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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Institut International pour les Droits et le Développement, 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.

[21 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Justice in Jerusalem

Differences are blessings. They are the generator of richness, they act as a fertilizer among cultures, societies, values, religions, and thoughts. They are at the origin of the knowledge and wisdom of the whole humanity. The knowledge we managed to reach, and the fast development of science and arts are the construction of the humanity differences.

History shows us that whenever differences are highlighted and instrumentalized to divide people, the constructive dialogue that could take place among them becomes destructive conflicts and long-lasting wars and killing of innocents. Jerusalem, the city of peace, and the capital of holiness for the three biggest religions in the world, has not known peace for decades now because of the accentuation and radicalization of the religious differences.

In 1967 Israel illegally occupied the West Bank, Gaza, and East Jerusalem. The occupation of East Jerusalem was particularly problematic giving its international legal status and the violation of the right to self-determination of the Palestinians in Jerusalem in accordance to UN according to the UN. Thus, the Israeli occupation of East Jerusalem and the subsequent annexation of the old city and the holy sites has never been recognized internationally and the issue has been the object of several resolutions of international and regional organizations reaffirming the special status of Jerusalem and calling to the withdraw of Israeli forces. 55 years have passed, and the international community has not managed yet to push Israel to roll back in respect of international law that stipulates that occupation should only be temporary, a de facto situation, and deprive the occupation forces from sovereignty and statehood, and “cannot imply any right whatsoever to dispose of territories” as stated in the 4th convention of Geneva. Yet, Israel was never committed to its international obligations at this regard.

During the Muslim holy month of Ramadan, Israeli forces brutally and violently attacked the Aqsa Mosque, the holiest Muslim site in Jerusalem, in May 2021 and again in May 2022. Hundreds of worshipers have been wounded by the Israeli forces rubber bullets, tear gas, and physical violence. Apparently, the disrespect and the violation of historical heritage and sacred beliefs and sites of Palestinians has been normalized by the Israeli authorities, openly and publicly flouting international law.

On Friday 29th of April 2022, 42 Palestinian were wounded during the Israeli forces attack on Al Aqsa Mosque, and at least 150 Palestinians were wounded during the 15th April assault according to the red crescent. During May 2022, dozens of Israeli settlers broke in Al Aqsa Mosque several times under the armed protection of the Israeli forces. The images of women and elderly people being cruelly beaten and violented in the holy places by the Israeli forces are becoming more and more common and thus, being normalized.

It is also from Jerusalem that comes the shocking images of attack against the holders of the coffin of Shireen Abu Akleh, the Palestinian journalist shot dead in Jenin on May 11, and whose funeral was cruelly assaulted by the Israeli forces, in a total dehumanization scene. The funeral of the 23 years old Walid Sharif, that died succumbing to his wounds after getting shot in the head with a rubber coated steel bullet during a raid on Al Aqsa the 22th of April, had the same faith as Shireen’s funerals. A heavy deployment of the Israeli forces ahead of the funeral procession was witnessed, but also, the usual unjustified violence and cruel attacks of civilians. According to the Palestinian Red Crescent, 52 Palestinian were injured during the funeral, and 12 of them were hospitalized. Furthermore, a large-scale detention campaign took place following the funeral and contained a consequent number of Palestinian children. We can tell that Palestinians have been denied their right to live, and also to die, in dignity and peace. We can see that Palestinians don’t have the right to be happy, to have a decent normal life, and nor the right to be sad, to cry and mourns theirs beloved dead people in dignity, following a long-lasting process of Palestinian dehumanization to which we are spectators.

Let’s note now that the international humanitarian law, and practically the 4th convention of Geneva related to the protection of civils, applicable in times of occupation, has been acknowledge by the international community through several resolutions as the legal order applicable for the Palestinian occupied territories, including Jerusalem. To this regard, article 58 of the convention, to which Israel is a state party, disposes:

“The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.”

Furthermore, this legal order even immunizes certain places against attacks; undefended localities, neutralized and sanitary areas, installations containing dangerous forces as nuclear, and cultural property and places of worship! In this regard, Article 53 of Protocol I to the Geneva Conventions states:

« it is forbidden to commit any act of hostility directed against historical monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; to use these goods in support of the military effort; to make these assets the object of retaliation.”

The attack on the holy sites, that even reached the Christian sites and churches, and particularly, the recurrent violent assaults on Al-Aqsa mosque, during holy months, are clearly an illegal act and is prohibited, not only morally, but also materially and formally. Yet, the state of Israel continues to violate the international norms and its legal international commitments and obligations without effectively being held responsible and accountable.

Other than the obligation to respect the opinions and religions of the population, the occupying forces are legally obliged to respect the civilian property in occupied territories and is prohibited from destroying property and belonging to private persons, the State or public authorities, and social or cooperative organizations. It also has the duty to guarantee the survival of the population and to ensure the supply of living and medical products, and all other products when the resources of the territory are no longer enough. The occupying power also have the obligation to provide and maintain medical and hospital services, health, and public hygiene in the occupied territory.

As for forced deportation, a growing phenomenon witnessed against Palestinians in East Jerusalem, such as the one taking place about Sheikh Jarrah, it is also prohibited by Article 49 of the 4th Geneva Convention:

“forced, mass or individual transfers, as well as deportations of protected persons from the occupied territory in the territory of the occupying power or in the territory of any other state, whether occupied or not, are prohibited for any reason.”

The international organizations and NGO’s reports gives us countless evidences about the non-respect of most of these obligations, under a quasi-total impunity. On that, and in all objectivity, the practices of the Israeli state are illegal and above the law. When is it going to be held accountable for it?

The international community can no longer maintain its silent complicity regarding the Israeli crimes. And the absence of effective measures and procedures to make justice can no longer be tolerated at the cost of more human injuries and deaths, and at the cost of peace, to so known as the capital of peace, Jerusalem.