



General Assembly

Distr.: General
4 September 2017

English only

Human Rights Council

Thirty-sixth session

11-29 September 2017

Agenda item 7

**Human rights situation in Palestine and other
occupied Arab territories**

**Joint written statement* submitted by the International
Organization for the Elimination of All Forms of Racial
Discrimination (EAFORD), Arab Organization for Human
Rights, International-Lawyers.Org, Union of Arab Jurists,
non-governmental organizations in special consultative
status, International Educational Development, Inc., World
Peace Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 August 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-15281(E)



* 1 7 1 5 2 8 1 *

Please recycle 



Israeli Restrictions of Freedom of Religion and Worship*

Israel's intensification of security installations around the Haram al-Sharif in Jerusalem rekindled attention to the perennial question of freedom of religion and worship. UN resolutions deplore Israel's attempts to illegally change the status quo of holy sites, such as excavations in and around religious and historic sites, and the restrictions impeding access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory and request Israel to ensure non-discrimination on grounds of religion and belief as well as the preservation of and free access to all religious sites.

The developments since 1967 evidence that Israel has failed to fulfill its obligations to protect Muslim and Christian holy sites and worshippers but instead seeks to "Judaize" the area. Israel's regulations and designation regarding Muslim and Christian holy sites remained to be discriminatory, thereby jeopardizing equal protection and preservation of religious sites. The State's policies and practices that violate Palestinian freedom of religion and worship as well as the sanctity of holy sites include:

- Movement and access restrictions
- Proclamations and acts of provocation by Israeli officials
- "Archeological excavations" and interference with internal affairs
- Violent incidents
- Restrictions on religious expression

Movement and Access Restrictions

Israel imposes disproportionate restrictions on access to places of worship for non-Jews. Apart from the repeated closure of Muslim and Christian holy sites for prolonged periods and the access restrictions of Palestinian clergy and worshippers to their holy sites, the creeping fragmentation of the Occupied Palestinian Territory through physical obstacles (the Wall, the system of checkpoints) and the associated permit regime as well as the military occupation with frequent curfews and closures of entire areas negatively affect Palestinians' right to access holy places. In particular the growing isolation and prolonged complete closures of East Jerusalem inhibits the ability of Muslim and Christian West Bank and Gaza residents to enter Jerusalem and visit their respective holy places – even during major religious holidays. General bans furthermore have prevented entire parts of the Palestinian population from entering the mosque, such as the ban on Palestinians under the age of 45.

Visiting any holy site in the Holy City of Jerusalem entails a long and arduous journey for Palestinians – particularly those living in the occupied territories – that leads through multiple checkpoints and often entails acts of intimidation and harassment by Israeli forces. For Palestinians living in Gaza, reaching Jerusalem's holy sites is almost impossible. Often, only women and men over 40 and children are granted passage through the checkpoints. Those that reach Jerusalem have to pass through further Israeli military posts before they can finally enter the compound. The permanent restrictions on movement thus severely hamper or bar Muslim and Christian Palestinians from reaching their places of worship in Jerusalem, Bethlehem, and other places of religious significance.

Further restrictions through incursions, curfews, or temporary travel bans on groups of Palestinians aggravate the situation. Due to raids by extremist Jewish settlers around Christian and Muslim holy places, the access of worshippers to these places is further obstructed. Israeli forces moreover physically prevent worshippers from entering holy sites or confiscate Jerusalem ID cards.

In the wake of the new wave of violence incepted in September 2015, and again manifested on 14 July 2017, the Israeli Government substantially increased its military forces in East Jerusalem and intensified restrictions on access to the Old City, thereby negatively impacting Palestinian access to Holy Places.

Provocation by Israeli Officials

Proclamations by Israeli state and religious authorities about the intention of rebuilding the Jewish temple on the Dome of the Rock have continued, undermining the sanctity of the Al-Haram al-Sharif and intensifying religious strife. Provocative visits to the Al-Aqsa Mosque compound by Jewish religious extremists and Israeli officials under the protection of Israeli occupying forces, accompanied by dangerous rhetoric, have taken place periodically over the years and seem to have increased in recent times. These visits, aimed at unlawfully and forcibly asserting Israeli control over this sensitive area and at changing the status quo of the Holy Sites and East Jerusalem as capital of the future State of Palestine, further exacerbate tensions in the region.

“Archaeological Excavations” and Interference with the Internal Affairs of Holy Sites

The excavations of a tunnel along the western wall of the Haram al-Sharif were begun in 1968, with the stated objective of finding traces of the Second Jewish Temple. In spite of urgent appeals by UN bodies to halt the excavations, the Israeli authorities continue excavations under and around Al-Aqsa Mosque with little regard for its preservation and consistently interfere with the internal affairs of the mosque by, *inter alia*, preventing work by the Waqf on and around Al-Aqsa and Ibrahimi mosque (Hebron), banning Palestinian guards, and preventing religious celebrations. As the tunnels around the Haram al-Sharif run along the Islamic holy places and beneath the densely inhabited Muslim quarter with its historic buildings, they violate the sacred character of the area and imperil the stability of Palestinian homes and the Islamic monuments, particularly following the emergence of cracks in the walls and the partial collapse of several buildings. The excavation works constitute part of a wider pattern of active damage to Palestinian Christian and Islamic cultural heritage. This shows persistent failure of the Israeli authorities to ensure the preservation of Palestinian religious and historical sites and objects in East Jerusalem and areas of the West Bank under Israeli administrative jurisdiction.

Violent Incidents

The described violations continue to cause violent incidents around holy sites, resulting in loss of life among worshippers and in damage to their sanctuaries. Military raids and incursions into Muslim and Christian Holy Sites arouse serious concern. Such violent acts of desecration by Israeli troops usually occur during times of worship, such as the Muslim Friday prayer. Israeli troops storm mosques, open fire and launch tear gas grenades at peaceful worshippers, resulting in injuries and deaths.

Racist violence, vandalism and profanation by extremist Jewish groups and individuals against Muslim and Christian Holy Sites also continue. Such acts by groups seeking to assert Jewish rights on the mount frequently lead to clashes with Muslim worshippers, in response to which Israeli forces usually come to the support of or escort settlers, injuring – sometimes fatally – unarmed Palestinians.

Holy sites, churches and mosques also sustained significant damage or were destroyed during Israel’s massive military operations. During the last military offensive in Gaza in 2014, Israeli forces reportedly destroyed a third of Gaza’s mosques, with 73 mosques being entirely destroyed and 205 sustaining damages. Al-Omari Mosque, founded in 649 AD, was almost completely destroyed by bombing.

Recently, provocations and tensions around religious sites and particularly the Al-Aqsa Mosque compound have heightened, owing to a growing number of incursions by Israeli forces firing rubber-coated steel bullets and stun and tear-gas grenades at worshippers as well as to acts of incitement by extremist Israelis.

Peaceful protests against Israeli violations of religious freedom and the integrity of holy places, such as the new restrictions imposed in July 2017, are met with excessive and often lethal force by Israeli forces. While performing prayers outside the Al-Aqsa compound, Palestinian worshippers have reportedly been assaulted and injured by Israeli forces. They were shot with rubber-coated steel bullets, many sustained wounds from stun grenades or due to being beaten and kicked.

Restrictions on Religious Expression

Lastly, Israeli authorities restrict religious expression by preventing or interfering in religious celebrations and by prohibiting religious symbols and rituals. In Upper Nazareth, for instance, the Israeli mayor forbade the establishment of Christmas trees in 2014. Moreover, Israeli authorities are advancing a bill aimed at limiting the Muslim call to prayer in Israel and in occupied East Jerusalem, on alleged grounds of excessive noise from muezzins¹. In recent years, the call has been silenced by Israeli forces numerous times, particularly in Hebron. The bill serves as reminder of Israel's control over every sphere of the life of Palestinians and must be seen as part of Israel's attempt to Judaize Jerusalem at the expense of other religious communities and deprive it of its Islamic and Christian heritage. This is in stark contrast with the rich religious and cultural history of the "Holy City" and of the Occupied Palestinian Territory generally.

Rather than fueling national-religious strife in the region, Israel must cease its violations against Palestinians' freedom of religion and places of worship. In the light of this, the signatories to this statement recommend to the United Nations, to its relevant bodies, and to UN Members States to compel Israel to:

- Fully guarantee freedom of religion and worship in accordance with the fundamental principles of non-discrimination;
- Abolish all movement restrictions and ensure free and safe access to religious sites, especially in the Holy City of Jerusalem;
- Guarantee equitable protection to all places of worship in the country, including all Muslim and Christian sacred places and thus ensure the preservation of the cultural and religious heritage in the Occupied Palestinian Territory;
- Fully respect Palestinians' right to participate in the cultural and religious life of their community;
- Refrain from any actions aimed at changing the character and status of these sites; and refrain from preventing or hindering the restoration of Islamic holy shrines by the Waqf;
- Counteract racist violence and vandalism by Jewish settlers targeting non-Jews and their holy sites;
- Finally bring an end to the prolonged occupation of the Occupied Palestinian Territory and fulfill Palestinians' right to national self-determination.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussels Tribunal, Rural Women Development Society (RWDS), Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Human Rights & Democracy Media Center "SHAMS", Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Youth Against Settlements (YAS), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights (ICHR), International Anti-Occupation Network (IAON), NGOs without consultative status, also share the views expressed in this statement.

¹ Pursuant to UNESCO resolutions of 13 October 2016, deploring Israel's illegal practices in occupied East Jerusalem and calling upon Israel to cease illegal practices aiming at altering the status quo of a city central to all monotheistic religions, the Israeli authorities introduces legislative measures to ban the muezzin. On 5 November 2016, Israeli forces prevented the Muslim call to dawn prayer at three mosques in the East Jerusalemite town of Abu Dis by raiding the town and prohibiting the muezzins (athan) from initiating the call. On 14 November 2016, shortly after the Israeli Prime Minister announced his support for the bill proposed by Israeli Jewish Home MK Moti Yosev in response to Jewish settlers, his government approved the bill. On 12 February, Israel's Ministerial Committee for Legislation approved an amendment to the bill, which limits the ban in a way to not affect the use of sirens for weekly Jewish calls for Shabbat. A fine of 10,000 shekels (\$2,665) for transgression has been included. The bill is to be voted on in the Knesset.