



General Assembly

Distr.: General
5 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.17-15363(E)



* 1 7 1 5 3 6 3 *

Please recycle



Undermining the Last Remnants of Palestinian Sovereignty in Jerusalem*

While the imposed restrictions have been rescinded, the already volatile situation in the Occupied Palestinian Territory has been exacerbated as a result of the unilateral steps taken by Israel in response to the deadly shoot-out at the Al-Aqsa Mosque compound in occupied East Jerusalem on Friday, 14 July 2017, in which three Palestinians and two Israeli police officers died. While Palestinians have been confronted with Israeli settler-colonialism and severe human rights violations, including restrictions of their religious freedoms, for many decades – the Occupying Power seems to use the incident to consolidate its control and oppression of the Palestinian people. While they constitute part of longstanding Israeli violations, the measures question the last remnants of Palestinian sovereignty, thus representing a further threat to stability and entrenching the violent reality in the region.

Following the attack, the Israeli government implemented the unilateral decision to close the Al-Aqsa Mosque compound, including for Friday prayers, which by Palestinians was regarded as another step towards changing the historic status of the site¹ and of Jerusalem at large. The sacred site remained closed to Muslim worshippers for more than two days and was then gradually reopened to the public – but with intensified “security” installations, including metal detectors, turnstiles, and closed-circuit television cameras. These strengthened measures not only represented further barriers to Palestinians’ freedom of religion; they also constituted a further step by the Occupying Power to impose sovereignty at the site and “Judaize” Jerusalem. While the “security” measures have been rescinded following Palestinians’ peaceful protests and acts of civil disobedience, they constitute a dangerous precedent that the Israeli government and extreme entities seem poised to act upon.

The Status Quo at Al-Haram Al-Sharif and Religious Freedom

The latest Israeli move confirms Palestinians’ long-held fear that the Occupying Power seeks to undermine the status quo at the holy site, following routine raids and incursions by settlers and the military as well as right-wing calls for the establishment of a Jewish temple at the site.

The status quo under Israeli occupation is regarded as discriminatory as it *de facto* signifies that the overwhelming majority of Palestinians (around 95 percent) is prohibited from entering Jerusalem, is banned from accessing Al Aqsa Mosque or the Church of the Holy Sepulchre or any other religious site, and is thus deprived of their right of free worship.

Palestinians face severe restrictions when trying to access their holy sites in Jerusalem since the beginning of the occupation in 1967. Visiting any holy site 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 fears that the Israeli government seeks to tear up this already discriminatory status quo are well-founded, given that state officials have long vowed to illegally capture the site and that the Jewish claim to the site has gained ground in mainstream Israeli politics.

1 According to the status quo, the Islamic Waqf and Jordan bear responsibility for the management of and access to the Al-Aqsa Mosque compound. Jordan’s custodianship over the holy compound (Al-Haram Al-Sharif/ Temple Mount), which hosts two of the most important religious sites of Islam as well as of Judaism’s Wailing Wall, was already instituted in the 1920s in an agreement between Palestinian leaders and King Abdullah I and was recognized by Israel in 1994. While Muslims are allowed to worship at the site, non-Muslims are allowed to visit and Jews are allowed to pray at the Western Wall.

Fears exist that Israel will again employ Israeli-Palestinian violence and tension as justification to further its control over places central to Palestinians. Palestinians had to bear witness to this strategy pursuant to the 1994 Ibrahimi Mosque Massacre, during which an armed Israeli settler killed 29 Palestinian worshippers in Hebron. Israel had seized the exacerbated tensions to impose its control over the sacred site, erecting security installations and dividing the site into Jewish and Muslim sections. Thus, Palestinians fear that the Israeli government will take advantage of the incident to similarly divide time and space of Al-Aqsa and to impose a new reality. Already now, illegal Israeli settlers can enter the mosque and pray there, as was the case in Hebron in 1994.

Human Rights Repercussions of Israeli Efforts to Change the Status of Jerusalem

Moreover, the measures must be seen as part of Israel's "policy of Judaization" of occupied East Jerusalem, further depriving Palestinians of their fundamental rights in the city. Israeli activities since 1948 have eroded the traditional status of Jerusalem as center of Palestinian political, cultural, religious, and social life and continue to subvert the future status of East Jerusalem as capital of a Palestinian state. In direct contravention to UN resolutions that have reiterated since 1981 that all measures aimed at altering the character and status of the Holy City of Jerusalem are null and void and must be rescinded forthwith:

- 1) Israel continues its illegal settlement activities, particularly the so-called E-1 plan. The settler population in East Jerusalem, which had reached an estimated number of 208,000 in East Jerusalem by the end of 2015², continues to mount. Israel's "Jerusalem municipality" on 7 July 2017 issued construction permits for over 1,500 new illegal housing units in occupied East Jerusalem, while Prime Minister Netanyahu reportedly proposed the annexation of the Etzion settlement bloc in a land swap deal to US emissaries on 14 July 2017. New residential buildings and infrastructures in the southern outskirts of the Jerusalem municipality are being developed with the aim to connect the Gush Etzion settlement bloc to Jerusalem. Moreover, settlement movements can freely pursue their illegal activities in East Jerusalem, particularly in the Old City, and continue to seize Palestinian-owned properties and evict families.
- 2) Israel has perpetuated its "Jerusalem closure policy" by erecting checkpoints, constructing the Separation Wall, and imposing a permit regime – in an effort to cement control over the City. The Occupying Power restricts Palestinian access to and residence in East Jerusalem and further isolates the City from the Occupied Palestinian Territory. Moreover, Israel has intensified military control over the City and conducts frequent raids in Palestinian neighborhoods. In July, the government decided to prolong the increased presence of soldiers and police in the Old City and to invest into a new security system in the area.
- 3) Israel persistently demolishes Palestinian homes, revokes residency rights, and evicts and displaces Palestinians. The State has perpetuated these illegal activities to change the demography of Jerusalem in favor of a Jewish majority, with a 70 to 30 percent ratio of Jews to Palestinians, with the larger aim of undermining claims to Jerusalem as the capital of an independent Palestinian State. Most recently, on 12 July 2017, Israeli authorities demolished three Palestinian buildings, including two homes, in the East Jerusalem neighborhoods of Jabal al-Mukabbir and Silwan – under the pretext of a lack of nearly unobtainable building permits. According to UN figures, as of 31 May 2017, Israel demolished 81 Palestinian-owned structures in East Jerusalem since the beginning of the year, displacing at least 172 Palestinians. The previous year 2016, the Occupying Power demolished a total of 190 Palestinian buildings in East Jerusalem. The constant threat of land seizure and home demolitions in East Jerusalem causes deep-seated fear and creates a coercive environment. This situation is exacerbated by the permanent residency status allocated to Palestinian East Jerusalemites, which is conditioned upon physical presence in Jerusalem and is subject to expiration and

² Israeli Central Bureau of Statistics

revocation at any point in time. Between 1996 and 2014, an estimated 14,481 East Jerusalemite Palestinians lost their residency status and right to live in occupied East Jerusalem.

- 4) As outlined before, Israel continues to violate the historic status quo at the holy places of Jerusalem through, *inter alia*, military incursions, excavations, and acts of incitement. The aim is to unlawfully and forcibly assert Israeli control over this sensitive area. These activities are part of Israel's attempts to erase Palestinian heritage and culture in the area.
- 5) Israel's discriminatory allocation of resources, essential services and infrastructure in Jerusalem infringe on Palestinian residents' fundamental rights and constitutes part of the larger policy of demographic engineering aimed at forcing Palestinians out of Jerusalem. East Jerusalem continues to be subjected to budgetary, physical, and social neglect. Whilst East Jerusalemite Palestinians pay the same amount of taxes as their Jewish counterparts, their welfare system is gravely underfunded and government services are inadequate. For instance, the Israeli authorities deny Palestinians the establishment of sewage facilities and the provision of other vital infrastructure, education and municipal services. The rate of East Jerusalemite Palestinians living below the poverty line was estimated at 75.4 percent in 2015¹, which is three times higher than that of Jewish residents of Jerusalem.

In the most recent development, a bill titled "Basic Law: Jerusalem, the Capital of Israel", which aims at preventing any future divisions of Jerusalem, has passed its preliminary reading in the Knesset on Wednesday, 19 July 2017. The situation in Jerusalem merely represents a microcosm of the larger Israeli colonialist and apartheid policies in the Occupied Palestinian Territory.

Conclusion and Recommendations

Israeli activities since 1948 have eroded the traditional status of Jerusalem as the center of Palestinian life and continue to subvert the status of East Jerusalem as capital of a future Palestinian state – in direct contravention to innumerable UN resolutions. Israel today feels emboldened to close the mosque and erect barriers, while the international community remains inactive. Such moves further undermine the stability in the region. By seizing such incidents to enhance its control and undermine the remnants of Palestinian sovereignty, Israel conjures up religiously tinged tensions in a secular conflict rooted in racial oppression and occupation. Rather than bowing to pressure by Israel and its allies, the respective Member States must change their contribution to positive participation in accordance with their international obligations.

Instead of fueling violence in the region, Israel must cease its violations against the status quo of the Holy City and against Palestinians' freedom of religion. To finally reach a just peace in which the religious, cultural and historic diversity of Jerusalem can flourish and all citizens are guaranteed equal rights and freedoms, Israel must disassemble its occupying system and make way for the establishment of an independent State of Palestine with East Jerusalem as capital. In the light of this, the signing organizations recommend to the United Nations, to its relevant bodies, and to UN Members States to:

- Finally bring an end to the prolonged occupation of the Occupied Palestinian Territory and fulfill Palestinians' right to national self-determination;
- Immediately cease settlement and annexation policies and practices aimed at altering the character, status, and demography of the Occupied Palestinian Territory, particularly East Jerusalem;
- End its discriminatory planning, development, and land system in all areas under its effective control and rescind all policies and practices resulting in the forced eviction and transfer of Palestinians, including demolitions, confiscations, and the creation of a coercive environment;

- Comply fully with the provisions of the advisory opinion of the International Court of Justice, including by dismantling the Separation Wall;
- Ensure the voluntary return and property restitution of Palestinian refugees and internally displaced persons in safety and dignity and compensation for suffered losses;
- Fully guarantee freedom of religion and ensure the protection and preservation of and free access to all sacred places of worship.

*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.