari'el	No	No	6/12/2018
17	Avnat	No	Yes	6/28/2018
18	Avnat	No	No	6/5/2018
19	Avnat	No	Yes	4/10/2018
20	Avnat	No	No	4/10/2018
21	Avnat	No	Yes	6/5/2018
22	Avnat	No	Yes	6/28/2018
23	Avnat	No	Yes	6/28/2018
24	Avnat	No	No	6/5/2018
25	Avnat	No	No	4/10/2018
26	Barkan	No	Yes	4/23/2018
27	Bat Ayin	No	Yes	4/12/2018
28	Bat Ayin	No	Yes	4/12/2018
29	Bat Ayin	No	Yes	4/12/2018
30	Bat Ayin	No	No	6/5/2018
31	Beit El	No	No	6/26/2018
32	Beit Hagai	No	No	6/28/2018
33	Shilo	No	Yes	4/23/2018
34	Dolev	No	Yes	6/26/2018
35	Efrat	No	Yes	6/12/2018

	Israeli Settlement	Description Says it's in Israel?	Neighborhood Says Israel?	Listing Date
36	Efrat	No	No, but the host puts Israel in description	6/12/2018
37	Efrat	No	No	6/12/2018
38	Efrat	No	Yes	6/12/2018
39	Efrat	No	No	6/12/2018
40	Elazar	No	No	6/12/2018
41	Eli	No	No	4/12/2018
42	Eli	No	Yes	4/12/2018
43	Ets Efraim	No	Yes	6/26/2018
44	Geva Binyamin	No	No	6/26/2018
45	Geva Binyamin	No	No	6/26/2018
46	Har Adar	No	Yes, but in the neighborhood description written by the host	6/26/2018
47	Har Adar	No	No	4/2/2018
48	Har Adar	No	No	6/26/2018
49	Har Adar	No	No	6/26/2018
50	Har Adar	No	No	6/26/2018
51	Har Bracha	No	No	4/13/2018
52	Har Bracha	No	No	4/13/2018
53	Hashmona'im	No	No	6/13/2018
54	Hashmona'im	No	No	6/26/2018
55	Hashmona'im	Yes	No	6/26/2018
56	Itamar	No	Yes	5/3/2018
57	Kalya	No	No, but the hosts say they live in "Kalya, Israel"	6/5/2018
58	Kalya	No	Yes	6/5/2018
59	Kalya	No	Yes	6/5/2018
60	Karmeil Zur	No	Yes	4/10/2018

	Israeli Settlement	Description Says it's in Israel?	Neighborhood Says Israel?	Listing Date
61	Karnei Shomron	No	No	4/30/2018
62	Karnei Shomron	No	No	6/12/2018
63	Karnei Shomron	No	No	6/27/2018
64	Kedar	No	No	6/13/2018
65	Kfar Adumim	No	Yes	6/19/2018
66	Kfar Adumim	No	No	3/22/2018
67	Kfar Adumim	No	No	6/26/2018
68	Kfar Adumim	No	No	6/27/2018
69	Kfar Adumim	No	Yes	6/27/2018
70	Kfar Adumim	No	No	6/26/2018
71	Kfar Adumim	No	No	6/19/2018
72	Kfar Adumim	No	No	6/19/2018
73	Kfar Adumim	No	Yes	6/26/2018
74	Kfar Adumim	No	No	6/19/2018
75	Kfar Adumim	No	No	6/26/2018
76	Kfar Adumim	No	No	6/19/2018
77	Kfar Adumim	No	No	6/19/2018
78	Kfar Adumim	No	No	6/19/2018
79	Kfar Adumim	No	No	6/19/2018
80	Kfar Adumim	Yes	Yes	6/19/2018
81	Kfar Etzion	No	Yes	4/12/2018
82	Khavat Gil'ad outpost	No	No	6/5/2018
83	Shilo/Kida outpost	No	Yes	4/12/2018
84	Kiryat Arba	No	No	4/9/2018
85	Kiryat Arba	No	Yes	4/4/2018
86	Kokhav HaShahar	No	Yes	4/12/2018
87	Kokhav Ya'akov	No	No	6/12/2018
88	Kokhav Ya'akov	No	No	5/23/2018

	Israeli Settlement	Description Says it's in Israel?	Neighborhood Says Israel?	Listing Date
89	Ma'aleh Adumim	No	Yes	5/23/2018
90	Ma'aleh Adumim	No	No	6/13/2018
91	Ma'aleh Adumim	No	No	5/23/2018
92	Ma'aleh Adumim	No	No	5/23/2018
93	Ma'aleh Adumim	No	No	5/23/2018
94	Ma'aleh Efraim	No	No	5/22/2018
95	Ma'aleh Levona	No	No	5/22/2018
96	Ma'aleh Mikhmas	No	Yes	5/22/2018
97	Matityahu	No	No	6/26/2018
98	Mevo Horon	No	Yes	4/30/2018
99	Migdal Oz	No	No	7/6/2018
100	Mitspe Shalem	No	Yes	4/20/2018
101	Mitzpe Yeriho	No	Yes	4/20/2018
102	Mitzpe Yeriho	No	Yes	4/20/2018
103	Mitzpe Yeriho	No	No	6/13/2018
104	Mitzpe Yeriho	No	No	6/26/2018
105	Mitzpe Yeriho	No	No	6/26/2018
106	Mitzpe Yeriho	No	No	6/12/2018
107	Modi'in Illit	No	No	6/26/2018
108	Modi'in Illit	No	No	4/30/2018
109	Netiv Hagdud/Gilgal	No	No	4/20/2018
110	Neve Daniel	No	No	6/28/2018
111	Neve Daniel	No	Yes	4/30/2018
112	Nili	Yes	Yes	6/26/2018
113	Niran	No	Yes	4/30/2018
114	Nofei Prat	No	No	6/19/2018
115	Nofei Prat	No	Yes	6/19/2018

	Israeli Settlement	Description Says it's in Israel?	Neighborhood Says Israel?	Listing Date
116	Nofei Prat	No	Yes	6/19/2018
117	Nokdim	No	Yes	4/30/2018
118	Ofra	No	No	4/23/2018
119	Ofra	No	No	4/23/2018
120	Ofra	No	No	4/23/2018
121	Oranit	No	Yes	6/28/2018
122	Oranit	No	Yes	4/23/2018
123	Oranit	No	No	4/23/2018
124	Peza'el	Yes	Yes	4/23/2018
125	Psagot	No	No	2/4/2018
126	Rehelim	No	Yes	4/23/2018
127	Revava	No	No	6/27/2018
128	Rimonim	No	No	5/23/2018
129	Sde Boaz	Yes	No	4/30/2018
130	Sha'are Tikva	No	Yes	4/23/2018
131	Shilo-Esh Kodesh outpost	No	Yes	6/5/2018
132	Tekoa	No	No	6/28/2018
133	Tekoa	No	Yes	6/28/2018
134	Tekoa	No	Yes	4/4/2018
135	Tekoa	No	Yes	4/23/2018
136	Tekoa	No	Yes	4/23/2018
137	Tekoa	No	No	4/20/2018
138	Tekoa	No	Yes	4/20/2018
139	Tomer	No	No	6/5/2018

Of those listings, 61 Airbnb rental properties in the occupied West Bank were falsely listed as being in Israel. Fifteen of them are located on land that the Israeli authorities acknowledge is privately owned by Palestinians but is off-limits to its owners, 65 are located on land that the Israeli authorities declared to be “state land,” which can include private land unlawfully seized, five are located on land that the Israeli authorities claim

was sold by Palestinian owners, and 33 are located on land that had been administered by the Jordanian authorities who controlled the West Bank until June 1967, including 27 listings on land registered as public land and six listings on land that had been purchased by Jewish owners prior to the 1948 War and was held in custodianship by the Jordanian authorities. An additional two properties were Waqf properties, owned by the Islamic trust, an institution that administers holy sites. Human Rights Watch and Kerem Navot were unable to definitively determine the land status of 19 properties.

Booking.com

On July 25, 2018, Human Rights Watch and Kerem Navot found 26 properties listed by Booking.com in Israeli settlements in the West Bank, not including East Jerusalem. Five of the Booking.com properties were also listed on Airbnb. Human Rights Watch and Kerem Navot were able to determine the land status of 25 of the properties. Sixteen are on land that the Israeli authorities declared to be state land, including areas they had previously seized for military purposes but later designated to be state land. Two of the properties, in Ma’aleh Adumim⁵ and Ofra,⁶ are located on land that the Israeli authorities expropriated for “public use” but where they later built Israelis-only settlements. Seven properties are located on land managed by the Jordanian authorities prior to 1967, that was then taken over by the Israeli authorities, including land registered as state land in the official registry and land owned by Jews prior to 1948.

Other travel companies also list properties in Israeli settlements. However, with the exception of East Jerusalem, their settlement listings were relatively few. The reason for this appears to be that these other companies primarily list hotels and guesthouses and

⁵ Listed at https://www.booking.com/hotel/il/dyrh-bm-lh-dvmym.html?aid=304142;label=gen173nr-1FCAEoggJCAIhYSDNYBHIFdXNfbnmIAQGYATHCAQP3aW5kb3dzlDEWYAEM2AEB6AEB-AEckglBeagCAw;sid=910a4686b9869e4a806066167f702719;atlas_src=sr_iw_btn;dist=0;group_adults=2;group_children=0;no_rooms=1;room1=A;sb_price_type=total;type=total& (accessed July 27, 2018), was expropriated for “public use” by the Israeli authorities in the 1970s, according to information provided by the Israeli Civil Administration to Kerem Navot. Human Rights Watch tried to contact the host of the property to request comment, but the property was no longer accepting reservations at the time of publication.

⁶ This listing, which can be found at https://www.booking.com/hotel/il/qdm-prh.en-gb.html?aid=304142;label=gen173nr-1FCAEoggJCAIhYSDNYBHIFdXNfbnmIAQGYATHCAQP3aW5kb3dzlDEWYAEM2AEB6AEB-AEckglBeagCAw;sid=ba28bc7e9da56ae681353069c872ceab;atlas_src=sr_iw_btn&group_adults=2&room1=A%2CA&sb_price_type=total&type=total& (accessed July 27, 2018), is located on land that was slated for expropriation by the Jordanian authorities for military purposes, but the expropriation process was not complete. The Israeli authorities then expropriated it for “public use” in 1977, according to information provided by the Israeli Civil Administration to Kerem Navot. Human Rights Watch requested comment from the hosts of this property, but they did not respond.

there are few hotels and guesthouses in Israeli settlements outside East Jerusalem. The research in this report is limited to companies that directly provide platforms for guests to rent properties and does not include review or referral web sites.

Booking.com Properties (as of July 2018)					
	Israeli Settlement	Address Says Israeli Settlement?	Address Says Israel?	Status of Land	Palestinian Town of which the Land is Part
1	Almog	Yes	No	Seized for military use and then declared state land	al-Nabi Musa
2	Bat Ayin	No	Yes	Pre-1948 Jewish land	Undetermined
3	Beit Aryeh-ofarim	No	Yes	Declared state land	al-Luban al-Gharbiyye
4	Beit Horon	No	Yes	Declared state land	al-Jib
5	Giv'at Ze'ev	No	Yes	Declared state land	al-Jib
6	Giv'at Ze'ev	No	Yes	Undetermined	al-Jib
7	Har Adar	No	Yes	Declared state land	Bidu
8	Har Bracha	No	Yes	Seized for military use and then declared state land	Burin
9	Hashmona'im	No	Yes	Declared state land	Na'alim
10	Hashmona'im	No	Yes	Declared state land	Na'alim

	Israeli Settlement	Address Says Israeli Settlement?	Address Says Israel?	Status of Land	Palestinian Town of which the Land is Part
11	Kalya	Yes	No	Seized for military use and then declared state land	Arab al-Sawahra
12	Karnei Shomron	No	Yes	Seized for military use and then declared state land	Dir Istya
13	Kfar Adumim	Yes	No	Pre-1967 state land	Anata
14	Kfar Adumim	Yes	No	Pre-1967 state land	Anata
15	Kfar Adumim	Yes	No	Pre-1967 state land	Anata
16	Kfar Adumim	Yes	No	Pre-1967 state land	Anata
17	Kfar Adumim	Yes	No	Pre-1967 state land	Anata
18	Kfar Etzion	No	Yes	Pre-1948 Jewish land	Beit Omar
19	Kochav Yaakov	No	Yes	Declared state land	Kufr Aqab
20	Kochav Yaakov	No	Yes	Declared state land	Kufr Aqab
21	Ma'aleh Adumim	No	Yes	Expropriated for public use	al-Azariya
22	Metsoke Dragot	Yes	No	Declared state land	Arab al-Taa'mra
23	Metsoke Dragot	Yes	No	Declared state land	Arab al-Taa'mra

	Israeli Settlement	Address Says Israeli Settlement?	Address Says Israel?	Status of Land	Palestinian Town of which the Land is Part
24	Ofra	No	Yes	Expropriated for public use	Ein Yabrud
25	Rehelim	Yes	No	Declared state land	al-Sawya
26	Vered Yeriho	Yes	No	Declared state land	al-Nabi Musa

Discrimination

The rental properties listed by Airbnb and Booking.com in the settlements are available to guests under conditions of discrimination. Israeli citizens and residents, holders of Israeli entry visas and even people of Jewish descent may enter settlements, but Palestinian residents of the West Bank are barred from doing so by military order, except as laborers bearing special permits.⁷ These military orders declare the jurisdictional borders of settlements, about 10 percent of the West Bank, to be closed military zones, off-limits except by special permit, but then exempt nearly everyone from the requirement to obtain a permit, except for Palestinians. So even where Palestinian residents of the West Bank own the land on which the settlement property has been built, and the Israeli authorities seized that land from them, they cannot stay at those properties, even if they pre-paid for their stay on the Airbnb platform. This is because, lacking a permit, they would be turned back at a military checkpoint or at the security gate at the settlement entrance. This discrimination – privileging Israeli settlers unlawfully present in the West Bank, at the expense of Palestinians who, as a population under occupation, are entitled to special legal protections – is inherent to the settlements' legal framework, and the only way that Airbnb, Booking.com, and individual hosts could avoid renting properties in an inherently discriminatory manner is to refrain from listing properties in settlements.

⁷ “Order Concerning Security Directives (Judea and Samaria) (in Hebrew), No. 378, 1970, Declaration Concerning Closure of an Area (Israeli Settlements),” June 6, 2002, https://www.nevo.co.il/law_word/Law70/zava-0199.pdf (accessed July 26, 2018). The order was first issued in 1995 and then re-issued in 2002.

One of the rental properties that Airbnb listed in 2018 is located in what has become known as “Neve Erez,” an outpost that Israeli settlers established on a hilltop near the settlement of Ma’aleh Mikhmas, east of Ramallah. According to the regional settlement council, when settlers first tried to settle the area in 1999, the Israeli military removed them. They tried again, however, eventually settling 21 Jewish families with the tacit consent of the Israeli military.⁸ The Israeli authorities did not undertake a formal process to seize the land, which forms part of the agricultural lands of the Palestinian village of Mikhmas, including land privately owned by Palestinians and land registered as state land prior to June 1967. Rather, the authorities ultimately refrained from interfering when settlers built homes and community buildings there, according to an Israeli government report on unauthorized outposts and data provided by the Israeli Civil Administration to Kerem Navot.⁹ The Israeli authorities have issued demolition orders against the outpost, but, with a few exceptions, refrain from enforcing them, instead providing services such as electricity, water, sewage removal, and other infrastructure for the settlers. According to the settlements regional council, the settlers have a goal of making the settlement sustainable economically and have set up a number of businesses, including a campground called Inbalim.¹⁰ Airbnb was listing the campground as a rental property in May 2018, although as of August 2018, the listing appears to have been taken down.

The Inbalim camping site offers music, festivals, workshops, sound studio rentals, and other activities for visitors as part of “desert recreation and hosting in a pastoral and special place overlooking Jerusalem, the Dead Sea and the Jordan Valley.”¹¹ Inbalim is built partly on land that was registered as state land under the Jordanian authorities prior to June 1967 and partly on land privately owned by a resident of the Palestinian village of Mikhmas, according to records provided to Kerem Navot by the Israeli Civil Administration. Human Rights Watch and Kerem Navot were able to identify and contact the landowner using land registration records from the Palestinian local authorities, but he declined to be interviewed.

⁸ Binyamin Regional Council, “Neve Erez – A Communal Agricultural Village, Identity Card” (in Hebrew), <http://binyamin.org.il/591/> (accessed August 9, 2018).

⁹ Talia Sasson, “Interim Opinion on Unauthorized Outposts” (submitted to Prime Minister Ariel Sharon by Attorney Talia Sasson), <http://www.pmo.gov.il/SiteCollectionDocuments/PMO/Communication/Spokesman/sason2.pdf>, (Hebrew) (accessed August 8, 2018). Then Prime Minister Ariel Sharon commissioned the report. Page 243 of the report includes an excerpt from a letter from the Defense Ministry recognizing Neve Erez as a separate entity eligible to request governmental funding.

¹⁰ *Ibid.*

¹¹ Website for Inbalim Camping Site (in Hebrew), <http://inbalim.biz/> (accessed August 9, 2018).



The Inbalim camping site, located within the illegal Israeli outpost of Neve Erez and established on a hilltop in the occupied West Bank in part on lands seized from the Palestinian village of Mikhmas, northwest of Jerusalem. Airbnb included a listing in Inbalim, where users could take part in music, festivals, workshops and other activities. © 2018 Human Rights Watch

His neighbor in Mikhmas, Munir Abu Awada, aged 50, also owns land in the Neve Erez area, which he inherited from his grandfather, as documented by records that Palestinian local authorities provided. Abu Awada's plot in Neve Erez is about 2-3 dunams (0.2 or 0.3 hectares), and it is not the same plot on which the Inbalim camp site is built. He began losing access to the land in the late 1990s, when settlers first began trying to establish the outpost, he told Human Rights Watch.¹² He said that until the 1990s, his family grew wheat on the land, consuming some of the yield themselves and selling any surplus. He recalled a small pool in which they used to swim, together with neighbors who also owned land in the area. For the past two decades, however, even though there is no physical barrier, Jewish settlers systematically prevent him and his neighbors from accessing the land, he said, and have even shot at villagers from Mikhmas, assaulted them and harvested their crops. Abu Awada said that when he and his neighbors have tried to access the land, settlers have stopped them from continuing and then called the Israeli military authorities.

¹² Human Rights Watch interview with Munir Abu Awada, Mikhmas, July 19, 2018.

He said that on multiple occasions in the last few years, after settlers called the authorities, soldiers then came and told him and his neighbors to return to their village, saying they need to request permission from the military to access their land on specific occasions. The village of Mikhmas has been helping to pay for him and other farmers to plough their land, he said, in order to encourage them to continue staking a claim to it, despite the fact that it is no longer economically viable to till it.

“We still go to the land and we still impose ourselves there, because if we do not go, we will lose our land,” Abu Awada told Human Rights Watch. “But the army is trying to force us to stay away from our land ... This is my grandfather’s land ... And now we have to give it to the settlers?”

The Inbalim campground in Neve Erez, built on a plot of land partially owned by Abu Awada’s neighbor, is one of at least 15 Airbnb rental properties on the West Bank built on land the Israeli authorities acknowledge is privately owned by Palestinians.

Human Rights Watch interviewed the person who built the Inbalim camp site in 2000 and operates it together with their partner.¹³ They said they moved to Neve Erez in 1999, together with two other people and that, although no permits or authorizations were issued, “all the authorities were part of the creation of the outpost,” including the Ministry of Tourism, the Ministry of Education, the Ministry of Defense, the local council, and the neighboring settlement of Ma’aleh Mikhmas. They said they did not and do not pay for use of the land but bought caravans from Ma’aleh Mikhmas which they set up in Neve Erez. The authorities provide water, electricity, and other services, they said.

The host of the Inbalim camp site said that the Israeli authorities demolished structures they had erected on land listed as being privately owned by Palestinians, and that for the past 15 years they have only built on the part of the site that was registered as state land prior to 1967. They said they spent tens of thousands of shekels (thousands of dollars) trying to locate the Palestinian owner of the rest of the site, so that they could purchase the land from them, but that the owner is deceased and has no heirs. They told Human Rights Watch that if a living owner came to them and requested the land back, they would return it, but that no such owner exists.

¹³ Human Rights Watch telephone interview with the host of the Inbalim camp site, August 23, 2018.



Signs point to “Neve Erez,” an Israeli outpost illegal under both international and Israeli law, and the “Inbalim Wayside Inn,” a camping site located within the outpost that was listed on Airbnb, in the occupied West Bank. © 2018 Human Rights Watch

“History and archaeology prove that this area has been ours for thousands of years,” the host told Human Rights Watch. “There is scientific proof that this area is Jewish, Israeli.” The host said that every other year, Palestinians from Mikhmas come twice a year, during planting and harvesting season, to sow and harvest wheat on land they own in Neve Erez, and that although they are supposed to come only after requesting a specific time from the Israeli military and with military escort, when they come alone to tend the land, they and the other settlers from Neve Erez do not disturb them. He said the allegations of threats and violence were false and that they had relations of “mutual respect and mutual suspicion” with Palestinian residents of Mikhmas.

Aerial photos of Neve Erez obtained by Kerem Navot show that sometime between 2002 and 2004, most but not all the structures in the Inbalim camp site were removed from the privately-owned portion of the land. However, the photos show that part of the camp site is still built on land that, even according to the Israeli authorities, is privately owned by Palestinians. The photos also show that the access road leading to the site, paved in or

before 2002, and additional roads and infrastructure set up later, cut through land privately owned by Palestinians.

Israel Defense Forces

Order regarding Security Provisions (Judea and Samaria Area) (No. 378) 5730-1970 Proclamation regarding Closure of an Area (Israeli Settlements)

By the powers vested in me as the Commander of the IDF in the Area and in accordance with Section 90 of the Order regarding Security Provisions (Judea and Samaria Area) (No. 378) 5730-1970, and any other powers vested in me under any law and security legislation, being of the opinion that security needs so require and given the special security situation in the Area, I hereby declare the following:

Definitions

1. In this proclamation:

“Settlement Boundaries”: The boundaries of the local councils listed in the schedule attached to the Order regarding the Administration of Local Councils (Judea and Samaria) (No. 892), 5741-1981; the boundaries of the settlements listed in the schedule attached to the Order regarding the Administration of Local Councils (Judea and Samaria) (No. 783) 5739-1979; as well as industrial areas run by Israelis.

“Israeli” – a resident of Israel, someone who resides in the Area and who is an Israeli citizen or is eligible to immigrate to Israel under the Law of Return 5710-1950, as valid in Israel, as well as a person who is not a resident of the Area and holds a valid Israeli visa.

Settlement closure

2. (a) I hereby declare settlement boundaries a closed military zone (hereinafter: closed military zone).

(b). No person shall enter the closed military zone or remain therein unless he or she holds a permit issued by the military commander or a person acting on his behalf and

subject to the terms of said permit.

(c) The permit enumerated in subsection (b) may be a personal permit, a general permit, or a permit for types of people.

Application reservation 3. The provisions of this declaration do not apply to Israelis.

Commencement 4. (a) This proclamation shall enter into effect on the date on which it is signed and shall remain in effect pending a provision to the contrary issued by me.

Title 5. This proclamation shall be titled "Proclamation regarding Closure of an Area (Israeli Settlements) (Judea and Samaria) 5762-2002.

26 Sivan 5762

6 June 2002

Yizhak Eitan, _____ Major
General
IDF Commander in the
Judea and Samaria Area

3154

How Land is Taken for Settlements

Under the Rome Statute of the International Criminal Court it is a war crime for an occupying power to transfer its civilian population to the occupied territory. Settlements of civilians are therefore unlawful regardless of the status of the underlying land. An occupying power may use land in the occupied territory only for its own military needs or for the benefit of the civilian population living under occupation. That is, even when the

settlement is not built on privately-owned land, the Israeli authorities may not appropriate it for uses that are forbidden under international humanitarian law, and doing so also contributes to the human rights abuses described above. Therefore, it is Human Rights Watch's and Kerem Navot's view that all settlement rental listings are contrary to the responsibilities of businesses to avoid contributing to serious abuses of human rights and international humanitarian law.

Status of Land on which Airbnb Properties are Built	Number of Listings
Declared state land	55
Seized for military use and later declared state land	10
Private land: seized for military use	6
Private land: seized without process	6
Private land: expropriated for public use	3
Land supposedly sold by Palestinian owners	5
State land prior to June 1967	27
Land purchased by Jews before 1948	6
Waqf Land (Islamic Trust)	2
Undetermined	19
Total Number of Listings (March-July 2018)	139

1. Property that the Israeli Authorities Acknowledge is Privately Owned by Palestinians but Designate for Israeli Settlers

Seventeen of the Airbnb and Booking.com listings are located on land that even the Israeli authorities acknowledge to be privately owned by Palestinians, according to land status records provided by the Israeli Civil Administration to Kerem Navot. For Airbnb, this includes seven properties on land seized for military purposes but then used for Israeli-only civilian settlements, three properties on land expropriated for public use but then designated for Israeli civilians only, and five properties on private land, like the Inbalim camp site in Neve Erez, for which the Israeli authorities did not invoke seizure or expropriation procedures but rather allowed Israeli settlers to take over, retroactively providing services. Both of the Booking.com properties that are acknowledged to be

privately owned by Palestinians are on land expropriated for public use but then designated for exclusive Israeli civilian use.

Acknowledged Private Property Requisitioned for Military Purposes

Until 1979, the Israeli military authorities routinely seized privately-owned land in the West Bank for so-called military purposes, but then authorized the construction of civilian settlements on it, for Israelis only. Because a military occupation is supposed to be temporary, these seizure orders did not change the title to the land, which remained with its Palestinian owners, and the land is still listed as such with the Israeli military authorities. However, the owners and their heirs were barred from accessing the land, and the Israeli authorities eventually turned it over to Israeli civilians. Those civilians – the settlers living on the land – now profit from renting out the properties, as do the companies that provide a platform for them to do so. So, for example, “A small house. Perfect for a couple,” that is “cozy” and “has all you need for your stay” in the Israeli settlement of Migdal Oz was built on land that the Israeli authorities seized from residents of the Palestinian village of Beit Omar to use for military needs, according to records provided by those authorities to Kerem Navot.¹⁴ Human Rights Watch and Kerem Navot attempted to contact the host of the Migdal Oz rental property, but at the time of the attempt the listing was no longer active, and it was not possible to send a message via the Airbnb platform.

International humanitarian law requires an occupying power to pay usage fees for seizing land for military purposes. Even if these fees were paid, it would not justify seizing land for Israeli civilian purposes. However, it appears that in many or even most cases, the Israeli military did not pay usage fees to which landowners were entitled. Procedure documents and compensation schedules provided by the Israeli military to Kerem Navot, indicate that the procedure for requesting land use fees was not easily accessible, required initiation from the landowner, and resulted in levels of compensation far below the value of the land and the economic harm actually incurred by the landowner.¹⁵ Additionally, many Palestinians in the West Bank refrain from seeking compensation for land seized, because

¹⁴ See <https://www.airbnb.com/rooms/23337365?adults=1&children=0&infants=0&location=efrat> (accessed August 21, 2018).

¹⁵ Information on file with Kerem Navot, to be published in a forthcoming report.

it can be seen to suggest acceptance of or cooperation with the land seizure. A comparison between the amount of land seized and the amount of compensation paid out by the military suggests that only a small minority of landowners receive compensation.¹⁶

According to records provided by the Israeli military authorities to Kerem Navot, ten of the Airbnb properties and four of the Booking.com properties, including one cross-listed on Airbnb, are on land seized for military purposes but then later declared state land, after the Israeli Supreme Court limited the ability of the authorities to build settlements on land that had been seized from private owners.¹⁷ Human Rights Watch and Kerem Navot were not able to determine whether, in the case of these 13 properties, those lands are privately owned by Palestinians.

Between March and July 2018, Airbnb listed at least eight properties that were part of the Palestinian village of al-Khader but have been taken over by the Israeli settlements of Efrat, Elazar, Neve Daniel, and Sde Boaz. One of the Airbnb properties is built on a parcel of land that was seized by the Israeli military authorities in August 1973, according to records those authorities provided to Kerem Navot. Although the Israeli authorities seized the land for military use, they authorized construction of a civilian settlement on it, established by a group of American Jews from New York who moved to Elazar.¹⁸ Among the purposes for which the land is being used now is a vacation cottage listed on Airbnb, offering guests “a unique personal touch, such as organic cotton sheets, option of vegan or vegetarian breakfast,” and access to the host’s garden, replete with fruit trees.¹⁹

The parcel on which the Airbnb property is built is divided into 192 shares, owned by 14 residents of al-Khader, according to Israeli Civil Administration records and records from the al-Khader village council. The council provided Human Rights Watch with a list of the owners. The allocation of shares within the parcel was in dispute as of 1967, and details of the internal allocation are listed as being on file with the Jordanian authorities in Amman with no resolution reached since the Israeli authorities froze the land registration process

¹⁶ Ibid.

¹⁷ *Dweikat et al. v. Government of Israel*, “Elon More” Case, HCJ 390/79,.

¹⁸ According to the Settlers’ Council website, “Elazar” (in Hebrew), available at <http://www.myesha.org.il/?CategoryID=175&ArticleID=73> (accessed August 29, 2018).

¹⁹ See <https://www.airbnb.com/rooms/21560698> (accessed September 12, 2018). Human Rights Watch interviewed the hosts of the property, as described later in this report.



View of the Israeli settlement of Elazar from the farmlands of the Palestinian village of al-Khader, southwest of Bethlehem in the occupied West Bank. © 2018 Human Rights Watch

in 1967, such that it is not possible to determine which family owns which part of the parcel. Council officials said that since the land was seized in the 1970s, some of the owners may have sold their shares to settlers, but they don't have records of it. Even if some shares were sold, in the absence of a determination of the internal allocation of the parcel, a judicial ruling or the permission of the other share-holders, it would be difficult to have a valid sales transaction.

Human Rights Watch interviewed one of the landowners of a share in that parcel, who asked not to use their name, for fear of retribution from the Israeli authorities. They said that in the 1960s, their grandfather had purchased their family's share of the parcel, approximately 70 to 80 dunams (seven to eight hectares).²⁰ Their grandfather used to grow vegetables, melon, watermelon, Armenian cucumbers, almonds, peaches, and pears on

²⁰ Human Rights Watch interview with landowner, al-Khader, July 23, 2018.

the land and made a living by selling the produce in markets in Jerusalem, they said. They said they had never been to the land, because the Israeli authorities seized it, declared it off limits, and eventually built a settlement fence that encircled the parcel of land in which his family owned a share, cutting off their access to it. They said that after the Israeli military first seized the land, their grandfather, father, and uncles continued to go to it, but they stopped doing so after soldiers threatened to shoot them if they returned. They said they would be afraid to mount a legal challenge to the seizure, for fear that the authorities would then make it harder to access other village lands inside the settlement that had not yet been totally cut off.

“My grandfather’s sweat and labor still remain in this land,” they told Human Rights Watch. “And a settler comes and takes it by the power of arms. I should demand that the settlers pay rent for using my land.”

A Human Rights Watch researcher stayed at the Airbnb property in Elazar and, after identifying himself as such, interviewed one of the hosts.²¹ They said that the land on which the property was built was Jewish land, and that they would give it up in exchange for peace but did not think peace was possible. They recounted the history of Gush Etzion, the region where the settlement of Elazar is located, which was partially inhabited by Jews prior to the 1948 war, in which Jordan captured the West Bank. The host said they moved to Elazar 30 years ago, that their house was built on state land, and that they obtained a 99-year lease on the property from the Jewish Agency, a quasi-governmental body authorized to lease West Bank land to Israelis but not to Palestinians. They denied that the land is privately owned, saying that the Israeli Supreme Court does not allow building homes on land privately owned by Palestinians, and that if it were privately owned, they would not be permitted to use it. They showed the Human Rights Watch researcher a number of structures in Elazar that had been demolished, they said, following court orders, because they had been built on privately-owned land.²² They told Human Rights Watch that

²¹ Human Rights Watch interview with host, Elazar, August 30, 2018.

²² After protracted litigation, the Israeli Supreme Court ordered the demolition of 17 houses in Elazar built on land listed in the land registry as privately owned by Palestinians. See Jacob Magid, “Bulldozers Raze Netiv Ha’avot Outpost After Settlers Clear Out,” Times of Israel, June 13, 2018, <https://www.timesofisrael.com/bulldozers-raise-netiv-haavot-outpost-after-settlers-clear-out/> (accessed September 18, 2018). The Israeli authorities relocated the settlers to adjacent lands, and the Israeli government committed to building 350 additional housing units in the settlement as “compensation” for the demolition.

they had been renting out the property for about a year, mostly because they enjoy the interactions with guests.

The land on which the host's property is built was seized by the Israeli military authorities for military purposes using formal seizure orders. For this reason, the construction of the house is authorized under Israeli law, although it is unlawful under international law as a settlement of Israeli civilians in occupied territory. While the Israeli authorities currently try to avoid seizing private land to build houses in settlements (as opposed to access roads and other infrastructure), they do not consider houses built on previously seized private land as unlawful.

Acknowledged Private Property Expropriated for Public Use

A third related way of taking over private property, also mostly used prior to 1979, was for the Israeli military to expropriate land for public use, and then turn it over for construction of an Israelis-only settlement. In contrast to a supposedly temporary seizure for military use, the expropriation is a permanent take-over of private property, stripping the landowners of their rights in the land. This was done, however, not for a "public" use in any meaningful sense of the word, but rather for the unlawful use of building a civilian settlement for Israelis only. Airbnb listed at least three properties on land taken in this manner, all in the settlement of Ma'aleh Adumim, which was built on land expropriated from Palestinians in 1975, supposedly to be used for the public benefit. Booking.com listed two such properties, one expropriated from residents of the Palestinian town of al-Azariya and offering guests a flat screen TV and use of the garden,²³ and another expropriated from landowners in the Palestinian village of Ein Yabroud and offering barbecue facilities and a private bathroom equipped with a hairdryer and a bidet.²⁴ As of July 25, 2018, both properties were erroneously listed as being inside Israel. As of August

²³ See https://www.booking.com/hotel/il/dyrh-bm-lh-dvmym.en-gb.html?aid=304142;label=gen173nr-1FCAEogglJCAIhYSDNYBHIFdXNfbnmIAQGYATHCAQp3aW5kb3dzlDEWYAEM2AEB6AEB-AECkglBeagCAw;sid=ba28bc7e9da56ae681353069c872ceab;atlas_src=sr_iw_btn&group_adults=2&group_children=0&no_rooms=1&room1=A&sb_price_type=total&type=total& (accessed August 21, 2018).

²⁴ See https://www.booking.com/hotel/il/qdm-prh.html?aid=304142;label=gen173nr-1FCAEogglJCAIhYSDNYBHIFdXNfbnmIAQGYATHCAQp3aW5kb3dzlDEWYAEM2AEB6AEB-AECkglBeagCAw;sid=910a4686b9869e4a806066167f702719;atlas_src=sr_iw_btn;dist=0;group_adults=2;room1=A%2CA;sb_price_type=total;type=total& (accessed August 21, 2018). Human Rights Watch requested comment from the host, but the host did not respond.



A playground inside the Israeli settlement of Elazar, a part of the Gush Etzion settlement bloc, southwest of Bethlehem in the occupied West Bank. © 2018 Human Rights Watch

8, 2018, the first property was falsely listed as being inside the Palestinian town of Abu Dis, which was falsely labeled an Israeli settlement, and the other was falsely listed as being inside the Palestinian village of Ein Yabroud, which was also falsely labeled an Israeli settlement, as will be discussed in detail at the end of this section.²⁵

Acknowledged Private Property Taken Over in Violation of Israeli Law but with Support of Israeli Authorities

All of Israel's settlements in the West Bank are prohibited under international humanitarian law. Some settlements are also illegal under the Israeli legal system, because settlers established them without authorization from the Israeli military authorities. Rather than demolish the buildings constructed without permits, however, the

²⁵ Human Rights Watch and Kerem Navot do not claim that the Booking.com or Airbnb hosts are responsible for the erroneous listings. The groups asked Airbnb and Booking.com, who designed and maintain the relevant online platforms, about the geographical designations of settlement properties, and their responses are included at the end of this report.

authorities often facilitate the land takeover of many of these so-called outposts by providing infrastructure, water, electricity, and other services.

Eleven of the Airbnb settlement properties are located in these settlements and outposts established without official authorization, in areas where the Israeli authorities refrain from enforcing Israeli law and instead facilitate the settlers remaining there. These include Airbnb properties in the outposts of Givat Hakhish, Givat Yanuakh, Sde Boaz, Neve Erez, Khavat Gilad, Kida, and Esh Kodesh and the settlements of Ofra and Mevo Horon.²⁶ The Israeli authorities have issued demolition orders for most of the buildings, except in Ofra and Mevo Horon, but they refrain from implementing them. For six of these eleven “unauthorized” properties – in Neve Erez, Mevo Horon, Ofra, and Sde Boaz – the land is privately owned by Palestinians. While the Israeli authorities did not formally transfer rights in the land to the settlers, they not only de facto permitted the take-over, but also provide support in the form of protection and infrastructure, including building roads and allowing the homes built on those lands to connect to electricity, water, and sewage lines.

In the case of Sde Boaz, for example, an outpost established in 2002 without formal permits from the Israeli military, the authorities issued a demolition order but refrain from implementing it. Instead, they provide services to settlers living in the outpost and permitted the construction of a synagogue there.²⁷ An Airbnb listing in Sde Boaz invited prospective guests for “a personalized experience of Israel,” “amidst vineyards, orchards and natural springs,” catering especially for couples and offering arts and crafts workshops.²⁸ According to records provided to Kerem Navot by the Israeli authorities, it is located on land privately owned by Palestinians and taken over by Israeli settlers. Human Rights Watch requested information and comment from the host of the listing, using the Airbnb platform, but the host did not respond.

Between March and July 2018, Airbnb listed three properties in the Israeli settlement of Ofra, all of which were built on land privately owned by Palestinians from the village of Ein

²⁶ The entire settlements of Ofra and Mevo Horon were established without the appropriate permits and authorizations even under Israeli law. See Sasson’s report, footnote 23; B’Tselem, “The Ofra Settlement: An Unauthorized Outpost,” December 2008, https://www.btselem.org/download/200812_ofra_eng.pdf (accessed July 20, 2018).

²⁷ “Sde Boaz” (in Hebrew), Settler’s Council website, <http://www.myesha.org.il/?CategoryID=175&ArticleID=5594> (accessed July 25, 2018).

²⁸ See <https://www.airbnb.com/rooms/20568355?location=Neve%20Daniel&s=dcUkyosO> (accessed August 24, 2018).



View of the Israeli settlement of Ofra and Road 60, an Israeli highway that runs largely through the center of the occupied West Bank, from Ein Yabroud, a Palestinian village northeast of Ramallah. Israeli authorities built parts of Road 60 and Ofra on the farmlands of Ein Yabroud. © 2018 Human Rights Watch

Yabroud, according to land records from the Israeli Civil Administration. The Israeli authorities never formally seized the land but rather, beginning in the 1970s, allowed settlers to take it over and to build the settlement of Ofra, now numbering 3,600 residents.²⁹ There was no possibility for landowners to receive compensation, because a prerequisite for requesting compensation is a formal seizure or expropriation order.³⁰

²⁹ Israel Central Bureau of Statistics, “Population in Towns 2016” (in Hebrew), http://www.cbs.gov.il/ishuvim/ishuv2016/short_index2016.xlsx (accessed September 24, 2018).

³⁰ For details on how Ofra was established, see B’Tselem, “The Ofra Settlement: An Unauthorized Outpost,” . The Israeli military authorities acknowledge that many houses in Ofra are built on land privately owned by Palestinians and that there is no valid zoning plan in place for the settlement, meaning that building permits cannot lawfully be issued. In response to court petitions seeking to obligate the military authorities to implement demolition orders against homes built on private Palestinian land, the military authorities have argued that they implement demolition orders according to priorities they have established, and that the fact that a house is built on private Palestinian land seized by settlers does not necessarily mean it will be demolished, even if they have issued a demolition order. The Israeli authorities are also developing mechanisms retroactively to authorize unauthorized construction. See for example *Shehada v. Defense Minister*, HCJ 5023/08 (published February 8, 2015), para. 7.

The family of Awni Shaaeb, 70, a resident of Ein Yabroud and a former head of its local council (local authority or municipality), owns the parcel of land on which one of the Airbnb properties was built, as documented by land records provided by the Israeli and Palestinian authorities. He told Human Rights Watch that his father and uncles inherited it from their father, who died in the 1930s.³¹ Human Rights Watch reviewed a 1986 title deed issued by the Israeli Civil Administration listing Shaaeb's family members as the owners of the parcel in question. They used the land to grow wheat, barley, and chickpeas for personal consumption and for recreation. The family lost access to the land beginning in the 1990s, Shaaeb said. The Israeli authorities built a highway, Road 60, through the lands of Ein Yabroud beginning around 1994, separating the village from its farmlands. The authorities later built a fence between the villagers' houses and their farmland, surrounding the northern part of Ofra. Shaaeb said that soldiers began to demand permits to enter the land and also sometimes declared the land to be a "closed military zone," preventing entrance to Palestinians.

Shaaeb told Human Rights Watch that in 1999, together with other residents of Ein Yabroud, he tried to walk to another parcel of his land, in protest of the Israeli military authorities building a watch tower on part of it. Soldiers turned them away, he said. In 2011 or 2012 he tried again to access that parcel of his land, together with some of his neighbors, but soldiers turned them back again. Shaaeb said that, even after he showed the soldiers official documents listing his father as the owner of the land, they refused to let him pass, saying his documentation was insufficient.

He said they are able to access another plot of land in the settlement at certain times of the year, dependent on showing the soldiers a land registration document and taking a detour via a military watch tower, but that he does not do so: "I cannot tend to the land or plant trees there, because I won't be able to take care of them for only five days a year. You need to tend olives and water them every week. I cannot do that," he told Human Rights Watch.

Shaaeb left Ein Yabroud following the Israeli occupation of 1967 and lived 17 years in Puerto Rico and 15 years in New York. From 1968 to 1970 he served in the US military on

³¹ Human Rights Watch interviews with Awni Shaaeb, Ein Yabroud, July 7, 2018 and August 3, 2018.

active duty in South Korea. He moved back to Ein Yabroud in 1999 to assume familial responsibilities following the death of his father. Although he is a US citizen in addition to a Palestinian ID-holder, the Israeli military order barring Palestinian ID holders from entering settlements applies to him too and unlike other – non-Palestinian – citizens of the United States, he is not allowed to access the Airbnb property built on his own land or any other Airbnb settlement property.³² He does not use Airbnb, he said, but when a Human Rights Watch researcher showed him the Airbnb listing on his land, he expressed surprise: “I feel resentful,” he said. “For someone to occupy your land, that’s illegal, but for someone to build on your land, to rent it, and to profit from it – that is injustice itself.”

Human Rights Watch requested information and comments from the host of the Airbnb property built on Shaaeb’s land, using the Airbnb platform, but the host did not respond. Aerial photos obtained by Kerem Navot and taken over a span of 18 years show that the rental property in question was built in 2006 or 2007, as part of an expansion of Ofra that began in 1999. As of September 2018, the property was falsely listed as being in “Jerusalem, Jerusalem District, Israel.”

2. Declared State Land

Sixty-five of the properties Airbnb lists are properties that the Israeli military authorities declared to be state or public land, mostly in the early 1980s. As mentioned, until 1979, the Israeli military authorities seized land they acknowledged to be privately owned for “military” purposes but then used it to build civilian settlements for Israelis. At the time, the Israeli authorities claimed that allowing its civilians to settle in the occupied territory served a military or security purpose – an unlawful expansion of the authority under international humanitarian law which permits temporary seizure of land for specific, concrete military purposes only and clearly prohibits the transfer of civilians of the occupying power into the occupied territory. In 1979, the Israeli Supreme Court issued a ruling in the “Elon Moreh” case that limited the ability of the Israeli authorities to build settlement homes on privately-owned Palestinian land.³³ In response, the Israeli authorities created a new mechanism for taking land for settlements: declaring 750,000

³² The Israeli authorities maintain a population registry of Palestinians, determining who is considered a resident of Gaza or the West Bank and who will receive a Palestinian ID card. They treat people listed in the Palestinian population registry as Palestinians for purposes of applying military law, regardless of whether they are also citizens of a foreign country.

³³ *Dweikat et al. v. Government of Israel et al.*, HCJ 390/79, Piskei Din 34(1) 1.

dunams (75,000 hectares), or 13 percent of the West Bank, excluding East Jerusalem, to be “state land,” for public use in the West Bank.³⁴

The Israeli designation of state land is a broad classification that also includes privately-owned land whose ownership status Israel reclassified.³⁵ The Israeli authorities did so through a manipulative interpretation of Ottoman land law, which vested ownership rights in certain kinds of farmland, far from villages, based on continuous cultivation at a level reasonable under the circumstances.³⁶ Following a hasty and error-riddled land survey, the Israeli authorities used the law to declare as state land parcels that were close to villages, that had been cultivated but not intensely, and where Palestinian residents had already staked claims to the land through the informal mechanisms used to establish ownership in the West Bank, where most of the land is not registered in the official land registry. In some cases, for example, the authorities declared as state land parcels on which Palestinian landowners paid taxes to the Jordanian authorities, a hallmark of ownership in the absence of an official land registry. The Israeli authorities gave little notice or opportunity for landowners to challenge the designation.³⁷

Not only has Israel unlawfully allocated state land for the use of its civilians, it has done so in a discriminatory fashion. According to information provided by the Israeli military to the Israeli NGOs Bimkom and the Association for Civil Rights in Israel, the Israeli authorities have allocated nearly half of the West Bank’s total state land,³⁸ nearly 700,000 dunams (70,000 hectares), for Israeli civilian use, primarily for Israeli settlements.³⁹ In contrast, information provided by the Israeli military in July 2018 indicates that the Israeli authorities allocated just 1,625 dunams (163 hectares) for Palestinian use, less than 0.25

³⁴ Kerem Navot calculated the amount of land declared to be state land based on map information provided by the Israeli Civil Administration.

³⁵ Human Rights Watch, *Occupation, Inc.*, p. 71; B’Tselem, “By Hook and by Crook: Israeli Settlement Policy in the West Bank,” July 2010, https://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf (accessed July 21, 2018), p. 25..

³⁶ B’Tselem, “Land Grab: Israel’s Settlement Policy in the West Bank,” May 2002, https://www.btselem.org/download/200205_land_grab_eng.pdf (accessed July 25, 2018), p. 51.

³⁷ *Ibid.* Upon capturing the West Bank in 1967, the Israeli military authorities froze the land registration process that was underway, preventing owners from registering their land in the official registry.

³⁸ The total amount of state land includes both land that the Israeli authorities reclassified, and land classified as state land prior to the Israeli occupation in June 1967.

³⁹ “Information Sheet: Allocation of State Land in the OPT,” Association of Civil Rights in Israel, April 23, 2013, <https://www.acri.org/en/2013/04/23/info-sheet-state-land-opt/> (accessed July 25, 2018).

percent of allocated state land. Of that tiny fraction allocated for Palestinian use, 80 percent was “compensation” for lands taken for settlements and alternative land allocated after the forcible transfer of Palestinian Bedouins from the land on which they had lived.⁴⁰

As of August 10, 2018, both Booking.com and Airbnb included a listing for rent in the Israeli settlement of Har Adar.⁴¹ According to Israeli Civil Administration records, the Israeli authorities declared the land on which the apartment was built, which was part of the Palestinian village of Bidu, to be state land. It was then allocated to the settlement of Har Adar, for Israeli use only. The Booking.com website advertises the apartment as “ideal for couples, solo adventurers, business travelers, and families (with kids) ... in a perfect location to explore Israel.”

As another example, three of the Airbnb properties on declared state land are located on what is part of the agricultural lands of the Palestinian village of Jalud, but on the Airbnb website, they were listed as being inside Israel. They invited guests to a “cozy guest room” and to experience “art and culture,” with proximity to a “Winery, Ancient Shilo, Samaria” and options to pay supplements for breakfast, a crafts workshop, or alternative healing.

Human Rights Watch interviewed Mahmoud Ibrahim, a resident of Jalud whose family owns farmland, some of which was declared state land and thus rendered off limits and also spoke to an attorney who is representing his family in legal proceedings to return the land.⁴²

Ibrahim’s family does not own the land on which the Airbnb or Booking.com properties are built, but his experience illustrates how Israeli authorities seize private property by declaring it to be state land and also how the presence of settlements blocks access even

⁴⁰ Peace Now, “State Land Allocation in the West Bank – for Israelis Only,” July 17, 2018, <http://peacenow.org.il/en/state-land-allocation-west-bank-israelis> (accessed July 25, 2018).

⁴¹ See https://www.booking.com/hotel/il/apartment-on-hagay.en-gb.html?aid=304142;label=gen173nr-1FCAEoggJCAIhYSDNYBHIFdXNfbnmlAQGYATHCAQp3aW5kb3dzlDEWYAEM2AEB6AEB-AEckglBeagCAw;sid=910a4686b9869e4a806066167f702719;dest_id=900056706;dest_type=city;dist=0;group_adults=2;group_children=0;hapos=1;hpos=1;no_rooms=1;room1=A;sb_price_type=total;sreepoch=1532466385;srfid=db3a904dc79f9ce8afd2f636a2eea79b668b805X1;srpvid=8f6d9468c906010c;type=total;ucfs=1&#hotelTmpl (accessed August 9, 2018). See also <https://www.airbnb.com/rooms/17330670> (accessed September 18, 2018). Human Rights Watch requested information and comment from the host of the property, but the host did not respond. It should be noted that while a small part of the Har Adar settlement juts out past the Green Line and into Israel, according to the Airbnb web site, this particular property is located in the majority of Har Adar that is inside the West Bank.

⁴² Human Rights Watch interviews with Mahmoud Ibrahim, Jalud, July 26, 2018 and August 12, 2018.

to privately-owned land that has not itself been seized. Ibrahim's father inherited, together with his uncles, hundreds of dunams (dozens of hectares) of land near what is now the Esh Kodesh outpost, which are not known to be rented on the Airbnb or Booking.com platforms. In 1991, the Israeli authorities declared part of Ibrahim's family's land to be state land, he said. Although, the Israeli authorities acknowledged that an error had been made in declaring at least some of his family's land to be state land, they have still not restored access to it, according to his lawyer, Qumar Mishriqi.⁴³ Additional parcels of the family's land that were not declared state land have become off limits de facto, Ibrahim said, because of threats of violence and actual violence from settlers living nearby. His grandfather grew wheat, chickpeas, and barley on the land and sold the crops commercially, but the family can no longer profit from the land, because they cannot access it.

3. So-called Sale of Land

At least five of the Airbnb settlement properties, in the settlements of Hashmonaim, Alon Shvut, and Revava, are located on land that is listed in the Israeli military records as having been sold directly or indirectly to Israeli settlement entities. It is nearly impossible to ascertain the genuineness of such sales, as fraudulent land sales are common in the West Bank, facilitated by Israeli military policies that make it difficult for landowners to know whether shell companies fraudulently sold land belonging to them or to access their land to see if someone else is using it.⁴⁴ By military law, the details of land registration and transactions are kept secret from the public. Indeed, even in cases in which Palestinian landowners genuinely sell land they owned in a settlement, such a transaction might involve duress, because Palestinian landowners can have, at most, restricted use of their land in settlements, if that.

In sum, in addition to contributing to serious violations of human rights, renting properties on registered private land, declared state land, or land supposedly sold to settlements – classifications that account for 88 of the 139 properties listed by Airbnb and 15 of the 26 Booking.com properties – raises concerns about taking part in pillage, because they are acquiring resources – a portion of the rental fees – without the freely given consent of the landowners.

⁴³ Telephone interview with Human Rights Watch, August 30, 2018.

⁴⁴ B'Tselem, *Land Grab*, pp. 62-63.

4. Registered State Land, Waqf Land, and Land Owned by Jews Prior to 1948

At least 35 of the Airbnb settlement properties were built on land previously administered by the Jordanian authorities, belonging to one of the three following categories: land that was registered as public (state) land prior to 1967 (27 properties), land managed by the Waqf, Islamic Trust, (two properties), and land owned by Jews prior to the establishment of the State of Israel in 1948 and taken over by the Jordanian authorities who held it in custodianship until 1967 (six properties).⁴⁵ Yet even where the land on which the Airbnb properties is not privately owned, renting it out for the financial benefit of a settler facilitates the unlawful act of transferring Israel's civilian population to the occupied territory and also triggers serious human rights abuses, including restrictions on access to adjacent plots of privately-owned land.

Misleading Guests

Many rental listings also mislead guests into believing that properties in settlements are located in Israel. It appears that, as of 2017, Airbnb no longer lists Israeli settlements in the West Bank as being located in Israel in its website's search function or the main heading of its settlement property listings.⁴⁶ However, in 59 out of the 139 properties listed, Airbnb listed the location of the property as being inside Israel in the "neighborhood" section of the listing, where Airbnb provides details of the property and a map showing its approximate location. For five properties, including two that Airbnb's neighborhood function did not list as being inside Israel, the hosts included descriptions of the property that indicated they were located inside Israel, for example saying the property was located in the "center of Israel," even though it is located in the settlement of Hashmona'im.⁴⁷ In the case of the listing in Elazar, part of the "Gush Etzion" settlement bloc, when a Human Rights Watch researcher reserved the property, Airbnb sent a reservation confirmation that falsely listed the address of the property as being in "Elazar, Gush Etzion, Israel."

⁴⁵ The fact that land is privately owned by a Jewish person (or their descendants) doesn't change its legal status as occupied, and Israel may not facilitate the transfer of its citizens there just because they're also Jewish. The descendants of the owners may have private ownership claims, but that doesn't give the State of Israel sovereignty over the land.

⁴⁶ Based on HRW's comparison with listings from 2016. Airbnb representatives also note in the August 24 meeting that they were working on the issue and had made changes to the way West Bank listings appear.

⁴⁷ See <https://www.airbnb.com/rooms/3269949?s=a3MhAhPk> (accessed June 26, 2018).

The host of the listing in Hashmona'im told Human Rights Watch, via the Airbnb platform, that throughout history, the West Bank was mostly Jewish, and that the settlements benefited Palestinians by providing them with jobs and creating economic growth. In response to a question about why the property was listed as being inside Israel, he said that Hashmona'im was part of Israel and was not located inside the West Bank. When asked to clarify, given the fact that Hashmona'im was part of the territory captured by Israel in 1967, known internationally as the West Bank and called "Judea and Samaria" by many Israelis, he said that Human Rights Watch had made an error, and that Hashmona'im was not part of the territory captured in 1967.

While the Israeli authorities dispute the status of West Bank settlements, including Hashmona'im, they do not dispute the fact that Hashmona'im is part of the West Bank and was captured by Israel in 1967.

A majority of the Booking.com settlement properties – 15 of the 26 – were falsely listed as being inside Israel as of July 25, 2018. For example, a listing in the Israeli settlement of Kochav Yaakov was listed as being located in "Kokhav Yaakov, Jerusalem, 90622, Israel,"⁴⁸ even though Kochav Yaakov is neither in Jerusalem and nor in Israel, and a property in the West Bank Israeli settlement of Kfar Etzion was listed as being in "Kfar Etzion, 9091200, Israel."⁴⁹ In some cases, the street address was accurately listed as being inside a settlement, but the settlement was listed as being inside Israel. In other cases, the street address was inaccurately listed as being inside a nearby Palestinian town, and the Palestinian town was inaccurately listed as being inside Israel. In nine listings, the properties were accurately listed as being inside an "Israeli settlement."

⁴⁸ See https://www.booking.com/hotel/il/syhr.html?aid=304142;label=gen173nr-1FCAEoggJCAIhYSDNYBHIFdXNfbnmIAQGYATHCAQP3aW5kb3dzlDEWYAEM2AEB6AEB-AEckglBeagCAw;sid=910a4686b9869e4a806066167f702719;atlas_src=sr_iw_btn;dist=0;group_adults=1;group_children=0;no_rooms=1;room1=A;sb_price_type=total;type=total& (accessed August 9, 2018). The numbers are the zip code for the settlement. The property is also listed on Airbnb, where it is also falsely listed as being inside Israel: <https://www.airbnb.com/rooms/24722824> (accessed September 18, 2018).

⁴⁹ See https://www.booking.com/hotel/il/byt-hrkhk-kpr-tsyvn.en-gb.html?aid=304142;label=gen173nr-1FCAEoggJCAIhYSDNYBHIFdXNfbnmIAQGYATHCAQP3aW5kb3dzlDEWYAEM2AEB6AEB-AEckglBeagCAw;sid=ba28bc7e9da56ae681353069c872ceab;atlas_src=sr_iw_btn&group_adults=2&group_children=0&no_rooms=1&room1=A%2CA&sb_price_type=total&type=total& (accessed August 9, 2018). The numbers are the zip code for the settlement. Human Rights Watch requested information and comment from the hosts of the properties, but they did not respond. Human Rights Watch and Kerem Navot do not claim that the hosts are responsible for the erroneous listings.

Following a media controversy over the way Booking.com listed properties in Jerusalem, and after Human Rights Watch wrote to Booking.com regarding the listing of settlement properties, 10 of the 15 mislabeled properties mentioned above were re-labeled to reflect that they are in Israeli settlements, according to an August 9, 2018 review of the online platform. Following the change, a number of listings were “corrected” such that the settlement rental property was listed as being inside a Palestinian village that was listed as being an Israeli settlement. For example, sometime between July 25 and August 9, 2018, the address for a listing in Ma’aleh Adumim was changed from being listed in Israel to being listed in “Abu Dis, 98490, Israeli settlement,” even though Abu Dis is a Palestinian town next to but not inside the Israeli settlement of Ma’aleh Adumim, whose zip code is 98490.⁵⁰ In other words, many of the Booking.com listings are still misleading, in this example incorrectly stating that a Palestinian town is part of an Israeli settlement.

Booking.com’s response to Human Rights Watch did not address a request to explain the reason for the change in geographical designation.

Settlements in East Jerusalem

Both Airbnb and Booking.com also list settlement properties in East Jerusalem, a part of the West Bank that Israel captured in 1967 and effectively annexed in 1980. The international community does not recognize the annexation, and East Jerusalem remains occupied territory, as recognized by the International Court of Justice (ICJ), subject to the prohibition on transfer of an occupier’s civilians into the territory.⁵¹ Israel, however, treats East Jerusalem as part of Israel and legally distinct from the West Bank. It has enabled and encouraged about 215,000 of its civilians to move into East Jerusalem, creating settlements that are unlawful under international humanitarian law.⁵²

⁵⁰ See [https://www.booking.com/hotel/il/dyrh-bm-lh-dvmym.en-gb.html?aid=304142;label=gen173nr-1FCAEoggJCAIhYSDNYBHIFdXNfbnmIAQGYATHCAQp3aW5kb3dzlDEwyAEM2AEB6AEB-AEckglBeagCAw;sid=ba28bc7e9da56ae681353069c872ceab;atlas_src=sr_iw_btn&group_adults=2&group_children=o&no_rooms=1&room1=A&sb_price_type=total&type=total&\(accssed August 9, 2018\).](https://www.booking.com/hotel/il/dyrh-bm-lh-dvmym.en-gb.html?aid=304142;label=gen173nr-1FCAEoggJCAIhYSDNYBHIFdXNfbnmIAQGYATHCAQp3aW5kb3dzlDEwyAEM2AEB6AEB-AEckglBeagCAw;sid=ba28bc7e9da56ae681353069c872ceab;atlas_src=sr_iw_btn&group_adults=2&group_children=o&no_rooms=1&room1=A&sb_price_type=total&type=total&(accssed August 9, 2018).)

⁵¹ International Court of Justice, Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, July 9, 2004.

⁵² Peace Now, “The Population of Jerusalem,” <http://peacenow.org.il/en/settlements-watch/settlements-data/jerusalem> (accessed July 30, 2018).

In East Jerusalem, as in the rest of the occupied West Bank, the Israeli authorities subsidize and facilitate settlements for Israeli Jews while stifling Palestinian growth and discriminating against Palestinians in allocating resources for education, health services, infrastructure, and governmental services. Palestinians make up 37 percent of the population of the Jerusalem municipality, which includes occupied East Jerusalem. The Israeli government's master plan for the municipality explicitly lays out its goal of "maintaining a solid Jewish majority in the city."⁵³ To accomplish this objective, Israel has erected a two-tiered discriminatory system that treats Palestinians separately and unequally. Authorities, for example, have illegally transferred thousands of Israeli citizens to East Jerusalem, while refusing to approve most zoning plans in Palestinian neighborhoods that would allow for natural growth. Left with no choice but to build and expand their homes without permits, Palestinians live under threat of home demolitions. Israeli authorities also revoked the residency of at least 14,630 Jerusalemites since 1967, all of whom were Palestinian, in violation of the prohibition against forced deportation of those living under occupation.⁵⁴

Businesses operating in settlements in East Jerusalem contribute to violations of international humanitarian law just as settlement businesses do in the rest of the West Bank. The circumstances surrounding business activities in East Jerusalem, however, differ somewhat from those of the rest of the West Bank, in part because Palestinian residents of East Jerusalem are permitted to enter East Jerusalem settlements and may, in some cases, benefit from the business activity that takes place there. There is no law or security checkpoint that would prevent them from staying at an Airbnb property anywhere in the city. However, most of Jerusalem and all East Jerusalem settlements are off-limits to Palestinian residents of the rest of the West Bank and Gaza, absent special permits. This report does not analyze in depth the activities of Airbnb and Booking.com in East Jerusalem settlements, but the companies have a responsibility to ensure that any activity inside East Jerusalem does not facilitate the presence of Israeli settlers there, just as they should not facilitate the presence of Israeli settlers in the rest of the West Bank.

Sometime apparently in 2017, Airbnb removed the geographical designation for the entire city of Jerusalem, western and eastern parts, so that the city is no longer listed as being

⁵³ "Israel: Jerusalem Palestinians Stripped of Status," Human Rights Watch news release, August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

⁵⁴ Ibid.

inside Israel. However, Airbnb did not include any designation notifying guests that listings were located in Israeli settlements in East Jerusalem, as opposed to Israeli neighborhoods of West Jerusalem or Palestinian neighborhoods of East Jerusalem. Indeed, one of the Airbnb settlement properties, in the Ramot settlement in East Jerusalem, falsely told guests that it is located in West Jerusalem, also informing prospective guests that “there are no arabs [sic] here.”⁵⁵ The host of that property, contacted by Human Rights Watch on the Airbnb platform, said that he removed the comment about Arabs following a request from Airbnb to do so. He said that the designation of where his apartment is located is a “political question,” but that “our entire population is Jewish, mostly religious ... Arabs don’t live here.” He said that he is simply providing services to guests but expressed willingness to hear more about the human rights implications of settlements. “I’m an ordinary person and do not influence the fate of this country,” he said.

⁵⁵ The listing is available at: <https://www.airbnb.com/rooms/5518981?location=Ramot%2C%20Jerusalem&s=euiberg>, (accessed July 28, 2018) but the phrase “there are no arabs here” was deleted sometime after April 3, 2018. A screen shot of the original posting on file with the authors. The property is inside the settlement of Ramot B, which straddles the Green Line separating Israel from the West Bank, but the property in question is on the Palestinian side of the Green Line, inside the West Bank.

II. Why Listing Rental Properties in Israeli Settlements Contributes to International Law Violations

While the Israeli government bears primary responsibility for violations of human rights and international humanitarian law related to settlements in the West Bank, businesses have a responsibility not to contribute to these violations, as articulated in the United Nations Guiding Principles on Business and Human Rights, a widely accepted standard of corporate social responsibility. Human Rights Watch has previously documented how businesses in Israeli settlements in the West Bank contribute to and benefit from serious violations of international human rights and humanitarian law: settlements are located on land that has been unlawfully seized, exploit natural resources that belong to the Palestinian population of the territory but are allocated in a manner that discriminates in favor of Israelis, and are part of a discriminatory regime that privileges Israeli businesses while stunting the development of Palestinian businesses and social and cultural institutions and infrastructure.⁵⁶ Transferring an occupying power's civilian population into occupied territory is a war crime, as is the deportation or transfer of any part of the population of the territory within or outside the territory.⁵⁷ Settlements, which are created by these unlawful population transfers, are inextricably tied to restrictions on Palestinian freedom of movement, unlawful seizure of Palestinian land, and home demolition and displacement.

Settlement businesses depend on and benefit from the Israeli military authorities' unlawful confiscation of Palestinian land and other resources and contribute to the well-

⁵⁶ Human Rights Watch, *Occupation, Inc.: How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights*, January 2016, <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>

⁵⁷ Rome Statute of the International Criminal Court, A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, arts. 8(2)(b)(viii) and 8(2)(a)(vii). The Israeli government argues that the prohibition against transferring an occupying power's civilian population into the occupied territory applies to forcible transfers, not a situation in which those civilians voluntarily move to the occupied territory. See Israeli Ministry of Foreign Affairs, "Israeli Settlements and International Law," November 30, 2015, <http://mfa.gov.il/MFA/AboutIsrael/State/Law/Pages/Israeli%20Settlements%20and%20International%20Law.aspx> (accessed August 13, 2018). The international community rejects those arguments and overwhelmingly considers the settlements to be a breach of international humanitarian law. See e.g. International Court of Justice, Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, July 9, 2004, para. 120; United Nations Security Council Resolution 265, Doc No. S/res/265, April 1, 1969; United Nations Security Council Resolution 452, Doc No. S/res/452, July 20, 1979; United Nations Security Council Resolution 2334, Doc No. S/res/2334, December 23, 2016.

being and growth of settlements.⁵⁸ Settlement-related business activities also directly benefit from Israel's discriminatory policies in planning and zoning, the allocation of land and natural resources, financial incentives, and access to utilities and infrastructure.⁵⁹ Information that the Israeli military authorities released to the Israeli NGO Peace Now in June 2018, shows that of the 676,000 dunams (67,600 hectares) of so-called "public land" that the authorities have allocated for civilian use in the West Bank, 99.7 percent or 674,459 dunams (67,446 hectares), have been allocated to Israeli civilian use, primarily for settlements, while just 1,625 dunams (163 hectares) or 0.25 percent have been allocated to Palestinians,⁶⁰ who comprise about 88 percent of the people living in the West Bank.⁶¹ These policies place Palestinians at an enormous disadvantage in comparison with settlers, creating a coercive environment that prompts some to relocate elsewhere.⁶² The World Bank estimates that restrictions on Palestinian economic development and construction in Area C alone, where most settlements are located,⁶³ including those containing the rental properties discussed in this report, cost the Palestinian economy US\$3.4 billion annually, a third of Palestinian gross domestic product (GDP).⁶⁴

⁵⁸ Human Rights Watch, *Separate and Unequal: Israel's Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories*, December 2010, <https://www.hrw.org/report/2010/12/19/separate-and-unequal/israels-discriminatory-treatment-palestinians-occupied>; Kerem Navot, "Ali Baba: The Declaration of Government Property around the Settlement of 'Eli' on 3/30/2017," January 2018, <http://www.keremnavot.org/enalibaba> (accessed March 10, 2018); B'Tselem, "Land Grab: Israel's Settlement Policy in the West Bank," May 2002, https://www.btselem.org/download/200205_land_grab_eng.pdf (accessed March 10, 2018); B'Tselem, "By Hook and by Crook: Israeli Settlement Policy in the West Bank," July 2010, https://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf (accessed March 10, 2018).

⁵⁹ Bimkom, "The Prohibited Zone: Israel's Planning Process in Palestinian Villages in Area C," June 2008, <http://bimkom.org/eng/wp-content/uploads/ProhibitedZone.pdf> (accessed March 10, 2018); B'Tselem, "Thirsty for a Solution – Resolving the Water Crisis in the West Bank in the Occupied Territories and its Resolution in the Final-Status Agreement," July 2000, https://www.btselem.org/Download/200007_Thirsty_for_a_Solution_Eng.doc (accessed March 10, 2018); Kerem Navot, "Israeli Settlers' Agriculture as a Means of Land Takeover in the West Bank," August 2013, <http://www.keremnavot.org/naboths-vineyard> (accessed March 10, 2018).

⁶⁰ Peace Now, "State Land Allocation in the West Bank – for Israelis Only," July 17, 2018, <http://peacenow.org.il/en/state-land-allocation-west-bank-israelis> (accessed July 25, 2018); Yotam Berger, "Palestinians Have Received 0.25% of State Land Israel Has Allocated in the West Bank Since 1967," *Haaretz*, <https://www.haaretz.com/israel-news/.premium-palestinians-got-0-25-of-west-bank-state-land-israel-has-allotted-1.6290748> (accessed October 28, 2018).

⁶¹ Israel Central Bureau of Statistics, "Population, By District, Sub-District and Religion," http://www.cbs.gov.il/shnaton68/download/sto2_15x.xls (accessed July 27, 2018). Israeli figures are as of 2016. See also Palestinian Central Bureau of Statistics, "Population," http://www.pcbs.gov.ps/site/lang_en/881/default.aspx#Population (accessed July 27, 2018). Palestinian figures are as of 2017.

⁶² B'Tselem, "Arrested Development: The Long Term Impact of Israel's Separation Barrier in the West Bank," October 2012, https://www.btselem.org/sites/default/files/sites/default/files/201210_arrested_development_eng.pdf (accessed March 10, 2018).

⁶³ The 1994 Oslo peace accords divided the West Bank into Areas A, B, and C, and gave the Palestinian Authority limited autonomy in the area of security in Area A, where most Palestinian cities are located, and authority over civilian affairs in Areas A and B. Area C, about 60 percent of the West Bank, remained under full Israeli control.

⁶⁴ World Bank, Report No. AUS2922, "West Bank and Gaza, Area C and the Future of the Palestinian Economy," October 2, 2013,

The UN Guiding Principles on Business and Human Rights require businesses to conduct due diligence to determine whether their activities contribute to or benefit from serious human rights abuses or violations of international humanitarian law standards. Based on extensive prior research, it is the view of Human Rights Watch and Kerem Navot that adequate due diligence would show that business activities in or in contract with Israeli settlements, or with settlement businesses, contribute to rights abuses and that businesses cannot mitigate or avoid contributing to these abuses so long as they engage in such activities, as they contribute to the operation and expansion of settlements that violate international law.⁶⁵ It is therefore the view of Human Rights Watch and Kerem Navot, that, in order to comply with their human rights responsibilities, businesses should cease carrying out activities inside or for the benefit of West Bank settlements, including financing, providing services to, or otherwise supporting settlements or settlement-related activities and infrastructure.

Businesses have a responsibility to respect not just human rights but also the principles of international humanitarian law, which, among other things, protects the property rights of those living under occupation.⁶⁶ The International Committee of the Red Cross (ICRC) has expressed concern about the possibility that, in situations of conflict, businesses would acquire property without the consent of its owners. According to its guidance to businesses operating in conflict zones:

Business enterprises which operate in conflict zones must apply heightened managerial care to ensure that they are not acquiring resources and property without the freely given consent of the owner. They may otherwise be accused of taking part in pillage.⁶⁷

<http://documents.worldbank.org/curated/en/137111468329419171/pdf/AUS29220REPLACoEVISIONoJanuaryo2014.pdf> (accessed March 14, 2018).

⁶⁵ Human Rights Watch, *Occupation, Inc.*; Human Rights Watch, *Separate and Unequal*.

⁶⁶ United Nations Guiding Principles on Business and Human Rights, adopted March 21, 2011, UN Doc. A/HRC/17/31, Commentary to Principle 12.

⁶⁷ International Committee of the Red Cross, "Business and International Humanitarian Law: An Introduction to the Rights and Obligations of Business Enterprises under International Humanitarian Law," <https://shop.icrc.org/les-entreprises-et-le-droit-international-humanitaire-introduction-aux-droits-et-obligations-des-entreprises-au-regard-du-droit-international-humanitaire-2574.html> (accessed March 12, 2018), p. 22,

The ICRC guidance notes that the prohibition against pillage applies not just to acquisition by force but also to acquisition obtained due to an imbalance of power stemming from the surrounding armed conflict.⁶⁸ A majority of the Airbnb and Booking.com properties that Human Rights Watch and Kerem Navot found listed in settlements outside East Jerusalem – 88 of the 139 properties listed by Airbnb and 15 of the 26 Booking.com properties – were built either on land that the authorities acknowledge to be private Palestinian land or on declared state land, both of which raise concerns about pillage.

The laws of belligerent occupation allow an occupying power to act as custodian of public lands during the occupation and to use them only for the benefit of the local population or for its military needs. Even genuine “state” land cannot be used for the benefit of Israeli civilians.

The business activities of Airbnb and Booking.com in Israeli settlements contribute to building, buying, and selling homes on unlawfully seized land by making the purchase of settlement homes an even more profitable venture, because homeowners can rent out properties using these global platforms. They help make the settlements a tourist destination for foreigners and Israelis and a cheaper lodging alternative for tourist and business travelers to Israel, even as Palestinians are effectively banned from entering and, in some cases, forced to evacuate land designated for settlers.

Airbnb and Booking.com cannot remediate these harms, because they are inherent to the settlement enterprise.

⁶⁸ For example, the value of privately-owned land to its Palestinian owner plummets when the Israeli authorities impose travel restrictions or erect physical barriers that render such land partially or entirely off limits to its owners. Thus, concerns about pillage could arise even in cases in which Palestinian owners signed contracts selling their land for settlement use.

III. Airbnb and Booking.com Policies

Human Rights Watch and Kerem Navot wrote to Airbnb and Booking.com about their human rights policies and procedures and contacted them about their operations in relation to the settlements.

In a meeting with Human Rights Watch researchers to discuss the report, Airbnb's director of global policy said that it does not require hosts in Israeli settlements to communicate that they do not accept guests with Palestinian IDs, because it is the government, not the hosts, who exclude them. The problem, according to Airbnb, is with the government failing to provide access, similar to a situation in which a government denies a visa to a foreigner seeking to enter a foreign country and to stay at an Airbnb property there.

In the view of Human Rights Watch and Kerem Navot, Airbnb's claim, that the exclusion of Palestinian residents of the West Bank from settlements is comparable to a country denying a visa to a foreigner, is not persuasive. First, as noted, Palestinian residents of the West Bank are not foreigners in the occupied West Bank but rather are lawfully present and are entitled to special protections under international humanitarian law against displacement, exclusion, or transfer. They do not need and do not receive visas to enter the occupied Palestinian territory. Second, the discrimination is based on national or ethnic origin, as opposed to citizenship, because, for example, US citizens traveling to the West Bank may enter settlements, but not if they are US citizens who are also listed in the Palestinian population registry that Israel maintains.

Airbnb claims to be at the forefront of the fight against discrimination, prominently claiming on its website to promote inclusion and diversity and listing nonprofit organizations it supports in that goal. Airbnb also hired a director of diversity in 2016 as part of that stated commitment. Yet, its nondiscrimination policy permits hosts to discriminate outside the United States and the European Union, where such discrimination

is required by law or, it would seem, merely encouraged by social custom.⁶⁹ Airbnb's instructions to hosts read as follows:

Outside of the United States and the European Union, some countries or communities may allow or even require people to make accommodation distinctions based on, for example, marital status, national origin, gender or sexual orientation, in violation of our general nondiscrimination philosophy. In these cases, we do not require hosts to violate local laws, nor to accept guests that could expose the hosts to a real and demonstrable risk of arrest, or physical harm to their persons or property. Hosts who live in such areas should set out any such restriction on their ability to host particular guests in their listing, so that prospective guests are aware of the issue and Airbnb can confirm the necessity for such an action. In communicating any such restrictions, we expect hosts to use clear, factual, non-derogatory terms. Slurs and insults have no place on our platform or in our community.

In other words, in jurisdictions where discrimination is mandated by law or even merely permitted or encouraged, Airbnb hosts may discriminate, but they are required to communicate their grounds for discrimination to guests. Human Rights Watch and Kerem Navot did not find a single settlement listing notifying prospective guests that Palestinians were not permitted to rent the property. In addition, Israeli settlements in the West Bank are the only example in the world today the organizations found in which Airbnb hosts would be mandated by law to discriminate against guests based on national or ethnic origin.⁷⁰

⁶⁹ "Airbnb's Nondiscrimination Policy: Our Commitment to Inclusion and Respect," Airbnb, <https://www.airbnb.com/help/article/1405/airbnb-s-nondiscrimination-policy--our-commitment-to-inclusion-and-respect>, (accessed July 20, 2018).

⁷⁰ Indeed, in many places across the world where discrimination in renting accommodations is common, such as hosting the Roma people in some European countries or same-sex couples in some African countries, local law prohibits such discrimination. The survey of jurisdictions across the world is based on conversations with Human Rights Watch researchers with expertise in those jurisdictions, a comprehensive global survey of legislation regarding LGBT people whose publication, and research on gender discrimination in a number of Middle East and North African countries.

In response to a question from Human Rights Watch about other jurisdictions that mandate discrimination for Airbnb hosts, Airbnb representatives said in a meeting with Human Rights Watch that Airbnb did not create the foreign exception to the nondiscrimination policy based on specific incidents, but rather in order to “avoid discouraging” prospective hosts worldwide from using the platform.

In Egypt, for example, the criminal law could be interpreted to limit a host’s ability to rent properties to same-sex couples or unmarried heterosexual couples,⁷¹ but those regulations are vaguely worded, and the organizations are not aware of cases in which Airbnb hosts there faced official sanctions for renting properties to unmarried or same-sex couples. Indeed, a sampling of Airbnb listings in Egypt revealed a spectrum of policies expressed by hosts, from those who agreed to host only families or married couples to those who gave no instructions to those who welcomed couples of all kinds, including “unmarried couples or any kind of relationships”.⁷²

Human Rights Watch and Kerem Navot did not find a single jurisdiction in which discrimination against Airbnb guests based on gender is mandated by law. The Airbnb nondiscrimination policy that applies to the US and EU already allows hosts to “make a unit available to guests of the host’s gender and not the other, where the host shares living spaces with the guest.” This provision would appear to provide adequate protection to hosts anywhere in the world, and it is not clear why Airbnb explicitly permits discrimination based on gender outside the US and EU.

In any event, in places where discrimination might be required by law, Airbnb would be expected to use its influence as a business actor in concert with other similarly placed businesses to end such measures.⁷³ The ban on racial discrimination is a fundamental,

⁷¹ Egyptian law criminalizes renting out premises to people engaged in “debauchery,” but it doesn’t define the term in law. See Egyptian Law 10/1961 on the Combating of Prostitution. It should be noted that a number of Muslim countries partially or entirely use religious Islamic law (Sharia) in their penal codes, and Sharia limits lawful sexual relations to married heterosexual couples. However, there is no Islamic law provision barring renting out properties to same-sex or unmarried couples.

⁷² Based on listings online on August 3, 2018.

⁷³ In Egypt, for example, Airbnb would be expected to use its influence as an important contributor to Egypt’s tourism sector to press upon the Egyptian authorities not to apply the vaguely worded provision against renting premises to those engaging in “debauchery” to cases of same-sex or unmarried couples staying at Airbnb properties. Human Rights Watch and Kerem Navot are not aware of any such application.

overriding principle of international law. Should it prove impossible for hosts of a certain area to list properties on a nondiscriminatory basis, as is the case in Israeli settlements, in order to comply with its human rights responsibilities, Airbnb should disallow listings in that area.⁷⁴

Director of Public Affairs at Booking.com, Peter Lochbihler, said that he was unable to respond in detail to questions from Human Rights Watch, including questions about why some settlement properties were falsely listed as being in Israel, but provided the following statement:

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. Booking.com permits all accommodations worldwide, including all accommodations located in Israel and the Occupied Palestinian Territory, 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. Booking.com is therefore 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.

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.

⁷⁴ The ban on racial discrimination is a *jus cogens* or peremptory norm, meaning that it enjoys near universal agreement and that no derogation from it is permitted. See for example *International Law Commission*, Commentary on Draft Articles on Responsibility of States for Internationally Wrongful Acts 2001, art. 26(5).

Everything we do in terms of how we display information on Booking.com is 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 optimize 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.”⁷⁵

In addition, in its 2017 Impact Report, Booking.com claims that it is committed to “inclusive growth,” namely “making sure local communities benefit equally through tourism.”⁷⁶ According to its social responsibility website, Booking.com Cares, the company is committed to “unique, inclusive, meaningful and local” travel and works to “empower local communities to fully benefit from [sic] the potential of the travel industry and initiatives to increase accessibility in tourism so that anyone can enjoy.”⁷⁷ Yet, it is profiting from renting properties on land that has been unlawfully seized and that is allocated in a discriminatory fashion, even as, in some cases, its rightful owner is barred from accessing the property or even paying to rent it out. Booking.com’s claim that it is not providing services that support the existence of settlements appears to disregard the fact that by listing settlement properties, it helps guest houses and other rental properties thrive, contributing to the economic sustainability of Israeli settlements and the perception that they are legitimate, despite their unlawfulness.

Both Airbnb and Booking.com also list Palestinian owned properties in Palestinian towns and villages in the West Bank. There is no reason for them not to do so, just as there is no reason for them not to list properties in towns and villages inside Israel.⁷⁸ The problem

⁷⁵ Email message to Human Rights Watch, September 28, 2018.

⁷⁶ “Booking.com Cares: Impact Report 2017,” Booking.com Cares, https://static1.squarespace.com/static/5852c8d4414fb57d631d7163/t/5a8d8c2bec212d03bbb7faf7/1519225911635/Booking+Cares_infographic+2017_EXTERNAL+%281%29.pdf (accessed July 27, 2018).

⁷⁷ Booking.com Cares, “Our Four Pillars”, <https://www.bookingcares.com/> (accessed July 27, 2018).

⁷⁸ Palestinians are ordinarily not permitted to enter Israel and therefore would ordinarily not be allowed to stay at an Airbnb property inside Israel. Israelis can access Palestinian towns and villages, including for overnight stays, although Jewish Israelis do not do so often. The Israeli government has issued a military order prohibiting Israeli citizens, Israeli residents and foreigners holding a visa to Israel from entering the main Palestinian cities, where policing and other functions are conducted by the Palestinian Authority. That order is rarely enforced, and there are few physical boundaries preventing Israelis and foreigners from entering Palestinian cities. Indeed, the Israeli military has acknowledged that it has at least a partial “nonenforcement” policy. See news report of a Knesset committee hearing on the issue from the Israeli news web-site

arises when Airbnb and Booking.com list properties inside unlawful settlements in the occupied Palestinian territory – that Palestinian ID holders are legally barred from entering.

Nana, <http://news.nana10.co.il/Article/?ArticleID=807341> (accessed July 15, 2012), but no longer available as of publication of this report. In any event, Palestinian residents of the West Bank and Israeli settlers in the West Bank are not similarly situated. Palestinian residents of the West Bank are lawfully present there, and international humanitarian law is designed to protect them from displacement or from any exercise of authority by the occupying power that is not militarily necessary or done for their benefit. The transfer of Israeli settlers into the occupied Palestinian territory is a war crime, and their presence triggers serious violations of the rights of Palestinians residents.

Annex I: Letter to Airbnb

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July 18, 2018

Brian Chesky
CEO
Airbnb

Via e-mail:

Dear Mr. Chesky,

We write to request information in connection with research that Human Rights Watch has carried out on business activities related to Israeli settlements in the West Bank, which we plan to publish in the coming months.

Human Rights Watch is an independent non-governmental organization that monitors and reports on human rights in 90 countries around the world.

Our research indicates that your company lists properties in Israeli settlements in the West Bank for rent on its online platform. We are writing to seek your response to several questions, set out below. We would appreciate it if you could provide us with a reply by August 15, 2018 so that we can reflect your views in our forthcoming report. In addition, we request to meet with you so that we can share our preliminary findings and hear your views on them.

Between March 22, 2018 and July 6, 2018, Airbnb listed at least 139 properties for rent in Israeli settlements in the West Bank, not including East Jerusalem. As such, Airbnb is facilitating the rental of properties on land appropriated by Israel in violation of international humanitarian law, which permits an occupying power to appropriate property it occupies only for military purposes or for the benefit of the occupied people.¹

¹ See Hague Convention (IV) Respecting the Laws and Customs of War on Land and the Annexed Regulations Concerning the Laws and Customs of War on Land of 18 October 1907 (Hague Regulations), 3 Martens Nouveau Recueil (ser. 3) 461, 187 Consol. T.S. 227, entered into force January 26, 1910, art. 55. An occupying power may only confiscate private property if "absolutely necessary" for military operations. See *ibid.*, art. 46; Fourth Geneva Convention, Geneva Convention relative to the Protection of Civilian Persons in Time of War, adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21,



Human Rights Watch previously met with Airbnb representatives to discuss our concerns with the company's settlement listings, yet your company continues to make these properties available through its website.

Assisting Israeli settlers to profit from renting out settlement homes makes settlements more attractive and sustainable, thereby facilitating another Israeli violation of international law, the prohibition against the transfer by an occupying power "of its own civilian population into the territory it occupies."² In addition, the tourist traffic generated from renting these properties on Airbnb helps support other businesses in settlements, such as restaurants, recreational facilities, and tour guiding, and the profits earned by Israeli settlers contributes to property tax and other revenues for the settlement local authorities (municipalities). In many cases, the land on which the properties were built is privately owned by Palestinians, and the Israeli military authorities seized it from them or rendered it inaccessible to them by erecting physical barriers and declaring it off-limits.

Our research also indicates that Airbnb is renting these properties under conditions of discrimination; West Bank Palestinians cannot enter settlements except as laborers bearing special permits, making it all but impossible for them to stay at an Airbnb property there, in some cases even when they themselves own the land on which the property is built. Palestinian landowners may not access their land, much less profit from renting it out using the Airbnb platform, while Israeli settlers list and profit from properties on land that has been unlawfully seized. Even where the land is not privately owned, the existence of the settlement is a trigger for serious violations of the rights of Palestinians to access other privately-owned plots, to freedom of movement, and to access education and health services and protections for the family unit.

In some cases, the properties in the settlements are listed as being located inside Israel, misleading prospective guests about where they are staying. In other cases, the Airbnb properties are located on land that the Israeli military authorities acknowledge has been unlawfully taken from Palestinian owners.

As we detail in a 2016 report,³ any business relationship in or with settlements contravenes businesses' human rights responsibilities as articulated in the United Nations Guiding Principles on Business and Human Rights. Under the Guiding Principles,

1950, art. 53. See also, Yoram Dinstein, *The International Law of Belligerent Occupation* (Cambridge: Cambridge Univ. Press, 2009), pp. 224-27.

² See Fourth Geneva Convention, art. 49.

³ Human Rights Watch, *Occupation, Inc.: How Settlement Businesses Contribute to Israel's Violation of Palestinian Rights*, January 2016, <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>.

companies have a responsibility to “avoid causing or contributing to adverse human rights impacts through their own activities,” as well as “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.” Companies are expected to undertake adequate due diligence “in order to identify, prevent, mitigate and account for how they address their adverse human rights impacts.”⁴

Based on those considerations, we would appreciate receiving your responses to the following questions:

1. How many properties in Israeli settlements in the West Bank does Airbnb list? Please indicate how many of those listings are active (dates available to book) and how many are inactive but have not been removed.
2. What determines whether a property in an Israeli settlement will be listed as being located in Israel in the “neighborhood” section of the listing? We noticed that some settlement properties are listed as being in Israel, while others do not have an additional geographic designation, beyond the name of the settlement.
3. What if any steps does Airbnb take to ascertain that a host has the requisite rights in a property that would allow them to rent it to guests via the Airbnb platform?
4. Airbnb’s nondiscrimination policy permits hosts outside the United States and European Union to exclude certain guests if required to do so under local law, effectively allowing hosts in settlements to exclude West Bank Palestinians. How does this policy square with Airbnb’s stated commitment to inclusivity and diversity? Moreover, the settlement listings fail to set out this restriction as required under the nondiscrimination policy. What action, if any, has Airbnb taken to ensure compliance?
5. Please provide information as to the amount of revenue that Airbnb earned last year related to its listing properties in Israeli settlements in the West Bank.
6. Does Airbnb have a policy on doing business in occupied territory or in situations of armed conflict, and ensuring compliance with international human rights and humanitarian law? If so, please provide us with relevant details.

We would welcome receiving any additional information or comments that you are able to provide.

We would also welcome an opportunity to discuss these issues with you or other representatives of your company and to present our preliminary findings in greater detail,

⁴ United Nations Guiding Principles on Business and Human Rights, adopted March 21, 2011, UN Doc. A/HRC/17/31, para. 17.

prior to publication. Such a meeting would be a follow up to conversations we have had with members of your corporate social responsibility team. If you would like to arrange such a meeting, please contact our colleagues [REDACTED] ([REDACTED]) or [REDACTED] ([REDACTED]).

Thank you for your kind assistance in this matter.

Sincerely,

Sarah Leah Whitson
Executive Director
Middle East and North Africa
Human Rights Watch

Arvind Ganesan
Executive Director
Business and Human Rights
Human Rights Watch

Annex II: Letter to Booking.com

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July 25, 2018

Gillian Tans
Chief Executive Officer
Booking.com B.V.

Via e-mail: [REDACTED]

Re: Israeli Settlements in the West Bank

Dear Ms. Tans,

We write to request information in connection with research that Human Rights Watch has carried out on business activities related to Israeli settlements in the West Bank, which we plan to publish in the coming months.

Human Rights Watch is an independent non-governmental organization that monitors and reports on human rights in 90 countries around the world.

Our research indicates that your company lists properties in Israeli settlements in the West Bank for rent on its online platform. We are writing to seek your response to several questions, set out below. We would appreciate it if you could provide us with a reply by August 21, 2018 so that we can reflect your views in our forthcoming report.

As of July 23, 2018, Booking.com listed at least 25 vacation rentals in Israeli settlements in the West Bank, not including East Jerusalem. As such, Booking.com is facilitating the rental of properties on land appropriated by Israel in violation of international humanitarian law, which permits an occupying power

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to appropriate property it occupies only for military purposes or for the benefit of the occupied people.¹

Assisting Israeli settlers to profit from renting out settlement homes makes settlements more attractive and sustainable, thereby facilitating another Israeli violation of international law, the prohibition against the transfer by an occupying power “of its own civilian population into the territory it occupies.”² In addition, the tourist traffic generated from renting these properties on Booking.com helps support other businesses in settlements, such as restaurants, recreational facilities, and tour guiding, and the profits earned by Israeli settlers contributes to property tax and other revenues for the settlement local authorities (municipalities). In many cases, the land on which the rental properties were built is privately owned by Palestinians, and the Israeli military authorities seized it from them or rendered it inaccessible to them by erecting physical barriers and declaring it off-limits.

Our research also indicates that Booking.com is renting these properties under conditions of discrimination; West Bank Palestinians cannot enter settlements except as laborers bearing special permits, making it all but impossible for them to stay at a Booking.com rental property there, in some cases even when they themselves own the land on which the property is built. Palestinian landowners may not access their land in settlements, much less profit from renting it out using the Booking.com platform, while Israeli settlers list and profit from properties on land that has been unlawfully seized. Even where the land is not privately owned, the existence of the settlement is a trigger for serious violations of the rights of Palestinians to access other privately-owned plots, to freedom of movement, and to access education and health services and protections for the family.

A majority of the Booking.com properties in settlements are listed as being located inside Israel, misleading prospective guests about where they are staying. In other

¹ See Hague Convention (IV) Respecting the Laws and Customs of War on Land and the Annexed Regulations Concerning the Laws and Customs of War on Land of 18 October 1907 (Hague Regulations), 3 Martens Nouveau Recueil (ser. 3) 461, 187 Consol. T.S. 227, entered into force January 26, 1910, art. 55. An occupying power may only confiscate private property if “absolutely necessary” for military operations. See *ibid.*, art. 46; Fourth Geneva Convention, Geneva Convention relative to the Protection of Civilian Persons in Time of War, adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950, art. 53. See also, Yoram Dinstein, *The International Law of Belligerent Occupation* (Cambridge: Cambridge Univ. Press, 2009), pp. 224-27.

² See Fourth Geneva Convention, art. 49.

cases, the Booking.com properties are located on land that the Israeli military authorities acknowledge is privately owned by Palestinians.

As we detail in a 2016 report,³ any business relationship in or with settlements contravenes businesses' human rights responsibilities as articulated in the United Nations Guiding Principles on Business and Human Rights. Under the Guiding Principles, companies have a responsibility to "avoid causing or contributing to adverse human rights impacts through their own activities," as well as "seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts." Companies are expected to undertake adequate due diligence "in order to identify, prevent, mitigate and account for how they address their adverse human rights impacts."⁴

Based on those considerations, we would appreciate receiving your responses to the following questions:

1. What if any steps has Booking.com taken to ensure it meets its corporate responsibility to respect human rights, as articulated in the UN Guiding Principles on Business and Human Rights? Does the company have policies and procedures pertaining to international human rights or international humanitarian law, including policies on doing business in occupied territories?
2. What determines whether a property in an Israeli settlement will be listed as being located in Israel?
3. Given the widely known nature of disputes over land ownership involving settlements in the West Bank, what if any steps does Booking.com take to ascertain that hosts have the requisite rights in a property that would allow them to rent it to guests via its platform?
4. Booking.com's 2017 Impact report lists "inclusive growth" as one of its four key areas of social responsibility, saying that the company is committed to "making sure local communities benefit equally through tourism." Yet West Bank Palestinians are forbidden to access Booking.com properties in

³ Human Rights Watch, *Occupation, Inc.: How Settlement Businesses Contribute to Israel's Violation of Palestinian Rights*, January 2016, <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>.

⁴ United Nations Guiding Principles on Business and Human Rights, adopted March 21, 2011, UN Doc. A/HRC/17/31, para. 17.

settlements, even where they themselves own the land on which the rental properties are built. How does Booking.com ensure it meets its stated commitment to inclusion of local communities when it allows listings of settlement properties?

5. What if any steps has Booking.com taken to notify Palestinian prospective guests that settlement properties are off-limits to them?
6. What percentage of rental prices or other fees does Booking.com earn from its property listings? Please provide information as to the amount of revenue that Booking.com earned last year related to its listing properties in Israeli settlements in the West Bank.

We would welcome receiving any additional information or comments that you are able to provide.

We would also welcome an opportunity to discuss these issues with you or other representatives of your company and to present our preliminary findings in greater detail, prior to publication. If you would like to arrange such a meeting, please contact our colleague [REDACTED] ([REDACTED]).

Thank you for your kind assistance in this matter.

Sincerely,

Sarah Leah Whitson
Executive Director
Middle East and North Africa
Human Rights Watch

Arvind Ganesan
Director
Business and Human Rights
Human Rights Watch

Annex III: Follow-up Letter to Booking.com

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August 28, 2018

Greetings,

I am forwarding this letter after multiple attempts to confirm its receipt by Ms. Tans have failed. Please acknowledge receipt of this letter via e-mail to my colleague, [REDACTED], at [REDACTED]. In addition, I wish to add the following question:

At some point between July 25, 2018 and August 9, 2018, the geographical designations of ten of fifteen properties advertised on Booking.com and located in Israeli settlements in the West Bank outside East Jerusalem were changed on the Booking.com web site from "Israel" to "Israeli settlement." When was the change made to these listings and why?

I thank you in advance for your cooperation.

Best regards,

Sari Bashi
Israel and Palestine Advocacy Director
Middle East and North Africa
Human Rights Watch

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Annex IV: Booking.com Statement to Human Rights Watch

Statement from Booking.com September 28, 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. Booking.com permits all accommodations worldwide, including all accommodations located in Israel and the Occupied Palestinian Territory, 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. Booking.com is therefore 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.

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.

Everything we do in terms of how we display information on [Booking.com](https://www.booking.com) is 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.

BED AND BREAKFAST ON STOLEN LAND

Tourist Rental Listings in West Bank Settlements

The global travel companies Airbnb and Booking.com are listing and facilitating the rental of scores of properties in unlawful Israeli settlements in the occupied West Bank.

Drawing on information from hosts, Palestinian landowners and the companies themselves, *Bed and Breakfast on Stolen Land* traces the status of the land on which dozens of tourist rental listings on Airbnb and Booking.com were built and documents how these companies' activities contravene their human rights responsibilities.

Some of the properties are constructed on land that is acknowledged by the Israeli authorities to be privately owned by Palestinians who are not permitted to access it, who did not give their consent for Airbnb and Booking.com to use their land and who do not profit from the rentals. Some are falsely listed as being located inside Israel. These properties, as part of the settlement enterprise, exacerbate serious human rights abuses that Israel commits against Palestinians, including by restricting their freedom of movement and choking their economic development.

The activities of Airbnb and Booking.com help to make settlements more sustainable economically. While Airbnb expresses a commitment to inclusion and nondiscrimination, the listing of settlement properties takes place under conditions of inherent discrimination, as Israelis and foreigners may rent a property there, but Palestinian ID holders are effectively barred from doing so.

The report urges Airbnb and Booking.com to stop listing properties in settlements.



(left) A view of the Israeli outpost of Kida, illegal under both international and Israeli law, but with a property listed for rental on Airbnb, in the occupied West Bank northeast of Ramallah with the Palestinian village of al-Mughayyir in the distance. Palestinian ID holders are barred from entering settlements without permission and thus cannot stay in Airbnb properties there, as can Israelis and foreigners.

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(front cover) Listings by the global travel companies Airbnb and Booking.com for properties in unlawful Israeli settlements in the occupied West Bank.

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