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大会

第十届紧急特别会议

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以色列在被占领的东耶路撒冷和
巴勒斯坦其余被占领土的非法行动2018 年 3 月 2 日巴勒斯坦国常驻联合国观察员给秘书长、大会主席和
安全理事会主席的同文信

谨写信提请你们注意包括东耶路撒冷在内的巴勒斯坦被占领土持续的危急情况，尤其是占领国以色列针对巴勒斯坦礼拜者和被占领的东耶路撒冷圣地持续的镇压行为，其中包括针对基督教最神圣的教堂之一圣龛教堂的镇压行为。

最近的事态发展再次突出表明，国际社会特别是安全理事会迫切需要努力采取集体行动，遏制局势恶化的危险，以避免进一步的不稳定；确保遵守联合国相关决议，包括有关被占领的东耶路撒冷作为被占领土的地位、《日内瓦第四公约》的适用性以及禁止所有旨在改变该城的人口组成、特性和地位的行为的各项决议；确保尊重圣地的历史现状。

鉴于占领国不断企图改变该城的地位并违背历史现状，2018 年 2 月 25 日星期日，罗马天主教、亚美尼亚东正教和希腊东正教教會的领导人被迫宣布关闭其教堂，包括圣龛教堂，联合抗议以色列的歧视政策，这些政策的目的是为了削弱耶路撒冷基督教的存在。

教會领导人作出这一决定，起因是基督徒遭到一系列持续、有系统的攻击，这些攻击侵害了他们最基本的权利。例如，以色列议会提出一项所谓的法案，允许占领国以色列没收教會拥有的租给私人投资者的土地，该法案专门针对基督教社区的财产。提出的另一项针对教會的措施将使教會开始为其资产和财产支付数千万美元的税款。

此外，占领国已从耶路撒冷几个最大的教堂，包括天主教、希腊东正教、圣公会和亚美尼亚东正教的教堂攫取了数十万美元。对教堂账户的留置和对银行帐



户的冻结，例如对耶路撒冷圣公会账户的冻结，已经阻碍了该城各个教堂的日常运作。最近，希腊东正教主教辖区的一位代表指出：“我们所有的资产都被冻结了……我们无法支付食物、工资、行政管理费用，什么都没有”。各教堂在 2 月 14 日写的一封普世教会信函中表示，他们认为这一措施“既破坏了耶路撒冷的神圣性，又损害了教会代表其社区和全球教会在这片土地上开展教会工作的能力。”

这些违法行为违背了几个世纪的先例和现有的协议，并背叛了保证教会权利和特权的国际义务。自奥斯曼时期以来，所有教堂的财产都免征市政财产税。在这方面，请注意本信附件关于多年来的历史现状及其意义和实施的概况介绍。

在遭到巴勒斯坦人以及全世界的国际宗教和政治领导人的反对和抵制，并在圣龕教堂关闭三天抗议以色列的政策之后，2 月 27 日以色列被迫放弃对基督教心脏和发源地的敌意攻击，暂停对教会及其财产征税的所谓立法。这一事件再次证明，一旦具有良知的人们和国际社会成员追究以色列违反行为的责任，该占领国就不得不作出反应，而缺乏问责只会进一步助长有罪不罚现象、加剧违反行为并加速局势的恶化。

在这方面，显而易见的是，自从 2017 年 12 月 6 日美国就耶路撒冷作出宣布以来，以色列采取了日趋暴力的行动来加强对该城的控制。事实上，虽然以色列专门针对教会的计划由于民众和国际的压力而暂时搁置，但以色列改变耶路撒冷圣地现状的计划和企图仍然有增无减，巴勒斯坦人(基督徒和穆斯林)继续因受到系统阻挠而无法进入耶路撒冷的礼拜场所，因为该城仍处于以色列的占领、围困和安全控制之下。

显然，最近针对基督教教会的措施企图严重改变耶路撒冷的地位，进一步巩固以色列对被占领的东耶路撒冷的非法占领，并在整个城市实施犹太人专属权，而根据大会第 181(II)号决议，该城仍然具有“独立主体”地位。事实上，占领国最近采取的一系列措施是针对该城的一系列所谓“法律”、提案和措施的延续，暴露了其要改变耶路撒冷的特性、地位和人口构成的真实意图，直接、严重地违反了国际法和联合国相关决议。

在这方面，必须回顾，巴勒斯坦圣地和机构在以色列建国之前已经存在了几个世纪。然而，几十年来，巴勒斯坦基督教和穆斯林圣地一直是以色列占领措施的目标，这些措施试图扭曲和否定这些人类遗址的神圣性、历史、文化和相关性，同时企图消除巴勒斯坦的特性和存在。在这方面，我们必须回顾，巴勒斯坦总统马哈茂德·阿巴斯申明：“没有基督徒群体，就不会有一个充满活力的巴勒斯坦社会。我们的基督徒对民族运动作出了将永远被铭记的珍贵贡献，是本区域其他国家的榜样，说明没有基督徒就没有阿拉伯世界，基督徒是我们社会固有的一部分”。

国际社会对被占领的巴勒斯坦国，包括被占领的东耶路撒冷的地位问题有明确的法律立场，必须反对所有违反这一地位的行为，并要求撤销以色列单方面、挑衅性和非法的决定，将其视为无效。必须迫使以色列完全停止针对教会和耶路撒冷历史现状的措施，而不只是暂停这些措施。以色列必须撤销所有针对巴勒斯

坦基督教和穆斯林圣地、违反国际法和联合国决议的政策和做法，并必须避免今后发生此种行为。

鉴于以色列持续的违反行为，我们敦促采取集体努力，以确保已保持几个世纪的耶路撒冷历史现状得以维持。正如世界基督教协进会秘书长 Olav Fyske Tveit 牧师所说：“这一局势要求各教会领导人以及将耶路撒冷作为犹太教、基督教和伊斯兰教三个宗教的共同圣城而关切的各国政府提供支持，采取行动”。

因此，我们再次呼吁国际社会迫使占领国以色列尊重被占领的东耶路撒冷圣地的历史现状，完全遵守安全理事会多项相关决议，包括第 2334(2016)号决议，以及大会有关圣地的各项决议，包括 ES-10/19 号决议。占领国必须尊重圣地的神圣性，还必须尊重约旦哈希姆王国看管耶路撒冷的穆斯林和基督教圣地的职责。以色列针对圣地的所有非法措施必须得到扭转，还要保障不得重复这类措施或有关这一问题的任何其他挑衅措施，因为它们只会加剧宗教敏感性和紧张局势，这必须不惜一切代价予以避免。

我们促请国际社会采取坚定的原则立场，反对以色列对巴勒斯坦人民及其土地的所有非法行动，包括为此坚决要求以色列立即停止一切违反圣地现状的措施和挑衅，停止挑衅和煽动宗教敏感性。国际社会必须负责任地行事，并采取认真的行动，迫使以色列停止所有犯罪和违反行为，以免为时过晚，并立即采取行动，结束 1967 年开始的占领。这些步骤是紧迫的、期待已久的，是巴勒斯坦人民得以最终自由、有尊严地生活在以东耶路撒冷为首都的独立自主的巴勒斯坦国的关键所在。

在这封信之前，我们已就构成巴勒斯坦国领土的包括东耶路撒冷在内的巴勒斯坦被占领土上的持续危机发出了 624 封信。从 2000 年 9 月 29 日(A/55/432-S/2000/921)到 2018 年 2 月 12 日(A/ES-10/767-S/2018/113)的这些信函是占领国以色列自 2000 年 9 月以来对巴勒斯坦人民所犯罪行的基本记录。对于所有这些针对巴勒斯坦人民实施的战争罪、国家恐怖主义行为和系统侵犯人权行为，占领国以色列必须承担责任，施害者必须被绳之以法。

请将本信及其附件作为大会第十届紧急特别会议议程项目 5 的文件和安全理事会文件分发为荷。

巴勒斯坦国常驻联合国观察员

大使

里亚德·曼苏尔(签名)

Annex to the identical letters dated 2 March 2018 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

**The historic “Status Quo” agreement in Jerusalem and the Israeli occupation, in the light of Israel’s attempt to impose municipal taxes on church property: frequently asked questions
(1 March 2018)**

1. What is the “Status Quo”?

Jerusalem is one of the most important religious cities for the three monotheistic religions. It hosts thousands of religious, archeological, and heritage sites that are holy for billions of people worldwide. Over the centuries, traditions and agreements between the various religions and religious groups have been forged to set forth each religious group’s rights.

The Status Quo describes the arrangements between different religions and religious groups over shared or contested religious sites. While it enshrines many rights and obligations, one of its most fundamental rights is that any religious community that has a current right must consent to any change, either in procedure or substance.

2. Is the Status Quo Enshrined in International Law?

The Status Quo is a unique legal system that applies to whichever authority exercises control over Jerusalem. The rights and obligations enshrined in the Status Quo remain even when the governing authority in Jerusalem changes. As a specific set of legal obligations that have been created over centuries of practice and now are considered binding international law, it supersedes any and all aspects of domestic law.

The core of the Status Quo was set out in an Ottoman Farman in 1757, then later confirmed in an Ottoman Farman in an 1852 Farman, and codified by international treaty in the 1856 Treaty of Paris and the 1878 Treaty of Berlin. The Status Quo obligations were enshrined in the Partition Plan’s Statute on Jerusalem and was its continuation was a core concern of the international community in the events following 1948. A report by the 1949 Conciliation Commission on Palestine laid out in more precise detail the locations protected by the Status Quo arrangements.

Every governing authority over Jerusalem is required to uphold the Status Quo as a distinct legal obligation.

3. Which countries are involved in the Status Quo?

During the Ottoman period, foreign powers became involved in order to ensure the rights of certain communities. The rights of the Catholic Church and Community¹ became the responsibility of France, Italy, Belgium and Spain, and Greece for the Orthodox Community. This has become an accepted practice that has lasted, in the case of the Catholic Church, from the Ottoman period until today.

¹ See Custodia Terrae Sanctae, “Status Quo,” available at <http://www.custodia.org/default.asp?id=433>.

4. What are Israel's Legal Obligations Regarding Taxation of Church Property?

Since the Ottoman period, all church property has been exempt from municipal property taxation. This obligation was initially created by the Ottoman government's practice, accepted by the British during the Mandate Period, enshrined in the 1947 Partition Plan (which proscribed imposing taxation on any new properties), followed by the Jordanians when they controlled Jerusalem, and has been practiced by Israel for many years since their occupation of East Jerusalem.

Like the formal arrangements of the Status Quo, the long-standing practice of not taxing church properties has crystallized into an international legal obligation over the governing authority of Jerusalem.

Furthermore, as per Article 43 of the 1907 Hague Convention, the occupying power is required to respect the laws in place at the time of occupation, unless absolutely prevented by military necessity. Israel's annexation of East Jerusalem remains null and void under international law and consensus, and East Jerusalem remains in a state of prolonged belligerent military occupation. As such, the requirement to abide by local law remains; Israel's attempt to change this is not permitted under the law of occupation and general principles governing international humanitarian law.

5. What is the official position of the State of Palestine regarding the Status Quo and the taxation of Church property?

The State of Palestine has reaffirmed its commitment to the Status Quo on several occasions, including in the historic Palestine-Holy See Agreement of 2015. As the birthplace of Christianity, Palestine values the presence of a vibrant and active Christian community as an integral part of its national identity and social fabric. Therefore, and aiming at supporting the important educational, social, cultural and spiritual work of the local churches, the State of Palestine exempts Churches and church property from taxation and customs duties.

6. Does the Status Quo extend to other religious sites?

The Status Quo understandings concern both Al-Aqsa Mosque Compound/Al-Haram Al-Sharif and the Buraq Wall (Wailing Wall), amongst several other religious sites in Jerusalem. A full accounting and list of the sites protected, and the relevant rights for each religious community and the determination of which community (if any) is in exclusive possession of the sites, are laid out in the UN Conciliation Commission for Palestine in 1949.²

Prepared by the Negotiations Affairs Department/State of Palestine/Palestine Liberation Organization

² http://ecf.org.il/media_items/1467.