



# General Assembly

Distr.: General  
7 September 2017

English only

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## Human Rights Council

### Thirty-sixth session

11-29 September 2017

Agenda item 7

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

## **Written statement\* submitted by the Al Mezan Centre for Human Rights, a non-governmental organization in special consultative status**

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]

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

GE.17-15584(E)



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## **Israel intensifies its control and illegal annexation of occupied Jerusalem: the international community must end illegal policy of annexation**

Al Mezan Centre for Human Rights and the Civic Coalition for Palestinian Rights in Jerusalem express concern at the recent measures implemented by Israel to strengthen the state's control over occupied Jerusalem and Palestinian Jerusalemites, and perpetuate illegal annexation policies.

### **Context**

The Partition plan of UN Security Council Resolution 181 (1947) rendered Jerusalem a '*corpus separatum*'. The annexation of occupied Jerusalem in 1967, with the separation wall surrounding Jerusalem and the enforcement of Israeli administrative and judicial system, denies to Palestinians the protection of the Geneva Convention 1949 and the Hague Regulations 1907, in violation of the law of occupation.

The acquisition of territory by use of force doesn't confer a valid title to that territory. Israel's unilateral annexation of occupied Jerusalem through the Basic law (1980), defining Jerusalem as "complete and united", doesn't confer any sovereignty over the occupied territory. The international community doesn't recognize the annexation and supports Jerusalem being the capital of both Israel and the Occupied Palestinian Territory. UN Resolution 242 unanimously called for the "withdrawal of Israel's armed forces from territories occupied in the recent conflict" i.e. including Jerusalem. Repeated regularly, Resolution 2334 of December 2016 pointed to this again. UNESCO Resolution of April 2017 also condemns measures and actions in Jerusalem "taken by Israel, the occupying Power".

### **Increased restrictions on freedom of worship**

In Al Aqsa compound, on the 14<sup>th</sup> of July, three Palestinians citizens of Israel killed two policemen, and injured one. Israel closed the compound, preventing the Friday prayer and denying access to the holy site for four days. When Al Aqsa was reopened, metal detectors and smart cameras were set up, significantly reducing the number of people entering the site, in violation of the freedoms of religion and movement. Israel closed all access to Jerusalem, punishing thousands of Palestinians on behalf of the action of individuals.

An increasing number of Israeli settlers are present inside the Mosque under the protection of the Israeli police, while the status quo at the compound gives its administration to the Islamic *Waqf*. 870 settlers stormed Al-Aqsa to mark Tisha B'av on the 31<sup>st</sup> of July,<sup>1</sup> and 1,300 non-Muslim visitors toured the site, breaking the record for Jewish visitors since Israel's illegal annexation in 1967.<sup>2</sup> Moreover, 14,806 settlers entered the compound in 2016.<sup>3</sup> Visits by non-Muslims are not in themselves the issue; the visits are viewed with caution as Israeli political leadership infer that they are part of an effort to permanently change the status of the city. A dozen prominent national religious rabbis called on Jews to visit the "Temple Mount, to strengthen [our] hold on this holy place,"<sup>4</sup> rendering the security argument for the setting up of detectors and cameras void of meaning.

Following Palestinian protests and the subsequent removal of security measures, orders for home demolitions in occupied Jerusalem have suddenly increased and other arbitrary measures have been enforced against the Palestinian population, such as increasing the number of arbitrary fines for cars, of taxes enforced, and of fines given to shop

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1 Middle-East Monitor, "870 settlers storm Al-Aqsa to mark Jewish holiday", 01.08. 2017

2 Times of Israel, "In record, over 1,300 Jews visit Temple Mount to commemorate destroyed temples", 01.08.2017

3 Ma'an news, "Palestinians continue protests as Israeli police entrench security measures at Al-Aqsa", 24.07.2017

4 Jerusalem Post, "JEWISH VISITORS TO TEMPLE MOUNT JUMP 15% THIS YEAR", 01.08.2017

owners. Israeli security forces, arbitrary arrested and detained many Palestinians Jerusalemites, nearly 400 people were arrested during the protests and 75 after the end of Al Aqsa crisis<sup>5</sup>.

Collective punishment is not limited to Al Aqsa nor the Muslim population, but targets the whole Palestinian population. For Easter earlier this year, falling on the same date as the Jewish Passover, the Old City was closed to all Palestinians, including. Palestinians Christians were granted rare special permits to access the Church of Holy Sepulchre. Thousands of worshippers were denied permits to access Jerusalem. On April 15<sup>th</sup> 2017, Israel declared granting 1,500 permits to Palestinian Christians from Gaza. Only 300 Palestinians Christians have been in practice leaving Gaza to attend the Easter celebrations.<sup>6</sup>

These measures are part of Israeli policy of annexation of Jerusalem aiming at targeting the sovereignty, control and the potential division of Al Aqsa compound by time and space, and targeting Palestinian culture and identity in Jerusalem. Israel's practices are in breach of freedom of movement, and of religion protected by articles 13 and 18 of the Universal Declaration of Human Rights. Illegally annexing Jerusalem by use of force is in violation of the law of occupation protected by the Fourth Geneva Convention.

### **New annexation Bill**

The new bill redraws the Jerusalem's Municipality borders defined in the Basic Law. The Israeli government wants to push some occupied Jerusalem Palestinian neighbourhoods out of the Municipality of Jerusalem, including about 100,000 Palestinians, who live behind the Wall surrounding Jerusalem. This step seems to aim to ensure Jewish majority within the Municipality of Jerusalem. The bill, which passed the first reading in the Knesset at the end of July, maintains these neighbourhoods outside of Jerusalem municipality under Israeli sovereignty. Palestinian Jerusalemites from these areas will keep Israeli residency or ID but won't be part of Jerusalem.

The bill presents a new clause making it more difficult to transfer portions of the city from Israeli sovereignty to Palestinian jurisdiction, and would require a special majority of two thirds (80 Knesset members) for any such move, barring transfer of areas of the city to 'foreign' sovereignty in case of peace negotiations.

So far, only a simple majority of the Knesset Members is required to end the occupation of the city. The new legislation would make near impossible for a future settlement in line with international law to take effect. It is a new step to deepen the annexation of Jerusalem, which could bury the possibility of a future State of Palestine with East-Jerusalem as its capital.

The bill appears to consolidate the annexation and policies associated with it; including forcible population transfer: construction of the Wall, expansion of settlements, discriminatory urban planning, Israelization of Education, and unjust Master Plans, which imposes realities on the ground. These policies are enforced by Israel in a deliberate manner, with the declared purpose of altering the demographic composition of the population in Jerusalem and asserting Jewish Israeli domination. Israel has long been creating a coercive environment forcing Palestinians to move out of Jerusalem, the new 'United Jerusalem bill' comes in the continuation of this Israelization of Jerusalem. The bill aims to assert 'Greater Jerusalem' by linking together Gush Etzion Block in the South, Ma'ale Adumim and E1 areas in the East, and Givat Zeev in the North.<sup>7</sup>

Israel's deliberate, widespread and systematic policies aiming to change the demographic composition of Jerusalem in order to permanently colonize East Jerusalem; including home demolitions, residency revocation, (flying) checkpoints, the separation Wall, sealing of villages, restrictions on freedom of expression and religion, random collection of taxes, arbitrary detentions, and night raids on homes, constitute serious violations of human rights and grave breaches to international humanitarian law.

<sup>5</sup> The detention and imprisonment committee in Jerusalem

<sup>6</sup> <https://ar.haberler.com/arabic-news-1047935/>

<sup>7</sup> Ir amim, Greater Jerusalem 2017, April 2017

## **Recommendations**

Palestinian rights NGOs call upon the Human Rights Council to:

- 1) Condemn the United Jerusalem bill and ensure its withdrawal as long as it presents serious violations of international law;
  - 2) Refrain from directly or indirectly recognizing, or assisting Israel's acts of annexation of occupied Jerusalem that may result from bilateral state cooperation, as well as economic activities undertaken by persons under their jurisdiction;
  - 3) Ensure the end of the annexation of occupied Jerusalem, calling to the international community to take actions against internationally wrongful acts accordingly to the Third State Responsibility; and
  - 4) Demand to the entire international community to fulfil its obligation under international law to take measures to insure that Israel respects international humanitarian law, especially the Geneva Conventions and their prohibition on collective punishments.
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